of the attention the Bill has received this week I think we might now adjourn. I move—

That progress be reported.

The motion was agreed to, and progress was reported.

## ADJOURNMENT.

### Importation of Artisans.

Mr WATT (Premier) moved—

That the House do now adjourn.

Mr. ELMSLIE.—I desire to bring under the notice of the Premier a cutting I have here from an English newspaper. During the last four weeks or so various statements have been made as to what the Government are doing in the Old Country in order to attract artisans to Victoria. We have heard several explanations, and I have no reason to doubt the Premier's statement that he believes no efforts are now being made in the Old Country to bring artisans here. Others have stated that advertisements are still appearing in England, and at any rate that the agents there are still using their influence towards sending artisans here. I have in my hand a cutting from *Lloyd's Weekly*, dated July 8, 1913, containing an advertisement. The advertisement reads as follows—

Australia (Victoria)—approved artisans and others, £14; agriculturists, £8—single men, experienced.—Apply quickly, King's Emigration Office, Norwich.

It will be seen that the statements made at the Trades Hall Council last Thursday night were warranted so far as this is concerned. This extract was supplied to me by the secretary of the Trades Hall Council. It is only fair to bring this under the notice of the Premier. I do not intend to make any comment, because I believe that the Premier thought that no efforts were being made to induce artisans to come here. This shows that they are being induced to come here by some one professing to be an agent of the Government.

Mr. WATT (Premier).—I am glad that the honorable member has directed attention to this matter. He did me the honour to tell me that he was going to allude to it. I am surprised to see that there is even tucked away a little advertisement in *Lloyd's Weekly News*. When I was in London for some three months no advertisements of the kind appeared. This advertisement is entirely unwarranted by the immigration authorities commissioned by this State. I do not know whether this particular agent has inserted this advertisement on his own authority or not. Immediately I heard of the statement made in the Trades Hall Council I wired to the office in London to find out what truth there was in the statement, and added, "On no condition whatever must advertisements be continued," because this Government is not now importing artisans, as I believe they are plentiful in most of the trades. I will ask the honorable member to let me have the extract he has read, so that I may ascertain who is responsible for it.

The motion was agreed to.

The House adjourned at seven minutes to ten o'clock p.m.

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# LEGISLATIVE ASSEMBLY.

*Thursday, August 21, 1913.*

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The Speaker took the chair at eight minutes past eleven o'clock a.m.

## POLICE PROTECTION TO GOLD MINES.

Mr. TUNNECLIFFE.—I have the following motion on the notice paper:—

That there be laid before this House a return showing the total amount paid by the Virginia Gold Mining Company and the New Prince of Wales Gold Mining Company for police protection during the existing industrial dispute; together with the names of the constables to whom payments have been made, and the amounts received by each.

May I amend this motion now?

The SPEAKER.—Yes, by leave.

Mr. TUNNECLIFFE.—I desire to eliminate the words in reference to the names of the constables to whom these payments were made. I think it undesirable that that should be given.

Mr. Watt.—And the amounts received by each?

Mr. TUNNECLIFFE.—Yes. I will, therefore, move the motion in the following amended form—

That there be laid before this House a return showing the total amount paid by the Virginia Gold Mining Company and the New Prince of Wales Gold Mining Company for police protection during the existing industrial dispute.

The motion was agreed to.

## SPECIAL WAGES BOARD.

### PAPER, CARDBOARD OR CARPET FELT MAKERS.

Sir ALEXANDER PEACOCK (Minister of Labour).—I move—

That it is expedient to appoint a Special Board to determine the lowest prices or rates which may be paid to any persons employed making paper, cardboard, carpet felt, or any similar product.

The request for this Board was made just before the close of last session. A petition from the employés was handed in by the honorable member for Geelong, and all the necessary enquiries have been made. The following are the statistics or facts in connexion with the matter:—The number of registered factories is three. The total employés in the trade is 169, and the average wage 37s. 4d. The males 21 years and over number 109, and the average wage is 46s. 8d. The males under 21 years number 34, and the average wage is 21s. 11d. The females 21 years and over number 15, and the average wage is 20s. 2d. The females under 21 years number 11, and the average wage is 15s. 11d. The usual number of hours worked is 45 to 52 per week. The Board is asked for hy petition bearing 163 signatures of employés in the trade. The reasons given for the application are —(1) That low wages are now paid; (2) that boy labour is not limited; (3) that no extra rates are paid for overtime or Sunday work; (4) That the rates in various mills are not nniform; (5) that the cost of living has increased. The following figures indicate the wages paid to adults, and the number of persons receiving such wages:—Males—40s. and under, 11; 41s. to 45s., 55; 46s. to 50s. 18; 51s. to 55s., 10; 56s. to 60s. 14; 61s. and over, 1; total, 109. Females—20s. and under, 7; 21s. to 22s., 8; total 15. No objections have been received from employers. In respect to males, there are 11 receiving 40s. and under; 55 receiving from 41s. to 45s.; eighteen receiving from 46s. to 50s.; ten receiving from 51s. to 55s.; fourteen from 56s. to 60s., and one receiving 61s. and over. The total number is 109. Of the females seven receive 20s. and under; and eight from 21s. to 22s., making a total of fifteen. No objections have been received from the employers to the constitution of the Board. One factory is situated in Melbourne, one in Geelong, and the third at Broadford.

The motion was agreed to.

The resolution was ordered to be transmitted to the Legislative Council, with a message requesting their concurrence therein.

## GEELONG HARBOR TRUST BILL.

Mr. WATT (Premier) moved the second reading of this Bill. He said—Although this is a small Bill, it will probably be regarded by some honorable members as involving important principles, and therefore I want to explain somewhat more fully than some honorable members might deem necessary the circumstances under which the Bill is submitted. In doing so I hope to give the House the benefit of the researches I have been able to make into the work of the Trust, and to explain the conditions of their revenue and of their capital expenditure in its several parts. The Act which incorporated the Trust, namely, Act No. 2012, gives authority to the Trust in section 94 to borrow £200,000 for the purposes of the Trust. Act No. 2238, which I had the honour to submit and to secure the passage of, increased the borrowing power from £200,000 to £400,000. One of the proposals in this Bill is to increase the borrowing power by a further £100,000, making the total capital borrowing power £500,000. At the same time the Bill proposes to authorize the Government to invest to the extent of £100,000 in the Trust debentures. Similar authority was given in the last measure we passed to invest in debentures under the Public Works Loan Application Act, No. 2307. That was passed in 1910, and, as a result of that authority, the Government now holds debentures of the Trust amounting to £100,000 and carrying 4 per cent. interest, which is regularly paid. The Act incorporating the Trust provided for the payment to the Consolidated Revenue by the Trust Commissioners of one-fifth of certain tolls, rates, &c. Honorable members who scan the Bill will see that it is now proposed to relieve the Trust of this liability to the Consolidated Revenue, as from the 31st March last. During the currency of the Trust they have paid under that provision to the Consolidated Revenue over £18,000. Perhaps it would be advisable at this stage to recall the fact that Parliament has had the advantage of a careful investigation into the affairs of

the Trust by a Royal Commission appointed a little while ago, and which made certain recommendations. On page 36 of the General Report of that Royal Commission, which was presented to both Houses in 1912 by the Governor's command, we find a reference to the question of the one-fifth payment from the revenues of the Trust to the Consolidated Revenue. The Commissioners state that—

> Certain concessions can and should be made to the Trust. The provision in the Act 2012, section 87, under which one-fifth of the port revenue must go into the Consolidated Revenue should certainly be repealed. The extension of this claim to the Trust's revenue from trading operations, which is the Auditor-General's interpretation of the Act, would be fatal to all efforts by the Trust to raise revenue from what may be called side enterprises.

That is a reference to the interpretation that the Auditor-General puts on the Act by which he claims one-fifth of the Freezing Works' result. If concessions are to be made as suggested here, and as emphasized in their general recommendations, this is one that the Trust may fairly claim at the hands of Parliament. I shall take first of all the loan authority, and explain the financial position of the capital of the Trust. The borrowing powers at date amount to £400,000; the flotations to date are, to Public £263,000, and to Government £100,000, making a total of £363,000 raised by the Trust. There is an unexhausted authority for the borrowing of £37,000 which the Trust is empowered to place with the public. Had the conditions of the local money market been favorable, and had the circumstances surrounding the Trust's operations been favorable, there is no doubt that the money could have been raised. It is fair and frank to say that I do not regard it as a feasible, financial proposition to expect the Trust to float that £37,000. They would have to pay an excessive figure for the money in view of what has happened to the Trust, and in view of the general local conditions. I want to explain how the £363,000 has been expended. The expenditure I am about to give is to the 30th June last. On the Hopetoun channel there has been spent £33,720; on floating plant, £38,995; on general plant, £9,094; on the Corio quay scheme, including land and other works at North Geelong, but not for the Freezing Works, £70,321. I am putting the matter in this way to separate the several energies of the Trust, so that honorable members may understand where the money has gone to. On other wharfs, jetties, reclamation works, buoys, beacons and moorings they have expended £32,003. That does not include the Sparrovale proposition. That is to say, that under the general heading of Port Improvements the expenditure has been £184,133. Then we have the following items of expenditure, namely, Electric Power Station at North Shore, £20,367; Freezing Works, including conveyers and stock in hand, £100,009; and on the head office and offices at Barwon Heads and sundry works, £10,221.

Mr. LANGDON.—What do they do at Barwon Heads?

Mr. WATT.—They have certain arrangements in regard to the foreshore and a large number of bathing boxes that return an annual revenue. They have had to make improvements there. If honorable members require any further information of the details, I will get the exact particulars wherever possible. On the improvement of the Trust lands, including Sparrovale, they have spent £39,573.

Mr. BAYLES.—Can you separate that?

Mr. WATT.—I could later. These items are given because they are easily classifiable. I have separated them from all the Barwon River lands. The expenditure on those lands amounts to £18,409. The total is £372,712, from which I deduct expenditure on capital works, other than loan moneys—practically the overdraft on the 30th June, 1913—£9,712, showing the expenditure to be equivalent to the loan raising of £363,000. These figures show the exact proportion of the money which has been borrowed by the Trust and expended upon the development of the port for export. They also show the other items against which criticism has more or less frequently been delivered, such as the freezing works and the Sparrovale enterprise. From a financial point of view the expenditure on a port that is merely a port for exports is not satisfactory, as no wharfage rates can be levied upon exports, and no right to levy such rates would, I think, be granted by this Parliament. The Trust's power to levy rates in order to recoup them for the money spent in developing such a port is restricted to inward cargo. I want to give the figures showing a comparison between

the Melbourne Harbor Trust and the Geelong Harbor Trust. The latest figures I can get are for 1911, because strangely enough the Melbourne Harbor Trust are always very backward with regard to their figures. The 1911 figures for Melbourne and Geelong exports and imports, however, throw a great deal of light on the difficulties which an export Trust, such as the Geelong Trust, must encounter. The Geelong imports for the calendar year 1911 were 151,016 tons. The exports were 244,376 tons. In Melbourne the imports were 2,762,851 tons and the exports 1,517,457 tons. Melbourne imports are nearly double her exports, whereas Geelong imports are only a fraction more than half the exports. The position is almost reversed. Let honorable members study those figures so that they may see the exact position in which Parliament has placed the Geelong Trust in its endeavour to build up another port for Victoria. I will give the figures of yield per ton of goods handled. In Melbourne they collect per ton of goods passing over the properties of the Trust for shipment in or out an average of 1s. 3.9d. per ton, or nearly 1s. 4d. In Geelong the average is 6.3d. per ton. There is a difference of more than 9d. per ton in the two cases. These are essential facts to enable honorable members to review the situation in the light of what has been done, and what Parliament may determine to do with regard to ports in the future. This, in a measure I think, explains why the expenditure on the port improvements made by the Geelong Trust cannot be immediately reproductive, and as a further amplification of that I have prepared, with the aid of the accountants in the Treasury, a statement showing the relation which interest bears to gross revenue for the whole career of the Trust. The table is as follows:—

| | Gross Revenue. | Interest. | Per cent. of Gross Revenue. |
|---|---|---|---|
| | £ | £ | |
| 1906 | 13,441 | 1,392 | 10.3 |
| 1907 | 13,026 | 2,530 | 19.4 |
| 1908 | 17,840 | 4,110 | 23.0 |
| 1909 | 24,453 | 6,816 | 27.8 |
| 1910 | 43,868 | 10,327 | 23.5 |
| 1911 | 36,987 | 10,810 | 29.2 |
| 1912 | 26,606 | 12,896 | 48.5 |

In 1906 the percentage of interest to gross revenue was 10 per cent. In 1907 they began to spend more, and, therefore, their burden of interest was heavier, namely, 19 per cent. In 1908 it was 23 per cent. Although the revenue was rising, of course, with the work of the Trust, as I shall have occasion to show, yet the interest was rising in a still greater ratio. In 1909 it was 27 per cent., and in 1910 it was 23 per cent. There was not a very violent expenditure, apparently, and the returns rose. In 1911 it was 29 per cent., and in 1912 it was 48 per cent. Had the revenue in 1912 been the same as in 1910 the proportion of the interest paid to the gross revenue would be about 30 per cent. That is to say, had there not been a conspicuous falling off last year in regard to the freezing works of the Trust, even then, if the pace had kept right, still there would have been 30 per cent. in relation to the gross revenue.

Mr. KEAST.—They were really building unproductive works.

Mr. WATT.—Not necessarily. I am afraid I have not conveyed my meaning clearly. I have endeavoured to show why no export port which provides facilities for handling outward cargo from which no return can be expected can ever hope to pay in the ordinary way that an import port can. I am dealing with the general principle of distinguishing between an import port and an export port. They could be placed on the same basis if this Parliament permitted any port authority to charge on outward goods, but that is hardly likely in view of our desire to help the export of produce.

Mr. KEAST.—My point is that there is no return of interest from the freezing works.

Mr. BAYLES.—The comparison is hardly fair. The only fair way is to stick to port improvements, and work the interest out on the money spent on port improvements.

Mr. WATT.—The interest on the money spent on port improvements would still have shown the same tendency, although the figures would have been different. If I were to eliminate all those figures, and take an alternative calculation on port improvements, we would still see that the theory on which I started this analysis is correct. You cannot build extensive port improvements of any kind if you do not get a revenue, and hope to get your basis right just as if you were getting a revenue. I am not desiring at present in these arguments to defend anything the Trust has done so much as to put the situation as it occurs to me now in the hope that Parliament may

say that the Government proposition in regard to the Trust is a fair one, and a right one, in the interest of advancing the port generally. I will now give the figures for revenue, taking general results first, since the Trust started business, debiting them with all the expenditure such as the payment to the Consolidated Revenue, salaries and wages, interest, sinking fund, Sparrovale Freezing Works, other power houses, and all odd and sundry payments, and crediting them with the harbor receipts, such as wharfage, quayage, general and land receipts, Sparrovale farm, and freezing works receipts. I will show how the whole situation boils down from 1906 to 1912, inclusive. In 1906 there was a profit of £5,043. In 1907 there was a profit of £961. In 1908 there was a profit of £1,225. In 1909 there was a profit of £2,647. In 1910 there was a profit of £2,881. Then follow 1911 and 1912, years of loss. The loss in 1911 was £4,663, and in 1912 the loss was £9,657. The net loss for the seven years covered in the operations of the Trust, after making provisions that I shall have occasion to refer to was £1,563.

Mr. CARLISLE.—That is the loss after paying interest?

Mr. WATT.—Yes, and after providing for the other items I am about to mention—what I may call special debits, or what would be called in the Treasury non-recurring debits. There was a loss on dredges for which certain insurance was, of course, extracted, but the cost of recovering insurance, cabling, and everything else was £9,020. That has been written off from revenue. Loan flotation expenses amounted to £315. Certain alterations and additions to the head office amounted to £304. There was a Royal Commission which we appointed, and which cost the Trust £1,269. That is almost equivalent to its loss for seven years.

An HONORABLE MEMBER.—How did the Royal Commission cost them that?

Mr. WATT.—That is the amount they have debited themselves in revenue with.

Mr. ELMSLIE.—How did they become debited?

Mr. WATT.—I do not know. I am not running the affairs of the Trust. I am giving the essential facts.

Mr. SOLLY.—The honorable member for Walhalla may know something about it.

Mr. WATT.—The honorable member for Walhalla does not look very guilty. He sits there unblushingly. Other special expenditure amounted to £310. That non-recurring set of debits amounts to £11,219, which have all been provided out of revenue. In addition there is the amount of £6,450 for a sinking fund, and there is an amount of £2,000 for depreciation and renewals. Those two funds amount to £8,450, in addition to the £11,219. After allowing for all that, the loss, as I have said, for seven years was £1,563. There are certain other things I wish to refer to, so that honorable members may get them in their minds. The one-fifth of the gross receipts paid to the Consolidated Revenue has all been debited here. Further, wharfage on coal used by the Railway Department cannot be charged by the Melbourne Harbor Trust or the Geelong Harbor Trust. It is 1s. per ton in round figures. This is a concession to the Department amounting during the authority of the Trust to £16,444. If they had been able to debit that amount, as both Trusts claim they ought to be able to debit, there would have been a credit of the difference between £16,444 and £1,563. I think those are the essential figures relating to revenue. Honorable members may desire to have subdivided the figures for the freezing works especially. I have taken them out for the purpose of calculation. In 1909 the profits for the freezing works were £1,655, in 1910 the profits were £4,050. In 1911 the loss was £2,723, and in 1912 the loss was £4,734. The total profit was £5,705, and the total loss £7,457. The net loss, then, for four years is £1,752. Excluding for the purposes of this calculation the freezing works, there would be a surplus from all other sources of revenue of £189. I wish to refer again to the findings of the Royal Commission in regard to the various works which have been undertaken by the Trust which bear upon these matters. The first is as to whether the Trust has been justified in embarking upon the policy of special expenditure to which criticism has been specially directed. The members of this Commission were "our trusty and well-beloved the Honorable Donald Mackinnon, M.L.A.; Henry Angus, Esquire, M.L.A.; Samuel Barnes, Esquire, M.L.A.; John Gray, Esquire, M.L.A.; Martin Hannah, Esquire, M.L.A.; and Robert Henry Solly,

Esquire, M.L.A." At page 15 of their report, under the heading "The General Policy of the Trust," the Commission say—

Attention has been drawn at some length to the considerations which affect Geelong as a port, but unless these are clearly kept in mind it is impossible to accurately gauge the policy the Commissioners have followed.

I would like to draw the attention of honorable members, and particularly country members, to this report, because I think it is the result of the most exhaustive inquiries that have been made into the operations of the Trust since that body was constituted.

We have shown the limitations of Geelong Harbor as a business proposition. Under the circumstances the Trust had two courses open to it. It could have exercised its borrowing powers up to £200,000, widened and deepened the Hopetoun Channel, say, at a cost of about £100,000, made other improvements, principally in the construction of a new pier on the town site, and in the remodelling of the existing piers, and in providing some wheat export facilities at Corio Quay. The revenue, actual and prospective, would have justified this course, and it would probably have met with the approval of a large section of the business people of Geelong. The Commissioners had another alternative, namely, to do what Parliament appears to have intended, that is, to develop a port of export at Corio Quay, and this was the course which they adopted. It was something much larger than the first alternative, and requiring a very large outlay. Having adopted that general policy, the Commissioners were faced with the facts which we have stated at some length, and which may be briefly described as insufficient means. Their general policy has been the effect of these facts, and the carrying out of that policy has been an effort to surmount the difficulties caused thereby. Their object seems to have been to make revenue by encouraging the establishment of industries, by establishing the freezing works to create freight and attract shipping, and to improve their endowment lands so that they might become more valuable and earn a larger income. The Commissioners have shown much energy in the conduct of their affairs, and have missed no opportunity so far as inducing the establishment of industries is concerned.

During the six years of their management, the policy has manifested itself in the following directions :—

(*a*) The deepening of the Hopetoun Channel from 23 ft. 6 in. to 29 feet, and widening from 130 feet to 220 feet (measured at bottom), and deepening and widening the approaches from Point Richards and Wilson's Spit to correspond.

(*b*) Construction of berths for vessels at Corio Quay, and acquisition of land necessary therefor.

(*c*) Erecting freezing works as a port convenience and to provide cargo for shipping.

(*d*) Reclamation of low-lying lands, the acquirement of land necessary to prevent disputes as to boundaries when such reclamation is effected, and establishing a dairy farm (Sparrovale) in order to make the low-lying lands produce revenue during the period of reclamation.

(*e*) Erecting a power-house to supply energy for the freezing works and any factories which might be established at Corio Quay.

(*f*) Establishing workshops to keep their dredges and other machinery in repair.

(*g*) Inducing industries to become established at Corio Quay.

Most of these matters will be referred to in detail in this report. It may here be stated shortly that the general policy of the Trust has been to found and secure the development of the large and expensive port scheme which Parliament has intrusted to them.

That is the general comment which at that stage of the proceedings the Royal Commission thought fit to make. They did not stop there, however. After dealing with certain other matters, they say—

In view of all the conditions, we are of opinion that, while the policy of the Commissioners to foster and encourage the building up of industries to provide freight for the larger vessels which will call at Geelong when the channel permits is one which we can commend, the deepening and widening of the channel has not received as much attention as its importance warranted.

We therefore recommend that the Commissioners be urged to push on this work as speedily as possible by keeping existing plant going at its full capacity, and taking immediate steps to add an up-to-date suction dredge to its floating plant. It appears from the evidence of the engineer that the purchase and delivery of a suitable suction dredge will take at least eighteen months, and this, added to the time which will be occupied in removing the soft material between the east end of the channel and Point Richards, conditions the time required for the completion of the work. We understand that the Trust is now negotiating with the Government with a view of arranging for the construction of a Fruhling dredge at the Williamstown Ship-building Yards.

There are other parts of the report which I think it advisable to extract for the convenience of honorable members. On page 21 the Commission make these remarks—

As about two-fifths of the wheat produced in Victoria claims Geelong as the nearest port, and the greatest extension of the wheat-growing areas must take place in the north-west of the State, the value to the wheat-producer of an expeditious and cheap scheme of wheat shipping is apparent.

It is to be regretted that the accommodation for wheat ships at Corio Quay is so limited, and we would urge the immediate construction of at least three berths provided with up-to-date facilities for the accommodation of wheat ships.

Mr. KEAST.—A very sensible recommendation.

Mr. LANGDON.—That is what the Trust should have attended to straight off.

Mr. WATT.—On page 24 the Commission deals with the establishment of freezing works. There honorable members can read an analysis of the position. It is rather too long for me to quote, but I would commend it to their consideration. At the bottom of page 35, and on the following page, there is a paragraph dealing with the necessity for financial assistance to the Trust. It is as follows:—

> The only way to reduce the cost of handling produce at the seaboard is to provide a modern port, and by a modern port is meant one which combines natural advantages of site with the artificial advantages of an up-to-date arrangement and plant. In this case, the former exist, and the latter has to be paid for.
>
> In the earlier part of this report we have stated the financial position of the Harbor Trust. The port which it controls is one which, owing to Geelong not being a distributing centre, does not produce a large revenue. Further, we pointed out that the inevitable lines of development in the harbor, while it will be costly, will, being largely for export purposes, yield a return in fees and dues on a minimum scale. The more effective Corio Quay becomes in the way of quick despatch, the less revenue in proportion to cargo handled will come to the Trust.

From the stand-point of finance the Commission says that the more efficient such an export port becomes the less the return per ton of goods handled is likely to be.

Mr. KEAST.—Cannot we alter that.

Mr. WATT.—I propose to indicate a line of action which, I think, will commend itself to the House.

Mr. MCCUTCHEON.—Will you make clear that point about the increased business yielding less revenue?

Mr. WATT.—Before the honorable member was in his seat this morning I explained at some length this view—that the imports of the Melbourne Harbor Trust are nearly twice as great as the exports. The reverse is true in Geelong, the exports being nearly twice as large as the imports. As they cannot charge on it the port which handles the most outgoing stuff receives the least return relatively. If that argument is followed out it will be seen that the more efficient such a port becomes the more goods are likely to go out, and the larger the tonnage thus handled the less will be the yield per ton, so that the less reproductive is likely to be the work of such a trust from the stand-point of finance. It is conceivable to country members, however, that such a port may be a valuable adjunct as far as the producers are concerned.

Mr. ROBERTSON.—Would not increased exports attract imports?

Mr. WATT.—No. If Geelong were an isolated port in Port Phillip, then if vessels came to take cargo away, there would be a reasonably large discharge of cargo there, but Melbourne seems to have control of all that. The importing is done at the port of Melbourne. I do not think, however much this Legislature may desire it in the interests of decentralization, it would be an easy thing to change that. It is difficult to make trade change its channels in that way.

Mr. MCCUTCHEON.—It means that a purely export port would be a constant charge on the country.

Mr. WATT.—Yes. At this stage I would like to submit some figures which I omitted to give previously relating to the Sparrovale Farm since operations were started. The revenue from October, 1907, to December, 1912, amounted to £23,385, and the expenditure for ordinary general charges to £19,361. Then there were interest, sinking fund, and administrative charges amounting in all to £5,839. The total expenditure is therefore £25,200, so that the deficiency in revenue account for the whole of that period is £1,815.

Mr. BAYLES.—How about depreciation?

Mr. WATT.—I will deal with that. The deficiency takes no account of the enormous added value of that property. I remember going down to look at that place—I think it was shortly before the present Ministry assumed office—when, with the full concurrence of the Government, the Trust was undertaking this reclamation work. I do not think any man would have given £1 per acre for the land which it was proposed to reclaim, or even fence in some of it if it were free; in fact, I heard a number of farmers expressing doubt as to the sanity of the Trust in undertaking anything of the kind there. It was a salt-marsh, and much of it was below the level of the river. I have been asked if I have taken into account depreciation, and I reply "No, nor yet appreciation." There are men better able to appraise its value than I am, but the appreciation must have been enormously bigger than any sum spent

upon it, and far in advance of any minor depreciation of buildings or plant. I was saying that I did not think any one would have fenced a lot of that land in.

Mr. FARRER.—If the irrigation systems turn out as profitably to the State they will do.

Mr. WATT.—I know what the honorable member for Barwon thinks of this undertaking. He has told me in season and out of season. He has stood like Ajax defying the lightning in the face of local criticism, and he has given his views in public as a land expert on many occasions. I am not a land expert, but there are many in the Ministerial corner.

Mr. LANGDON.—Is it to be regarded as legitimate expenditure by a Harbor Trust?

Mr. WATT.—In that connexion you must get at the origin of the Trust and read the Act creating it, and then see what it was given to do, and with what powers it was invested for the purpose. It becomes a matter of opinion in the end as to whether the Trust has gone too far as a business proposition in the work of reclamation. If I had been a member of that Trust I do not think I would have spent so much money on Sparrovale. I would have taken a smaller area. However, that is purely a matter of opinion. The Commission, after careful investigation, comes out with a different opinion, and it was composed of both town and country members. Supposing Sparrovale is put down as a failure, what I would ask is the extent to which it has failed? The answer is £1,800 from 1907 to 1912.

Mr. FARRER.—Not so great as the freezing works.

Mr. WATT.—That shows that the very great amount of criticism was really much ado about very little from the stand-point of finance. I am submitting to the House a Bill which increases the borrowing power of the Trust from £400,000 to £500,000, and it gives the Treasurer of the day power to take up that £100,000 if the circumstances of the Trust justify it. I am also asking for authority, which is rather unusual, to forego a contribution to the Consolidated Revenue, which last year amounted to £2,896. In round figures, the concession provided in clause 5 of this Bill is a concession of £3,000 per annum to the Trust. Why we do that is this. Taking a normal year the calculations I am able to make lead me to believe that the Trust can continue to pay its present interest and its upkeep and its annual charges on its present revenue. If it spends another £100,000 as we desire them to spend it as set out in the schedule, I do not think it will be able to meet the interest and still come out on the right side. Therefore, we say, let us make some concession to the Trust which will enable it to keep financial after raising and spending unproductive money from the stand-point of finance.

Mr. FARRER.—Let those freezing works, and it will be all right.

Mr. WATT.—The Trust is to take from eighteen months to two years to spend the money in quayage and berth accommodation at North Shore.

Mr. LANGDON.—Is it directed how it shall spend it?

Mr. WATT.—The schedule also includes two items on which the Trust is working at the present time. The expenditure on certain Barwon levees will be limited to £5,000. There are also works in connexion with the Moorabool-street wharf, which will be a distinct advantage to the port. The amount in the schedule for that is £6,000. The balance, according to this schedule, is all to be spent on works in connexion with berths for the shipping of wheat, wool, or other natural produce at North Shore, and in connexion with the Hopetoun Channel. That confines this development work to the spending of £89,000 out of the £100,000 authorized for these specific works, which, we think, should now at least proceed at an ordinary, normal pace.

Mr. MCLEOD.—This is to be spent on the primary objects for which the Harbor Trust was formed.

Mr. WATT.—On what may be regarded now as the most important work in front of the Trust. I agree with the honorable member for Korong. When I saw this Trust launched first of all—it was not my Act—I offered no opposition to it, and I thought that there would be more money spent in the early days on the North Quay scheme. However, the Trust took the other road, and I have never done more at any stage than explain the facts in regard to the work that was proposed when asking for legislation in respect to it. Whether the Trust was right or wrong in its original intentions, it is to be remembered that it is a public body which, if it perseveres, can do a vast amount of good for two-fifths of the grain area of Victoria, and for an even larger portion of the mutton and lamb area.

Mr. M. K. McKenzie (*Upper Goulburn*).—Has it completed its works?

Mr. WATT.—No. I would warn the honorable member not to listen to the siren song of the honorable member for Toorak on this occasion, but to analyze this question, as he is well capable of doing, in the interest of the producers. I think the Trust was created to help decentralization and the export of produce.

Mr. Keast.—Is there any estimate?

Mr. WATT.—Yes. I will at a later stage state what we propose to authorize the Trust to do. If there was no objective in sight at all, some honorable members might say, "Well, how far have we to go? How often is this tale to be told to the Legislature of recurring deficits, and so on? Is it going to increase, or will good years restore the balance?" That is the whole question to be considered at this stage. With regard to the freezing works, honorable members will have seen by the press for some considerable time that there has been an agitation in the minds of growers and some of the meat export firms as to whether the Geelong Freezing Works should be let under any system whatever to any firm. I heard this rumour in London. It came to me that some American Meat Trust had got these works. As I had been in the habit of hearing all kinds of statements about trusts, I laughed at the rumour, but I took the precaution of wiring to the Acting Premier and my colleagues, telling them what I had heard, and asking them to see that whatever was done with the Trust freezing works was done in the interest of the producers.

Mr. Carlisle.—They are bound to get hold of it.

Mr. WATT.—Who?

Mr. Carlisle.—The trusts—Swift's.

Mr. WATT.—When the honorable member for Benalla makes that statement that Swift's will get hold of it, I suppose the honorable member means that the American Meat Trust is bound to get the works into its hands. I am sure that, on reflection, he will qualify that statement.

Mr. Hogan.—Mr. Hughes will be able to quote that remark in the Federal Parliament in a day or two.

Mr. M. K. McKenzie (*Upper Goulburn*).—It will be one of the trusts Mr. Irvine found on the list when he entered office. He found a list of trusts there whose existence had been disproved.

Mr. WATT.—I am not going to enter the tempting arena of Federal politics at present. I want to get to what has been done and what is proposed to be done in reference to these freezing works. The Government got into touch with the Geelong Harbor Trust, and asked them their intentions, and it was admitted that there was a firm negotiating for the lease of these works.

Mr. McGregor.—For contract management.

Mr. WATT.—I may be using loose terms, but I want to convey to honorable members the facts of the matter so far as the history of these transactions is concerned. The negotiations had not ripened into completion when I returned to work, and on reconsideration of the matter in Cabinet we decided that, if it was a good scheme on the part of the Geelong Harbor Trust to lease the freezing works, it must be for a very limited time, under conditions as to the insulated space which was to be preserved for constituents of the Trust outside of this firm, and under all sorts of guarantees; and, above all, that there must be open competition for the freezing works. It was asserted to me that one firm would get the preference.

An Honorable Member.—The firm the honorable member for Benalla referred to?

Mr. WATT.—That is not a firm. If three or four firms operating in Victoria wanted to lease the freezing works, I did not see why they should not get the same notice and the same opportunity for tendering as others obtained. The works were, therefore, advertised. The matter was left open for a certain time. Particulars were sent to all the people who were likely to tender. Tenders came in, and the result is that the Harbor Trust Commissioners recommend the acceptance of a tender which, for the time the works will be occupied, will return 7 per cent. on the capital outlay. It is for a period stretching to 30th June, 1915. That is for two seasons. This particular firm wanted it, I think, for twelve or fourteen years, but the Government thought that would be a risky business, because we could not see all the developments in meat production and exportation that were possible during that time. The works are let for what may be regarded as two seasons. The rent for that time is £5,980 per annum. The lessees are starting late, of course. This is August. Had they taken the works on

the 1st July the period would have been two years. As it is, the period is two seasons. The agreement contains numbers of provisions and guarantees that this company, which, by the way, is Sims, Cooper and Company, a New Zealand firm, will not operate adversely to the producers. When that document is available, as I think it should be now, I will lay it on the table for the inspection of honorable members, and I think that they will find that every precaution which legal ingenuity can suggest has been taken to safeguard the interests of the various classes of producers.

Mr. M. K. McKENZIE (*Upper Goulburn*).—The works were not used last season.

Mr. WATT.—They were not used very largely, as it was a bad season. There were only two tenders. The other tender was from Angliss and Company. Sims, Cooper and Company tendered at £5,980 per annum, and Angliss and Company £2,760. We accepted the tender that was more than double the local tender. When honorable members see the agreement which this firm has signed, with all the deposits, and the guarantees and arrangements which have been placed in that agreement in the highest interest of the Geelong Harbor Trust, I think they will be satisfied that at this stage we have done a wise thing. In the interest of the producer I am satisfied that we have. We have brought another competitor in to buy his mutton and lambs. That is what some folks, without mentioning names, did not want. It is to the interest of the man who has lambs and mutton to sell that there should be another competitor, and I think that no harm can result from that arrangement. The Trust can be placed beyond the possibility of loss on these works, even after that time, and it is for Parliament to say whether that shall be done or not.

An HONORABLE MEMBER.—What space is provided for outside people?

Mr. WATT.—One-fifth of the total space. According to experience, that is more than ample. We were thinking of reserving one-fourth, but we decided on reserving one-fifth of the insulated space, into which isolated farmers can put their stuff if they desire.

Mr. LANGDON.—Has a part been set apart for loading wheat if required?

Mr. WATT.—The Trust has reserved, under the agreement, the right to use all loading plant for the purpose of handling produce. The Trust has still these facilities retained to it, so we shall not cripple the wheat proposition by the contract for the period mentioned.

Mr. M. K. McKENZIE (*Upper Goulburn*).—It is good business.

Mr. WATT. — I think it is. The rumours that the American Meat Trust were to get a finger on these works caused us great anxiety. That ought to be unthinkable, as these works were built with public money, or with money for which the public are responsible.

Mr. HOGAN.—The honorable gentleman does not know what the Meat Trust is.

Mr. WATT. — Has the honorable member read Mr. C. E. Russell's writings on this subject? If he has not, I would recommend him to read *The Greatest Trust in the World*. It is a very interesting work, and it shows that under no conditions whatever—although this author published his work to expose the machinations of the Trust—could such a Trust be created in Australia. The private ownership which characterizes the American railway system is the tap-root of the American Beef Trust. If a meat trust tried to plant their tentacles on the meat trade of Australia, to the disadvantage of consumer and producer alike, it would be found that they would be powerless to handle frozen cargo that must travel by rail if the State said it would not accept that cargo. That would so increase the cost of the handling and the operations of such a body, that they would not be able to compete with those using our railway tracks. Therefore, the operations of such a Trust are frustrated by the wisdom of the men who have prevented and will prevent monopolistic control of our railways.

Mr. CARLISLE.—If they get the markets, it does not matter.

Mr. WATT.—This Parliament would have no hesitation in directing the Railways Comissioners to prevent the Trust from operating to the detriment of the community.

Mr. BAYLES.—You said that one part of the space was to be reserved for outside people.

Mr. WATT.—Yes.

Mr. BAYLES.—To whom are the cool-storage fees to be paid?

Mr. WATT.—I have furnished the details, and I have laid the agreement on the table. I am anxious, as far as I can,

to avoid unnecessary details. As to the future of the Geelong Harbor Trust, I must say it is perfectly plain that if we expect the Trust to exist indefinitely as an independent organism, we shall have to subsidize it, or assist it in some other way. The Royal Commission practically acknowledges that, as any one will acknowledge it who has found it necessary to analyze the finances of the Trust as carefully as I have had to do. If it is going to build up a big scheme for the advantage of the North-western producers, and be financially sound, it cannot go on without assistance. I do not appreciate the idea of paying subsidies to outer port authorities. That is a system that may become dangerous to the community. What other way is there? Here, in Melbourne, we have a great authority, with enormous revenues and surpluses. Why should not the finances of that Trust and of the smaller outer Trust of Geelong be linked together for the purpose of mutual support?

Mr. M. K. McKENZIE (*Upper Goulburn*).—What would the Melbourne Trust say to that?

Mr. WATT.—I think this Parliament will take its own view of the matter, regardless of the Melbourne Trust.

Mr. M. K. McKENZIE (*Upper Goulburn*).—Oh, certainly.

Mr. McCUTCHEON.—I do not think the Melbourne Trust expected to have to carry Geelong on its back.

Mr. WATT.—Why should it not do something to develop the trade of such a port as Geelong, particularly when that port is in its own bay? I have taken out the figures of the Melbourne Harbor Trust up to last year. I got them in a great hurry this morning. I find that the total revenue from all sources amounts, in round figures, to £347,000. Out of that it pays to the Consolidated Revenue under the old Act £68,000. It shows gross receipts, after paying the quota to the Consolidated Revenue, amounting to £277,000. In maintenance, general management, and interest, it spends only £155,000. Its surplus on revenue account is £122,000. Out of revenue, it keeps its properties in a good standard condition. I do not think any one can grumble as to the way the wharfs have been maintained. The revenues have enabled the Trust to keep in order the works constructed out of loans. The sum of £122,000 is the surplus of the Trust for 1912. I think it is safe to say that by some method of amalgamation the finances of these two Trusts can be knitted together so that the exporter will get the advantage of what his trade creates. For obvious export reasons, we cannot allow the Trust to levy any more on the trade of the State.

Mr. MACKEY.—Is that £122,000 the surplus after allowing for interest?

Mr. WATT.—Yes. It is the net spendable surplus.

Mr. MACKEY.—To be spent for capital purposes.

Mr. WATT.—To be spent for any purposes. They can devote one-half of it to a sinking fund if they like, or they can spend £100,000 of it on distinctly capital works. They have ample funds to develop the outer trade of Port Phillip. This is the recommendation of the Royal Commission on that question, and appears on page 38 of the Commission's report—

> The institution of one Port Authority to control the whole of Port Phillip waters is recommended, producing interests to be represented on the governing body.

Any man who knows anything about the matter will regard that as an unanswerable proposition.

Mr. MACKEY.—Does it not apply to the other outer ports as well?

Mr. WATT.—I do not think so. It would not be wise to extend the principle to other outer ports in view of the limitations of the Trust in respect to local knowledge and administration. In other words, a Trust cannot handle a proposition that is too large for it.

Mr. FARRER.—We had that condition with no development at Geelong.

Mr. WATT.—The cure of the defects must be maintained whatever is undertaken. Before the Trusts are brought together under one authority the works at the North Shore quay, Geelong, must be carried out, or, at any rate, the money must be so ear-marked that it will be expended on those works. That is what the Government desires to do with almost the whole of the £100,000 which will be spent during 1915. The present needs of the Trust are sudden; the Trust is up against them.

Mr. CARLISLE.—Insolvent!

Mr. WATT.—The honorable member should make a long pause before saying that in regard to any public body. The Trust is not insolvent. It has good, solid assets, and stands well. A good many

men have assets, although they may have very little money jingling in their pockets. There may be some such men in this House. The Trust has placed the exact condition of its immediate necessities in front of the Government, and particularly in front of me as Treasurer, and has asked that the earliest possible attention be given to the matter in order that it may be prevented from having to discharge any of its employés, or from having to stop any of its accounts due for payment. That is the consideration I place before honorable members. What I propose to do, with the consent of the House, is this: After the second reading is carried in this House, I propose to exercise the powers I have for emergency expenditure, and make an immediate advance of £5,000 of the £100,000 enumerated in this Bill. That, I think, would be approved by honorable members generally rather than the other alternative, which would be lamentable and against the highest interests of the Trust and its credit.

Mr. GRAY.—Are you going to take up the debentures?

Mr. WATT.—That is provided for in the Bill. I think I have given a fairly elaborate explanation of the measure. I have endeavoured to give all the information I have at my disposal. If honorable members in Committee want further information I shall endeavour to get it for them, but I will ask them to put aside any prejudices, if they have any in their minds, and I know some still linger, as to the past of this Trust. I ask them to try to look at it as I try to look at it, whatever my individual opinions may be —as an effort of Parliament in the past to decentralize the shipping facilities of the north-west country. Whether the provision then made was wise or not, whether the powers given to the Trust have been wisely exercised or not, the question is, "Shall we still further develop the port of Geelong?" I think the answer must be, Yes. In order to do that we must find extra money. Is this the best way to do it? The only other way I can conceive of is to hand back control to central Government or some other body, and that I feel sure would not be likely to work in the highest interests of the development of the North Corio scheme. Generally speaking, I think the road I have taken is the wisest one, especially as we schedule in ear-marked form the way in which the Trust can spend the money. I, therefore, with every confidence submit the Bill to the House, hoping that it will be carefully thought over and analyzed, and that it will be dealt with speedily.

Mr. M. K. MCKENZIE (*Upper Goulburn*).—You do not say what will be the total cost of the completed scheme.

Mr. WATT.—I will not use the word "completed," because there is not a man living who knows how many berths may be required in the future. The present anticipations are that £200,000 altogether will complete the channel and the North Shore scheme sufficiently to give the widest facilities required at present and in the near future, so that what will be necessary is another £100,000 in order to complete what so many country members desire to see completed.

Mr. LANGDON.—I would like to speak very fully upon this matter, but I would like to read the very lucid, clear, and instructive speech of the Premier before doing so. Therefore, I move—

That the debate be now adjourned.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until Tuesday, August 26.

## SOUTH MELBOURNE MARKETS BILL.

Mr. H. MCKENZIE (*Rodney*—Minister of Lands) moved the second reading of this Bill. He said—This Bill provides for the exchange of certain allotments of private land in the city of South Melbourne for certain allotments of Crown lands in the same city. The area dealt with forms a site on which the Government intend to establish markets. The Bill itself does not deal in any way with the erection of markets; but, no doubt, honorable members, in debating the Bill, will discuss the desirability or otherwise of establishing markets at this place. With that in view, I intend to give the House as much information as I possibly can in connexion with the project. The only thing the Bill itself does is to provide for the purchase and sale of certain land.

Mr. ELMSLIE.—And the closing of certain streets.

Mr. H. MCKENZIE (*Rodney*).—Yes. The area dealt with is somewhere about 15 acres. On that area there were six private holders. Three of them were the owners of vacant allotments, and the

other three were the owners of land on which factories were erected. The financial position with regard to the purchase of this land was briefly stated by the Premier the other night in reply to the deputy leader of the Opposition; but, for the information of the House, I will give the whole of the details in regard to the matter. As I say, there were three vacant allotments, which were privately owned by Mr. McDonough, Messrs. Eckersley and Sons, and Mr. O'Hara. They have been purchased at £15 per foot, the total of 264 feet costing £3,960. In the case of two of the sites used for factory purposes, and on which extensive buildings are erected, agreements have been made providing for the exchange of land, the erection of new buildings, the removal and re-erection of machinery, transfer of business, &c. In each case, the area of the new site exceeds that of the existing one, but both sites have been relatively valued in fixing the amount to be paid by the State. In the case of the site of Messrs. J. M. Anderson and Sons, the total amount of compensation to them was £4,550, less the value of the new site and existing buildings thereon, £3,338, leaving the amount actually paid by the State £1,212. In the case of the site of Messrs. Busst and Bills, the total amount of compensation paid was £9,048, less the value of new site and existing buildings thereon, £4,158, leaving the amount to be paid by the State £4,890. With regard to the third factory site, that of Messrs. F. S. Holt and Company Proprietary Limited, negotiations have been going on for some time, but the amount of money they are claiming for the good-will of the business is considered by the Government valuer to be so excessive as to be altogether out of the question. Probably, the compulsory provisions will have to be resorted to if the voluntary negotiations fail. The total expenditure up to date is as follows:—Purchase of vacant land, Eckersley and Sons, £2,475; O'Hara, £495, McDonough, £990; total, £3,960. Factory sites—J. M. Anderson and Sons, £1,212; Busst and Bills, £4,890; F. S. Holt and Company, not yet dealt with. The following amounts were paid as prizes for the competitive designs:—A. P. Coles, £400; W. H. Hillier, £200; F. H. Grainger, £100. I may say that the Cabinet decided that designs for the market should be invited, and these were the three successful competitors. The sum of £84 each was paid to Mr. G. Wight and Mr. P. Oakden, who were the judges in the competition; therefore, the total expenditure up to the date of the return was £10,930.

Mr. ELMSLIE.—And when Holt's claim is fixed up, something more will have to be added.

Mr. H. McKENZIE (*Rodney*).—Yes. The Bill itself provides for the carrying out of the new market scheme to which the Government is committed. It has been found necessary to acquire certain freehold interests in order to secure an unbroken area between Coventry and Bank streets and Wells and Hanna streets. Within this area, certain land has been alienated, and I have mentioned the allotments which it is necessary to purchase. It is in order to carry out these purchases, and to effect the exchange of land, that the present Bill has become necessary. The details of the clauses can be dealt with in Committee. That is the object of the Bill; but, as I said before, the desirability or otherwise of erecting these markets, or of erecting them in this particular locality, will no doubt be discussed in the debate that will ensue. Therefore, I may state that, for a considerable time past, there has been an agitation going on on the part of both producers and consumers to have better market accommodation, and to have railway facilities in connexion with it. I think that agitation has gone on ever since 1905, if not before.

Mr. KEAST.—It has been going on for about ten years.

Mr. H. McKENZIE (*Rodney*).—The agitation has been carried on not only by producers and consumers within the metropolitan area, but also by those in the country districts.

Mr. GRAY.—Did those producers and consumers decide on this particular site?

Mr. H. McKENZIE (*Rodney*).—How could they do so? It is for those in authority to decide on the site.

Mr. KEAST.—The market gardeners' committee decided on this site.

Mr. H. McKENZIE (*Rodney*).—I will deal with the question of site later on. I will show what has been done in endeavouring to discover other sites and what the difficulties were in connexion with them, and also why this particular site was selected. Of course, honorable members will recognise that, in selecting a site for a retail market, we must select one in a central position. It would be

useless to have a retail market in a position that is not approachable by the majority of the people.

Mr. GRAY.—Or if you could not get a railway to it.

Mr. H. McKENZIE (*Rodney*).—Yes.

Mr. SNOWBALL.—That is not essential, is it?

Mr. H. McKENZIE (*Rodney*).—It is absolutely necessary.

Mr. SNOWBALL.—A city market does not need a railway.

Mr. H. McKENZIE (*Rodney*).—That is where the honorable member is under a misapprehension. This is to be, not only a city market, but a market for the whole State. Those producers who live hundreds of miles away from Melbourne have a right to the best access they can obtain, and the best means of dealing with their produce in an efficient and economical way.

Mr. ELMSLIE.—Hear, hear!

Mr. BAYLES.—If there were no railway communication, it would be no use having a market there.

Mr. H. McKENZIE (*Rodney*).—I do not suppose it would. I admit that if railway communication were not given this scheme would be a failure.

Mr. KEAST.—I do not think that is quite the case.

Mr. H. McKENZIE (*Rodney*).—I do not say it would be an absolute failure; but it would be very prejudicial to the whole proposition if railway communication were not secured.

Mr. J. W. BILLSON (*Fitzroy*).—Some of the biggest markets in the world have not got railway communication.

Mr. H. McKENZIE (*Rodney*).—When visiting the Old Country, I have seen some markets which were not in communication with the railways; but in many cases the trams were so close to them that they were utilized even for the carriage of produce. I know that that is the case in Glasgow. I wish now to give honorable members some idea of the requests that have been made to the Government from time to time, and by deputations and otherwise, for the establishment of a market of this kind. With that view, I have had prepared a *précis* of the various deputations that have waited upon Ministers, and other representations that have been made urging the establishment of a central market. It is as follows:—

In June, 1905, Mr. Keast, M.P., asked for an interview with the Premier on the subject of building a new market at the back of the Homœopathic Hospital.

That is the site that has been chosen.

7th June, 1905.—South Melbourne City Council asked the Premier for an interview on the subject of acquiring an area of land near the St. Kilda-road for wholesale market purposes.

That is practically the same site.

15th June, 1905.—Deputation, accompanied by Messrs. Elmslie and Sangster, M's.L.A., saw the Premier. Councillor Baragwanath (mayor) set forth the desirability of the establishment of a wholesale market. Market gardeners were anxious that the market should be erected. Proposed spending £20,000 to £30,000; providing accommodation for 1,700 stall-holders. The granting of a lease was discussed.

8th November, 1905.—South Melbourne City Council and Council Victorian Fruit-growers Association waited on the Premier, accompanied by Messrs. Elmslie and Sangster, M's.L.A., with regard to the proposed new wholesale market. Discussed terms, land values, fifty years' lease, &c.

12th December, 1905.—South Melbourne Land Act 1905 passed, providing authority to sell for £23,500 an area of 15 acres 1 rood 13 perches to the South Melbourne City Council for market purposes.

7th July, 1906.—Premier informed Council he intended to ask Parliament to repeal the Act.

25th July, 1906.—Large deputation, representing the market gardeners from nearly all parts of the State waited on the Premier, accompanied by a number of members of Parliament to ask the Government to erect a central wholesale market at South Melbourne.

Mr. Keast explained that negotiations had been carried on with the South Melbourne Council in the matter, but they had fallen through since the project to join the Melbourne City Council had been taken up.

Mr. T. Kennedy, M.P., on behalf of the Chamber of Agriculture, supported the proposal.

Various fruit-growers also spoke on the subject.

Numerous letters from various growers followed.

Bacchus Marsh Agricultural and Pastoral Society, and Romsey and West Bourke Society, supported the proposal.

Then followed repeated applications and representations by the Metropolitan Market Committee.

The Chamber of Agriculture, at three successive annual conventions, approved of the proposal.

26th July, 1906.—The Chairman, Railway Commissioners, referred to proposal, and pointed out the difficulty as regards railway connexion.

23rd June, 1908.—The Chairman, Railway Commissioners, again referred to difficulty, and pointed out the best site would be in the vicinity of Spencer-street goods yard.

14th October, 1908.—A deputation from the Market Gardeners Association saw the Premier for the purpose of urging the desirability of establishing a new central wholesale market at South Melbourne.

Mr. Keast, M.P., stated that the deputation was representative of not only the producers of the city, but throughout the whole State. He asked the Premier to bring in a Bill in order that the erection of a new central wholesale

market should be immediately proceeded with. An extra market is absolutely necessary. A loss amounting to £10,000 yearly took place on account of the produce, particularly fruit, having to be handled many times.

Mr. Brewer, representing the Chamber of Agriculture, Mr. Hatfield, on behalf of the Fruitgrowers Association, Mr. Campbell (Fruitgrowers Association), Hon. James Cameron, M.L.A. (Bairnsdale producers), Mr. J. Cullen, M.L.A., at the request of various agricultural societies in his district, and Hon. T. Langdon, supported the request.

Mr. Elmslie, M.L.A., said that he thought the proposed new market would be a splendid thing in the interests of the producer, and a great convenience to the consumer. He assured the Premier that he would render every assistance should this matter be brought before the House.

Mr. BAYLES.—He has changed his mind.

Mr. WARDE.—Have there not been some fresh developments since then?

Mr. H. McKENZIE (*Rodney*).—I do not think so.

The Premier promised to bring the matter before the Cabinet, and he would have great pleasure in bringing it before Parliament.

19th August, 1909.—Chairman of Railways Commissioners again referred to question, and pointed out the difficulty of establishing railway connexion.

25th August, 1909.—The executive committee (Messrs. Vear, Jordon, Brewer, and Fay) of the South Melbourne market interviewed the Premier and submitted a scheme in writing for the establishment of a new market at South Melbourne. It was proposed to form a company to undertake the liability for interest, sinking fund, and working expenses.

Mr. McCUTCHEON.—Hear, hear!

Mr. H. McKENZIE (*Rodney*).—The honorable member believes in private enterprise, I suppose.

1st September, 1909.—The Melbourne City Council wrote and asked that councils interested in opposition should be afforded an opportunity of replying to statements and proposals submitted.

6th October, 1909.—Messrs. Cleverdon and Fay, solicitors, forwarded prospectus of the New Central Market Company. Financial proposals not considered satisfactory, and conference suggested by Treasurer.

20th October, 1909.—The executive committee of the new central market interviewed the Premier and Treasurer, and discussed the terms of the prospectus. A long discussion took place, the opinion of the Government being that the liability of the amount paid by the producing shareholders was insufficient. The undertaking would cost much more money The approximate number of producers who sent their produce to market was stated at 1,500. It was arranged that the prospectus should be amended in view of the discussion.

*Hansard*, 16th August, 1910.—Premier replied to question of Mr. Keast *re* markets.

2nd December, 1910.—Coles and Joseland submitted proposals.

15th February, 1911.—Plans taken for revision.

13th April, 1911.—Coles and Joseland submitted memorandum dated 6th April, 1911, from Chairman of Railways Commissioners (Mr. Fitzpatrick), dealing with the handling of produce, and the difficulty in connexion with railway communication.

4th May, 1911.—Further letter from Coles and Joseland, architects, in connexion with the scheme.

15th June, 1911.—Conference of Ministers of Lands, Agriculture, and Railways. Chairman of Railways Commissioners and Surveyor-General in attendance. Various communications were read. Ministers agreed that it was undesirable to entertain any proposition that would place such an extensive market business in the hands of a syndicate or company. Decided to invite representatives of the South Melbourne City Council to attend and discuss the proposal on 27th June, 1911.

27th June, 1911.—Conference.—The matter was discussed at length. Council strongly opposed syndicate or company proposal. Suggested that Melbourne and South Melbourne Councils might jointly work out a scheme. The Mayor suggested that the proposal should be for a wholesale market only. It was agreed that the market should be municipally controlled or controlled by the Government.

The Mayor stated that if the City Council (Melbourne) did not care about it for a wholesale market pure and simple, our council would carry it through if the city declines.

27th June, 1911.—Cabinet sub-committee submitted a report to Cabinet. Decided to call the metropolitan municipalities together to consider the whole question.

Invitation given to municipalities in and near the metropolis. Thirty-four invited, twenty-four representatives attended. All, with the exception of Melbourne and South Melbourne, were in favour of the establishment of the market. Opinion was divided as to whether it should be governed under Government or municipal control.

6th October, 1911.—Cabinet sub-committee reported to Cabinet as follows:—On the 29th September, the sub-committee of the Cabinet, consisting of Messrs. Thomson, Cameron, and myself, with the Surveyor-General, met the representatives of twenty-four out of the thirty-seven municipalities (including the City of Melbourne and the City of South Melbourne invited to consider the question of the establishment of a new wholesale and retail metropolitan market. We intimated that the Government was impressed with the necessity of having established, in the metropolitan district, a central wholesale and retail market, commanded by rail, and that he wished to confer with the representatives of the municipalities, principally as to the advisability of the market being under municipal control, or, alternatively, under Government control, and also as to the question of site. A vote taken showed that ten of the municipalities represented favoured, or would probably favour, municipal control, while eleven municipalities favoured, or would probably favour, Government control. Certain of the representatives present stated that they were not in a position to express the opinions of their respective councils on the matter. An analysis of the voting shows that, generally speaking, the consuming districts (metropolitan) favour

municipal control, while the producing districts, such as Caulfield, Moorabbin, Brighton, &c., favour Government control.

On the question of site there was a considerable diversity of opinion. The representatives of municipalities on the south side of the Yarra advocated the proposed site at South Melbourne, whilst those on the north side advocated various sites, but were unable to suggest means by which suitable areas of land could be obtained in the localities they mentioned.

It was quite evident that, with the exception of Melbourne and South Melbourne representatives, the whole of those present favoured the establishment of a market such as that proposed. A joint letter from the Lord Mayor of Melbourne and the Mayor of South Melbourne was read, in which the writers stated that, in their opinion, there was no necessity for the establishment of such a market, as there was sufficient market accommodation already in their respective municipalities.

As the result of the conference, we consider that it would be impossible to have the proposed market municipally controlled, especially as the two councils of Melbourne and South Melbourne take up the position that there is no necessity for the market.

In the opinion of the sub-committee, the South Melbourne site, with the provision of railway facilities, would be the most suitable, and, in the interests of the producers and consumers, we consider it desirable for the Government to undertake the erection of an up-to-date central market.

The sub-committee submitted a report with which I need not weary the House, with regard to the long statement made by Mr. Fitzpatrick. However, I intend to read Mr. Fitzpatrick's statement in review of the various sites.

Mr. MCCUTCHEON.—Did the Committee differ from Mr. Fitzpatrick in his conclusions?

Mr. H. McKENZIE (*Rodney*).—We could not differ from him; he pointed out certain difficulties in connexion with all the sites suggested. He selected one site which he considered a desirable one, but admitted himself that railway communication could not be provided except at a great cost. That was the site where Wirth's circus stands. I consider the city of Melbourne might well be up in arms if a market were established right at the entrance of the city.

Mr. J. W. BILLSON (*Fitzroy*).—Why?

Mr. H. McKENZIE (*Rodney*).—I do not think any one would consider it desirable to establish a market at the main entrance of the city.

Mr. J. W. BILLSON (*Fitzroy*).—I should think it would be very convenient.

Mr. H. McKENZIE (*Rodney*).—The market traffic would be very great, and, no doubt, the vehicles at the entrance would congest the traffic going over Prince's-bridge.

Mr. J. W. BILLSON (*Fitzroy*).—They have to go over Prince's-bridge now.

Mr. H. McKENZIE (*Rodney*).—That would be avoided to a great extent with the site we propose. I have given the *précis* of the various departmental papers showing that from 1905 there has been an agitation by both the producer and the consumer, but more especially by the producer, for a better condition of things for the marketing of produce by establishing an up-to-date market with railway facilities.

Mr. KEAST.—Since that report of Mr. Fitzpatrick's was sent in, there has been another line over the viaduct, and the Government proposes to build a new bridge from the Victoria Dock over the Yarra. That should surely alter the position.

Mr. ELMSLIE.—The viaduct does not touch the matter at all.

Mr. H. McKENZIE (*Rodney*).—It facilitates the traffic from Spencer-street. If there are two lines, naturally the traffic must be greatly facilitated. Now, there has been a great deal said as to railway difficulties, and as to the impossibilities of railway communication in connexion with this site. I think, however, a great deal of that has been the "voice of Jacob and the hand of Esau," because it has emanated to a large extent from one direction. And, after all, although the reports of the Railways Commissioners have shown difficulties and disabilities in connexion with railway communication, I think I shall be able to show the House that the difficulties are not insuperable—that railway communication can be made there probably as cheaply as it can be made anywhere in the centre of a large city, where land, of course, is costly. In the first place, when the sub-Committee of the Cabinet were deputed to look into this matter, we visited several sites—I think there were five altogether—and we took into consideration the suitability of each of them for a wholesale and retail market, and also the facilities for railway communication to them. In regard to those sites, I want to show the House what the Railways Commissioners said. We submitted the sites to Mr. Fitzpatrick on the 12th of December, 1911. The first site we dealt with was that known as the Flinders Park site. That is a site, of course, that could very easily be

communicated with by railway, because it is almost abreast of the existing railways, and, no doubt, it would have been a very central site for a market, but the Railways Commissioners came in and pointed out that, in view of the electrification of the lines, it was absolutely necessary that the Railway Department should have that land. I have here the statement which was taken down by the shorthand writer in reference to each of the sites that we inspected. I may mention that we had with us the Surveyor-General, who had a knowledge of all the available sites, and we also inspected sites that were recommended to us by citizens who took an interest in the matter, with the view of ascertaining if we could select a more suitable place than the site which we are now recommending. As to the Flinders Park site, these are the words which were taken down from Mr. Fitzpatrick—

In connexion with the proposal to choose Flinders Park as a possible site for a market, the Railways Commissioners regret that they have serious objections to the use of this land for any other than railway purposes. Some years ago they explained to the late Sir Thomas Bent that this land would be required for railway purposes. It will be required in the near future, we think, in connexion with the electrification of the railways, to form part of the necessary siding accommodation that will be required for the examination of electric stock. It must be borne in mind that almost certainly the system of electrification will be what is known as the "multiple unit," that is to say, trains will be made up of multiples of two, and then every second car will have a motor on it, so that a very large area of sidings, with pits beneath, will be required for the examination of electric cars.

The duplication of the viaduct at Spencer-street will also render it necessary to remove the large brick shed which may now be seen close to the island platform at Spencer-street, where the whole of the shipping business of the railways is carried out, and as there is no accommodation at Spencer-street for shipping business that is not likely to be required for the conduct of other business, it will be necessary to remove the shipping shed to a new site, and the Commissioners think that part of this reservation of Flinders Park will be required also for that purpose.

So far as the site at Flinders Park is concerned, from a railway point of view—that is to say, from a railway facilities point of view—it would not be very much better than the suggested site at South Melbourne, because the difficulty is not so much in getting the stuff to places so close to Spencer-street as the difficulty of separating the stuff at all in time at Spencer-street to reach the market. As was previously explained fully, the Spencer-street perishable shed is served now with the greatest difficulty. There has been such a marked increase in the dairy and other products of a perishable nature that are dealt with at this shed as to indicate in the near future the absolute impossibility of serving the early markets at all at even this place.

*Arden-street Site.*—The suggested site at Arden-street could not be adopted for market purposes, because the greater part of it now is in use for sawn timber and firewood by the Railway Department, and the whole of it will undoubtedly be required in the near future. As there is really no other place where this important trade could be served, it is simply out of court entirely.

*West Melbourne Swamp Site.*—Regarding the proposal to choose a site in the West Melbourne Swamp, on the north side of the dock, known as the "Dock" site, this particular piece of land was the subject of a communication from the Railways Commissioners to the Government some years ago. The Commissioners asked that it should be reserved entirely for the expansion of the Melbourne yard, for industrial sites, and for the possible transference thereto, in the near future of the live stock depôt, which is now at Newmarket, and it is very doubtful indeed whether there would be any space left for market purposes. The same difficulty in serving this place so as to secure early delivery of perishable products, while not quite so serious as in the other cases, is so serious as to render it practically impossible to do so even here, because the whole of the arrangement at the Melbourne yards, in order to facilitate quick delivery to the perishable shed, is on what is known as the "gravitation" principle, and it all inclines south, so that, when a train of trucks is brought in, the engine is detached and run away, and the whole of the trucks may be dropped by gravitation to the respective position. One difficulty—a very serious one, even if a site were available at this particular locality—is the difficulty of enabling people from Melbourne and suburbs to get access to it.

So we thought. It was almost impossible to entertain that site for a retail market because of its inaccessibility. Then there was the North Carlton site, which Councillor Gardiner strongly supported. He urged that we should inspect it, and we did so.

*North Carlton Site.*—The proposal about the North Carlton site has the same objections to it as the South Melbourne site, so far as the railway facilities are concerned—that is to say, only a limited quantity could be carried there. The site itself, in other respects, would, in the opinion of the Commissioners, be quite unsuitable for market purposes, owing to the inaccessibility to a very large proportion of the population to be served.

*Port Melbourne Site.*—The site at Port Melbourne could be served in the same way as the site at South Melbourne by the railway line, and the Commissioners are not sufficiently acquainted with the locality to express an opinion as to its suitability so far as area is concerned; but it has its disability in the difficulty of people getting to it from all parts.

That is to say, it was too far out of the way to allow of its being entertained as being of any use for a retail market.

While this is a subject that, of course, has not been officially brought under the notice of the Railways Commissioners, and in connexion with which they have a certain amount of diffidence in expressing an opinion, at the invitation of the Hon. the Minister of Lands, I venture to say a few words about the site which is now occupied by various picture shows, chutes, circuses, &c., near Prince's Bridge. It has struck me that no possible place exists where such ready facilities for the people from all parts—absolutely everywhere—could be afforded as at this particular site, for the main lines of trams on St. Kilda-road, running to all parts south and south east of the Yarra, pass this site, and ready connexion could be made with all the tram systems that run into Melbourne by means of transfers, so that the poor householder who wanted to get to the market could get, for one single fare, from any part to this particular place.

The purpose of a market, which is in many cases no doubt a disturbance to a locality, and causes a great aggregation of vehicles, might very well be disguised at this particular place by the erection of a suitable edifice which would face the St. Kilda-road, and any work in connexion with the market could, of course, be done in these side streets, which are now some little distance from the road. In my opinion, if a building were put up there of a suitable character, instead of its purposes as a market detracting from the neighbourhood, it would improve the appearance of the locality.

I suppose it would be an auctioneer's hoarding, or something of that sort.

Mr. J. W. BILLSON (*Fitzroy*).—I would suggest that you should erect good market buildings that would be a credit to the city.

Mr. H. McKENZIE (*Rodney*).—However, I do not think that there are many citizens in Melbourne who will agree with the Chairman of the Railways Commissioners on that point. I should think that it would be anything but suitable to have a market at the principal gate of the city.

Mr. COTTER.—It would not be as bad as some of the places that are there.

Mr. H. McKENZIE (*Rodney*).—I do not think the picture shows there are unsightly. The memorandum continues—

While I do not think this place could be reached by railway, yet, as the present markets in every case get their products (which come by rail) by road, there is no question that this would be one of the nearest points to Spencer-street.

In conclusion, I would think that, of all the sites suggested, my choice would be confined to the one just mentioned and that at South Melbourne which was originally proposed.

Mr. COTTER.—What date is that?

Mr. H. McKENZIE (*Rodney*).—12th December, 1911. The sub-committee asked Mr. Fitzpatrick to come down and give his opinion on the various sites inspected by them. The House will see that the Railways Commissioners found that there were difficulties in connexion with every site. There is no doubt that there will be railway difficulties with every site, but is that a reason why the people of this country should be told that we cannot erect a market in the city of Melbourne? The thing seems absolutely monstrous. We have had from the Engineers' Department of the Railways an estimate of the actual cost of connecting this site with the railway system. The report is as follows—

VICTORIAN RAILWAYS.

*Rough Approximate Estimate of Cost of Proposed Railways.*

South Melbourne Market Railway.

Gauge, 5 ft. 3 in.
Ruling gradient, 1 in 50.
Sharpest curve, 12 chains radius.
Based on trial survey of route, and on a wage rate of 9s. per day for labourers.
Earthwork formation, 15 feet wide.
Stone ballast.
Sleepers, 9 feet x 10 inches x 5 inches.
Rails, 80 lbs. steel (new).
Length, about 67 lineal chains.
Estimated cost of construction, £42,000, exclusive of land and rolling-stock.

It is estimated that the cost of land purchased and compensation will amount to £18,000 additional.

The above figures have been prepared, but have not yet received the approval of the Chief Engineer for Railway Construction.

H. O. SHEERAN,
Assistant Chief Engineer
for Railway Construction.

When I sent for this estimate the other day, the Chief Engineer for Railway Construction was not at home, and I have not his certificate as to the correctness of this; but I feel sure that this estimate is based on a survey that has been made, and I think honorable members can take it as fairly correct.

Mr. LANGDON.—What line do you propose to strike off from?

Mr. H. McKENZIE (*Rodney*).—The St. Kilda line.

Mr. ELMSLIE.—That is £1,000 a chain.

Mr. H. McKENZIE (*Rodney*),—The cost would have to be £67,000 to come to that. I want to show that the difficulties that have arisen in connexion with railway communication are not insuperable, as suggested by one of the reports of the Railways Commissioners. I may say that there was no desire in any way on the part of the Government to keep from the House any knowledge in connexion with the Railways Commissioners' reports. We recognise that those Commissioners would have to report fully, and the House would have to be in possession of

the information. There was no disposition whatever to withhold the reports. Now the next question that arises is this: Have we adequate market accommodation in this city?

Mr. KEAST.—No.

Mr. J. W. BILLSON (*Fitzroy*).—Will this proposal give it?

Mr. H. McKENZIE (*Rodney*).—That is not the point. I think every honorable member who has given this question any consideration will say we have not sufficient market accommodation. People who have to deal with produce are dissatisfied, and have been pointing out their dissatisfaction and disabilities in connexion with the marketing of produce for the years I have mentioned. That clearly shows that there is something wrong in connexion with the accommodation and the advantages given to the vendors and producers at the various markets already established. The other day I asked my colleague, the Minister of Agriculture, if he would allow one of his officers to inspect the markets, and see what arrangements were provided for the public and the vendors, and furnish me with a report. The Minister of Agriculture agreed to do so, and I shall read to the House what the officer, Mr. McFadzean, senior supervisor of the stock and dairy supervision branch of the Department of Agriculture, has to say—

The Director of Agriculture.

As instructed, I attended the Victoria, South Melbourne, and Prahran markets during the sales from the 24th to 28th June, to note the conditions of trading there. The Victoria market covers the area between Victoria-street on the north, and Therry-street and the Old Cemetery on the south, with Elizabeth-street on the east, and Peel-street on the west. Along the Elizabeth-street and Victoria-street frontages there are shops, several of which are open daily, but the rest of the place is used only on market days. The part that lies between Elizabeth and Queen streets is known as the meat market, and about a third of it is closed in, and held continuously by retailers of meats, fish, rabbits, poultry, and dairy produce, but the remainder is used principally by vendors of fruit and vegetables. On Friday afternoons and nights the whole of this meat market section is in use by retailers alone, but on ordinary market days the wholesale men also sell here in the early morning. On Tuesday, Thursday, and Saturday in each week the whole of the early morning trade is wholesale, but from about 7 a.m. to midday there is also a big retail trade done here after the wholesale trading is finished. On the days stated, the vegetable growers and orchardists arrive at the market with their loads in the early hours of the morning, and take up their several stands, which they hold under prescribed rent from the market office. At 4 a.m. the place is fully lighted up, and trading begins. There is no auction, prices being arranged between the individual buyers and sellers, according to their estimate of supply and demand, with the rates of the previous market day as a basis. The market is subdivided so that, down each side of the footways for purchasers, the waggons and lorries of the sellers can stand backed in, and with road-room for the vehicles between each section. The footways are raised some 8 inches above the rest of the flooring, and, as the produce is unloaded for inspection, it is deposited partly on the pitching at the rear of the waggons, and partly on the footways, covering some 4 feet of this latter on each side, or about half of its total width. Some growers take a little more care in the handling of their produce than do others by laying it on bags, waste cabbage leaves, &c.; but, even with this, it comes into frequent contact with dirt from the traffic. The place is well cleaned up after each sale day, but, by the incoming horses and vehicles, as well as the foot traffic, much dirt gathers again in very little time, and, as there is nothing in the way of display stands used, the buyers' boots come more or less into contact with much of the produce while inspecting it. Delivery is usually taken by the buyers in sacks or chaff bags, and they struggle off with their bulky produce through the crowded footways to wherever their carts and waggons are standing outside the market. As their purchases cover all kinds of fruit and vegetables in season, these have to be made from many sellers, and much walking about the market has consequently to be done in making the selection. The buyers' vehicles are ranged up in the neighbourhood of the market wherever there is standing room. They fill up the roadway in Victoria-street to within a yard of the tram track on both sides, from Peel-street to well below Queen-street, most of the road and lower side of Peel-street to the Cemetery, and both sides of Therry-street, while in Queen-street, from Victoria-street to 100 yards above Therry-street, there is just bare room left for vehicles to pass down the centre of the roadway. Those buyers whose waggons are at the further end of this Queen-street stand, or in the lower part of Victoria-street, are a long way from the nearest of the wholesale stands, and, should they make purchases anywhere towards the centre of the upper market, they may have to carry them from 100 to 150 yards, which means a 200 to 300 yards journey for each 100 lbs. of vegetables bought. It takes many of these buyers some two hours to inspect and purchase the produce they require, and carry it to their respective vehicles. There it is placed on the road or footpath at the rear of the waggon to be trimmed and packed, in doing which about another hour may be occupied by the retailer before he can get away on his round. For a considerable time, therefore, during each market morning the surrounding roadways, footpaths, and street channels are heaped with vegetables of all kinds, which are meanwhile again more or less exposed to soiling from manure and other street dirt, according to the weather conditions and the habits of the man handling them. To load a waggon with vegetables in this way, over even the shortest distance traversed by these men and youths, is no light task under favorable conditions; but this dragging of heavy bags and boxes of produce through crowded gangways, and then having to sort and load up outside, exposed frequently to rough weather, is most laborious work, and the quality

of the vegetables is anything but improved by this rough handling. Under present arrangements, the covered space available for vehicles in this market little more than accommodates two-thirds of those who trade there. The wholesale men are provided for, but the bulk of the retailing buyers, who are shopkeepers and hawkers coming from all parts of the city and suburbs, are compelled to leave their vehicles standing on the surrounding roadways as described, and load up from there as best they can. Between the hours of 5 and 6 a.m. on 28th June there were 771 fruit and vegetable carts, waggons, &c., within the market, and 583 outside. Of these latter there were 216 in Queen-street, 176 in Victoria-street, 89 in Therry-street, 80 in Peel-street, and 22 in Elizabeth-street, and, as these load up and move away, their places are again occupied by later arrivals, so this number does not nearly cover the morning buyers.

Mr. KEAST.—A nice state of affairs for a city like Melbourne!

Mr. H. McKENZIE (*Rodney*).—Yes.

In one part of Queen-street there was a stack of vegetables and fruit extending over the channel out on the road for over 12 yards from the footpath on each side, and over most of the frontage in that street there was barely room on the footpath for two people to pass, owing to the vegetables heaped there. Within the main market, between Queen and Peel streets, the whole of the stalls on the cemetery boundary, and also at least half of those in the adjoining section, are held by retailers, selling direct to the public, who shop in the market. During the early morning trading these stalls are either unoccupied, or are only marked by a few boxes of merchandise or bags of vegetables. As well as the fruit and vegetable sellers there are many of these stallholders trading in almost every line of new and secondhand articles of household use, and wearing apparel, as well as provisions and fancy goods; and, as the bulk of this trade is quite outside the recognised business of this market, it might be easily closed out, or, at least, the occupation of the stalls for this purpose might only be permitted after the main business of the market had left them vacant. There are upwards of 600 vehicles engaged in this fruit and vegetable trade that the present market arrangement makes no provision for; but, if it were possible to have either overhead or underground stall-room for all the market retailers in meats, dairy produce, greengrocery, and other merchandise, the present area would be large enough to accommodate all engaged in the outside vegetable trade. An overhanging verandah round the market would allow of buyers loading their vehicles within a reasonable distance of where they buy, and protected from the weather. That the vegetables might be kept clear of the dirt of the traffic, the place where they are handled should be at least a foot higher than the adjacent footways; and at the wholesale stands this would allow of better inspection by the buyers. If there were two floors available, and all the retailing business confined to one of them, the buyers in each section would have more room than at present; and lifts or hoists would provide for the transfer of small lots of produce between these floors as required, while the retail floor could have its separate roadway for vehicles. In the wholesale section, the fitting up of a double row of overhead metal runners, with wheel hooks, throughout the gangways would be a great convenience to the buyers, and would prevent much damage to the produce that now ensues from the present system of dragging it about in bags.

The South Melbourne market is held on the Wednesday and Friday in each week. On the 27th June there were about 80 wholesale and 130 retail sellers there between the hours of 6 and 7 a.m., exclusive of dealers in produce and merchandise other than fruit and vegetables. The whole of these have full room to work under shelter; but, in order to catch the trade of the buyers as they come in to the market, many of the retailers of fruit and vegetables have their stands on the surrounding roadway. Some of these have temporary wooden stands for their produce, and others just dump it down on the footpath and in the street channels.

The Prahran market is only a retail market, and it is not necessary for me to read the report with regard to it. The report I have read shows very clearly that the present market accommodation is not only inadequate, but absolutely insanitary. Steps must be taken to alter this condition of affairs, if only in the interest of the health of the people.

Mr. SNOWBALL.—Does not the officer say that the present North Melbourne site, if properly used, could meet all requirements?

Mr. H. McKENZIE (*Rodney*).—No; he says it could be improved; but he does not say that it is possible to give accommodation to the 600 people who at present are without accommodation.

Mr. J. W. BILLSON (*Fitzroy*).—What is the estimated cost of the South Melbourne market?

Mr. H. McKENZIE (*Rodney*).—I cannot say that; but designs were called for a market to cost, I think, £200,000. I am speaking from memory.

Mr. J. W. BILLSON (*Fitzroy*).—Can you tell us the comparative cost of the South Melbourne site, and the site at Prince's-bridge?

Mr. H. McKENZIE (*Rodney*).—At Prince's-bridge, to get anything like the area we require, we would have to disturb a good many freeholders.

Mr. J. W. BILLSON (*Fitzroy*).—I think it would be cheaper.

Mr. H. McKENZIE (*Rodney*).—I do not think it would be as cheap. It must be remembered that we own three-fourths or four-fifths of the land we require at South Melbourne, whereas we own but a small portion of the land at Prince's-bridge. Several people have freeholds there. I do not think that an area of 15

acres could be obtained without buying a good area of freehold land. I am speaking in the dark as to what the cost of the site at Prince's-bridge would be. We did not entertain that site, as we considered that it would be undesirable to have a market just at the gate of the city. I have endeavoured to show the agitation that there has been for the establishment of this market from both consumers' and producers' points of view for some years. I have also shown that the railway difficulty is not insuperable. I have shown as well as I possibly can the inadequate and insanitary accommodation that there is at present. I consider that, after the generally expressed desire on the part of the people, who are interested in these market products, any Government that refused to do something in connexion with the establishment of a market would be shirking its responsibility. I hope that this market will be established. By its establishment, we feel certain that the convenience of both consumers and producers will be materially enhanced. I am sure the country will watch most closely the attitude of honorable members towards the proposal for the establishment of this long agitated-for market.

Mr. ELMSLIE.—If the only point involved was the exchange of certain allotments, I would not ask for an adjournment, but the Minister of Lands has opened up the whole question of market accommodation. In order that honorable members who are particularly interested in the matter may have an opportunity of going closely into the reports, and digesting the speech delivered by the Minister, I move—

That the debate be now adjourned.

Mr. H. McKENZIE (*Rodney*—Minister of Lands).—I have no objection to the adjournment of the debate, but I would have liked to hear some second-reading speeches. I promised the honorable member for Dandenong that we would go on with the measure to-day, if possible. Perhaps the honorable member would like to speak to-day.

Mr. KEAST.—I prefer to follow the honorable member for Albert Park.

Mr. H. McKENZIE (*Rodney*).—Then I have no objection to the adjournment.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until Tuesday, August 26.

## FOOTWEAR REGULATION BILL.

Sir ALEXANDER PEACOCK (Minister of Public Instruction) moved the second reading of this Bill. He said—This is a Bill to regulate the sale and manufacture of footwear. The use of cardboard soles has long been a question of public discussion in the press, and also in the Commonwealth Parliament, and members on both sides of this House have taken a good deal of interest in the matter. I remember that on a previous occasion the honorable member for Toorak had samples of boots and shoes brought here and exhibited to honorable members to show how the purchasing public had been, to some extent, defrauded. The matter was first brought under the notice of the Government by a letter from the Trades Hall Council in July, 1910, addressed to the present Chief Secretary, who was then Premier. That letter reminded the Chief Secretary that a deputation from the Trades Hall Council had waited on him on the 26th October, 1909, to ask that legislation should be introduced to prevent the use of strawboard and cardboard in making the soles of boots and shoes, and asking what the Government purposed doing in the matter. Shortly afterwards the then Prime Minister of the Commonwealth, Mr. Fisher, communicated with the heads of the respective State Governments in the following terms, which really cover the whole ground, and form the justification for the introduction of this Bill:—

Commonwealth of Australia.
Prime Minister,
3rd August, 1910.

Sir,

I have the honour to inform you that, attention having been invited to the importation into the Commonwealth of footwear purporting to be of solid leather, but which has soles containing a considerable proportion of imitation leather and cardboard, provision was made in the recently-amended Commerce Regulations that, with regard to all boots and shoes manufactured solely or principally from leather, or any imitation thereof, and having in the soles any substance other than solid leather without addition (except only ordinary fillers of cork or waterproofed felt), there shall be conspicuously, legibly, and indelibly stamped upon or impressed into the outer surface of the sole of each boot a statement of the nature of the admixture or addition —*vide* Regulation 8, Statutory Rules 1910, No. 17, and pages 2 and 3 of explanatory leaflet (Order 1213), a copy of each of which is enclosed herewith. It is believed that, as a result of this action, the importation of such lines has practically ceased.

2. I am advised, however, that there is good reason to believe that similar goods are now

being extensively manufactured within the Commonwealth, and I shall be glad, therefore, if your Government can see its way to co-operate with the Commonwealth Government in its endeavour to protect the public from imposition by the introduction of legislation to prohibit the manufacture or sale within your State of any footwear of the character mentioned, unless conspicuously and indelibly branded on each sole with a true description of the nature of the material present therein.

3. The receipt of an early and favorable reply in this matter would be much appreciated.

I have the honour to be,
Sir,
Your most obedient servant,
ANDREW FISHER.

Shortly stated, therefore, the position of affairs is that the Commonwealth Government has been most effective in dealing with this trouble, so far as the importation of boots and shoes into the Commonwealth is concerned; but the then Prime Minister called attention to the fact that the Commonwealth had no power to deal with manufacturers inside the respective States, or to deal with the question of sale.

Mr. ROGERS.—Is that not an argument in favour of the referendum?

Sir ALEXANDER PEACOCK.—Do not let us introduce debatable subjects. The regulation referred to by Mr. Fisher is under the Commerce Act 1905, and the portion of it with which we are concerned is as follows:—

In the case of boots and shoes manufactured wholly or partly from leather or any imitation thereof the trade description shall set out the principal material from which they are made, and, unless the soles are solid leather, without admixture or addition other than ordinary fillers of cork or of waterproofed felt, shall state the nature of the admixture or addition, and a statement of the material or materials composed in the sole shall, in addition, be conspicuously, legibly and indelibly stamped upon or impressed into the outer surface of the sole of each boot or shoe.

As the result of that communication, which was sent to all the States, the Premier of New South Wales suggested that the matter might be discussed at the next Premiers' Conference. It was discussed at that Conference, and it was left to the Premiers of New South Wales and Victoria to prepare draft legislation for consideration. Both Governments in New South Wales—the Liberal Government and the Labour Government—have sent over drafts of their Bill, but through circumstances over which they have had no control that Bill has not yet been passed by the Legislature of the Mother State. A Bill dealing with the matter has been passed by the Legislature of South Australia; but, as honorable members will see, it is desirable that legislation of this kind should be, as far as possible, uniform, particularly in the States where a good deal of manufacturing is carried on.

Mr. COTTER.—That is another argument for the referendum.

Sir ALEXANDER PEACOCK.—The South Australian Act, therefore, provides that it is not to be proclaimed until similar legislation has been passed in Victoria, Queensland, and New South Wales. The present Bill was introduced into the Legislative Council in 1911. During the session of that year the Victorian boot and shoe manufacturers waited upon the Premier to make certain suggestions with the view of rendering the descriptions contained in the Bill more clear. The matter is rather a technical one, with which the honorable member for Carlton is better able to deal than I am; but the manufacturers wanted certain alterations made in order to render this legislation more effective. They, as manufacturers, were not opposed to the Bill. All they wanted was that it should be made watertight, and also that it should not come into force in Victoria until it had been adopted in the other States. They raised one other point, and that was that the retailer should be exempted; but all the Premiers agreed that the public are the persons to be protected, and that the retailer should have the onus cast upon him of proving that he was innocent. Honorable members will find a clause in the Bill dealing with that. Speaking generally, the manufacturers approved of the Bill as it was drafted. When these suggestions were received by the present Premier, he communicated with the Governments of the sister States; and the Bill that is now before the Chamber is the same Bill, almost word for word, as that which was passed in South Australia, embodying the recommendations to which I have referred. Honorable members will see by clause 2 that the measure is to be brought into operation when the Governor in Council is satisfied that a similar Act has been passed by the Parliament of the State of New South Wales. It is recognised that New South Wales, Victoria, and South Australia are the three States that are primarily affected by this legislation.

Mr. ROGERS.—Then we are to wait for New South Wales?

Sir ALEXANDER PEACOCK.—Yes, because if we do not it may do us injury in our business, and would be unfair to our manufacturers. I may say that the Government of Western Australia took the view that from the inquiries they had made there was at present no need for the adoption of such legislation in that State, but I have no doubt that eventually they will come into line too.

Mr. COTTER.—You say that this Bill will come into operation when New South Wales passes a similar measure; but the South Australian Act provides that it is not to come into operation until measures have been passed in Victoria, New South Wales, and Queensland.

Sir ALEXANDER PEACOCK.—Yes, they want to wait for Queensland; but this Government consider that Victoria and New South Wales are chiefly interested, because at present they are the great manufacturing centres. Last year the Bill was again debated at the Premiers' Conference, and that Conference approved of the measure being placed on the statute-book.

Mr. SOLLY.—Honorable members have not yet had an opportunity of considering this Bill, and I would ask the Government to allow the debate to be adjourned.

Sir ALEXANDER PEACOCK.—I would be glad of the honorable member's advice in connexion with clause 4, because it is of a technical nature, but we could pass the second reading now.

Mr. SOLLY.—I realize that it is a Bill to be dealt with chiefly in Committee. Such a measure is urgently needed in Victoria, although, perhaps, it is even more needed in other parts of the world. Undoubtedly children who used the cheap footwear, of which there was a large importation, had their health affected. As soon as the cardboard or composition soles got wet, they remained in that state for days, so that the health of the wearers was affected. Boots and shoes of that description are not made in Victoria to any great extent, because our manufacturers use leather more than cardboard. It is only in one or two commoner factories in Collingwood and Fitzroy that cardboard or composition is used. Still, that should be dealt with, and the public should know what they are purchasing. If the Bill is carried with some slight alterations, it will prove of great benefit. As I have not had time to study the clauses, I am not in a position to criticise the Bill at length; but I agree that a law of this sort is needed, not only in Victoria, but throughout the Commonwealth. If such boots and shoes are manufactured in the other States, it would be practically useless to pass a Bill here, unless a uniform law is adopted throughout the Commonwealth. In New South Wales cheaper boots of a shoddy nature are being made than is the case here. Therefore, if the New South Wales Government refuse to put through a similar measure, this Bill will merely harm our local manufacturers, and help makers in New South Wales who are using shoddy material. Consequently, I hope that the other States will be urged to pass similar legislation.

Mr. ROGERS.—I believe that the Bill will do some good, but I am afraid that it will not go far enough. In the first place, I am not quite sure that it is absolutely necessary for us to wait until New South Wales takes action. For a number of years the people of Victoria have been robbed in connexion with this inferior footwear. Six months ago about a hundredweight of the different classes of cardboard used was exhibited here. There was never more deception practised in connexion with our food supply than in connexion with boots made in Victoria. It was stated by the honorable member for Toorak that some of this cardboard was carted to a brick kiln in South Yarra to be burnt, but the people did not even know that it was cardboard. However, one man found out that the whole of the rubbish carted to the kiln consisted of cardboard, and that was the cause, I believe, of a number of samples being brought to this House. It is a matter which the Government ought to take in hand irrespective of what New South Wales is doing. The Victorian public should be protected. If the manufacture of inferior boots is allowed to go on until New South Wales passes a Bill of this sort, the people will not get for a long time the redress which they expect.

Sir ALEXANDER PEACOCK.—The Premier of New South Wales is coming here on Saturday.

Mr. ROGERS.—Why wait at all? Manufacturers here are robbing the people in the meantime. Hundreds of

women are buying boots in the belief that they are made of leather.

Sir ALEXANDER PEACOCK.—Unless there is a similar law in New South Wales they could make such boots there, and bring them here. It is desired, not only to stop their manufacture, but prevent their sale.

Mr. ROGERS.—The Commonwealth Government have stopped importations from abroad.

Mr. COTTER.—Such footwear could not be brought from New South Wales and sold here if this Bill is put into operation.

Mr. ROGERS.—That would get over the difficulty.

Sir ALEXANDER PEACOCK.—But I want to get the Bill through elsewhere.

Mr. ROGERS.—What is the good of getting it through here if it will be of no use? I would like to see paragraphs (*a*) and (*b*) of clause 4 struck out. I do not see why adulteration should be allowed under any conditions. It is provided that if the boots are stamped they can be sold. Why not stop it altogether? Even if they are branded a large number of people will be deceived. We should see that the public get a fair deal.

Sir ALEXANDER PEACOCK.—And we must try to be uniform. There is an agreement between the various States.

Mr. ROGERS.—There will be the same difficulty as exists now in connexion with our Pure Foods Acts. Adulteration is allowed. If the paper covering is stamped to that effect, colouring and preservatives may be put in butter. On the same condition butchers are allowed to put preservatives in their sausages. I do not think this Bill will come into operation for a number of years if we have to wait for the other States.

Sir ALEXANDER PEACOCK.—We have only to wait for New South Wales.

Mr. ROGERS.—We should make up our minds that it is not necessary in this State, where leather is plentiful, to use inferior substitutes in the manufacture of boots and shoes, and the public should receive a fair and reasonable article at a fair and reasonable price. I hope the Minister will see whether it is not possible to strike out clause 4.

Mr. TUNNECLIFFE.—I have no desire to debate the second reading of this Bill, but I am very much afraid that the measure will completely fail to accomplish the object which the Minister has in view. That object, I understand, is to prevent the sale of boots which are supported or strengthened or stiffened by artificial material, such as canvas, "bull's wool," or any of the other compounds which are generally used as substitutes for leather, or in order to strengthen the leather in a boot. As these materials yield to the action of damp weather, they soon render the boot useless. If that is the object of the Bill, I am afraid that it is not nearly stringent enough for the purpose in view, and the Minister will realize that it is of no use putting legislation on the statute-book which will become a laughing-stock, and may be quite disregarded in practice. In clause 4, it is provided that no person shall manufacture for sale, or sell, any boots or shoes, the soles of which consist wholly or partly of leather or any imitation of leather, unless—

(*a*) the soles thereof are of solid leather, without admixture or addition other than of canvas used to reinforce the insole, materials used for filling spaces, shanks, or rubber outsoles, or, in the case of ladies' fancy or evening footwear, of heels of wood.

Now, any one who knows something about the manufacture of boots, knows that it is the insole which is usually stiffened the most, and it is upon the insole really that the whole strength of the boot depends. If the insole is weak the boot soon falls to pieces; but, by this Bill, the manufacturer is allowed to put on the insole a stiffening of a strip of leather, paper, or like material, because clause 3, the definition clause, provides—

"Sole" means all that part of a boot or shoe which in use is under the foot of the wearer, including both the outsole and the insole, and also including the heel, except only the thin strip of leather, paper, or the like material which is affixed to the upper surface of the inner sole.

The Bill allows the manufacturer to put artificial material on the insole, which sole is really the bed-rock and foundation on which the boot is built. At the present time, the manufacturers of cheap boots very frequently put a very thin strip of leather, or use what is known technically as "bull's wool," which is made to look like leather, and sometimes cardboard is used. I contend that if the Bill allows the introduction of paper or cardboard of any kind on the insole, we might just as well dispense with this legislation altogether, because it would be of no value so far as securing the manufacture of a substantial boot is concerned.

In sub-clause (*a*) of clause 4, the Bill prohibits the soles being manufactured if there is an admixture or addition of anything "other than canvas used to reinforce the insole." Thus, it actually gives permission to use canvas to reinforce the insole, and this can be done without the manufacturer having to indicate the fact upon the boot itself. As I have already said, the insole is the foundation of the boot; and if we cannot secure having a good insole, we might as well do without legislation on the subject altogether, and let the manufacturer back up the insole with anything he likes. At present, the backing-up frequently consists of canvas stiffened up with glue and cardboard, which is specially prepared to look like leather.

Mr. BAYLES.—What do you propose?

Mr. TUNNECLIFFE.—I am proposing that we should adjourn the debate so as to make further inquiry into the matter, with a view of amending the Bill.

Sir ALEXANDER PEACOCK.—I only propose to take the second reading now, and I shall be glad to confer with members afterwards.

Mr. TUNNECLIFFE.—I think we should prevent anything in the way of backing up of insoles. The insole must consist of solid leather, or else it cannot be satisfactory. If we deny manufacturers the right of backing up the insole they must use solid leather, and that will be the only way to make this legislation effective.

Mr. BAYLES.—I have to thank the Government for bringing in this Bill. I brought to the House a lot of leather, or so-called leather, which was handed to me, and subsequently I brought it under the notice of the Minister of Public Health, because I considered that it was a down-right swindle. The material which was put forward as apparently leather, was really tanned to a certain extent to smell like leather, and when it was put on an insole and polished no one could detect the difference between it and real leather. I have some little knowledge of this matter, because I used to sole my own boots when I was a boy, and I learnt enough of the "snob" business to become an amateur bootmaker in my young days. However, I know nothing about the ethics of the trade, and I bow to the opinion on that point of some honorable members opposite. I am sure this House only desires that no purchaser of a boot should be imposed upon in the way that he is cheated now in many cases. A man who has six children, and who is not very well off, recently brought me two pairs of boots which he had bought, and showed me that they were made with paper inside. As the honorable member for Eaglehawk has said, it is the insole specially which requires to be made of good material; but in this case, the insole was of imitation material, while there was good leather outside. Children kick their boots through very soon, and if the insole is only made of brown paper, as is the case in some instances, it very quickly becomes useless; it does not resist the water, and the boots become like blotting-paper. If it is necessary, in order to secure sound boots, I would say let us require that boots shall be made of leather and nothing else. It is a gross imposition if a woman goes to a shop to buy a pair of boots for herself or her children and she is sold boots which look to be solid leather, but which have the insole composed largely of paper. I shall vote for this Bill with the greatest pleasure, and I hope it will come into force as quickly as possible. It is a crying scandal that any purchaser should be cheated in this way. At the present time, there is a great outcry from the farmers about margarine being sold in place of butter, and being got up to resemble butter, and this question of leather in connexion with boots should be treated on the same lines. In my opinion, boots ought not to be allowed to be sold as leather which are really not leather. Any amendments which are inserted in the Bill to achieve the result desired will have my ardent support, because I am sure that no one who wishes to "play the game" fairly wants to "take down" the public.

Mr. SMITH.—We have heard, from members who have a technical knowledge of the subject, some objections to this Bill. The honorable member for Eaglehawk, the honorable member for Carlton, and the honorable member for Toorak—who has shown that he is rather an authority on this subject, because he soled his own boots when he was a boy—have pointed out some defects in the measure. The object of the Bill undoubtedly is to prevent fraud and the passing off of materials as being something that they really are not. Legislation of that character can be highly commended. There is one feature

that appealed to me in connexion with these shoddy boots, and that is their effect upon the health of the children. Invariably it is in the cheaper classes of boots worn by children that we find this material. As already pointed out, the substitute cannot be detected by any superficial examination, even experienced people being deceived by the appearance, and it is only by actual wear that the material can be proved. Nothing will prove it more quickly than wearing the boots on a damp day. Children who ought to be decently and comfortably shod, go to school on a wet day in these boots, and they have upon their feet all day a mixture of cardboard and leather permeated with water, and we know the inevitable result. The children suffer from all kinds of chest complaints, and have very severe colds, and there follows a general breakdown in health. An effort should be made to protect people against this fraud. I believe that the desire to make an inordinate profit is the cause of the whole trouble. I quite agree that what we want to do is to absolutely proscribe an admixture of any other substance with the leather in the sole of a boot. I would stand out unhesitatingly for that. While there may be substitutes that could be adopted for wear in dry weather, it must be remembered that we have to make provision for all kinds of weather when we are dealing with foot wear, and there is no other protection against this fraud than to prescribe that the sole shall be leather. We might go that far, and declare that solid leather alone shall be the constituent of the sole of a boot. I do not altogether agree with the Minister in respect to the time when the Bill should come into operation. It is all very well to say that we should protect the manufacturers. If this was a wholesale system adopted by all our manufacturers there might be something in that contention, but I think that, in the main, the reputable firms do not undertake the manufacture of such stuff as this.

Sir ALEXANDER PEACOCK.—Hear, hear!

Mr. SMITH.—Why need we show any consideration for those who are regardless of the health of our people, even though it may mean affecting some classes of employment within our State? It is better to have our children healthy and to have a healthy condition of affairs prevailing than to allow manufacturers of that particular class of boots to be undermining the health of the State. Even if New South Wales will not pass a Bill, we should not allow this condition of things to continue. Every one must recognise that it is morally and commercially unsound to allow any sort of fraud in connexion with a trade. The likelihood that a sister State may get some advantage from this legislation should not influence us to allow this evil to continue in our own State. This is a great argument in my mind for the unification of trade legislation. I think the matter referred to to-day will be very good material to be used at some subsequent occasion, when we hear it said that the State can well control its own industries. Here we are up against a position where, according to the statement of the Ministry, this cannot be done. But I say that we can do it if we pay the price, and that price is the passing of a Bill excluding from our State the manufacture and sale of this particular class of goods. I hold that, in the interest of the people, this should be done. I would urge the Minister to disregard the condition laid down in South Australia, and to take a bold step, and say that the manufacture of this class of goods shall not be allowed in Victoria, and that people who engage in this trade shall have no more protection than any other class engaged in some fraudulent transaction. I quite agree with the incidence and the purport of this Bill, and will do my utmost to have it passed, but I hope the Minister will see his way to wipe out the provision which makes it inoperative until New South Wales falls into line with our State in the matter.

Mr. LEMMON.—I regret very much that the Minister in charge of the Bill has not seen the wisdom of adjourning the consideration of the measure for a few days. If there is going to be any justification for the charge against this Assembly of hasty legislation, it will be because business is transacted in this manner. Here is a Bill we have never seen before. After this Bill goes through, another Bill is coming on which was only circulated yesterday. It is unbecoming on the part of the Government to expect honorable members to discharge their important duties in connexion with legislation if they are only to get a few minutes' notice of what is proposed to be done.

Sir ALEXANDER PEACOCK.—We do not propose to go beyond clause 1.

Mr. LEMMON.—Have we reached a time when second-reading speeches are to

be abolished? If so, we may as well amend the Standing Orders. There is also the dignity of this House to be considered, and if there is anything we should do for that purpose it is to maintain a little more than has been done the practice of having a full-dress debate on the principles of Bills during the second-reading speeches. Compared with past times, as I observe from *Hansard*, we have now very little second-reading discussion on important measures that come before this Chamber. That seems to be a great justification for the existence of another House. We can understand another place referring to the hasty way in which legislation is passed in this House. Bills are circulated one moment, and the second-reading stage is passed the next moment. The honorable member for Eaglehawk has practically blown a hole in the principal part of the measure. There was a gentleman in this State, Mr. George Dupree, secretary of the Tanners and Curriers Union, who did good service to the community if ever anybody did. He went to the trouble of collecting samples of this material, and he went to the Minister with a deputation, asking that something should be done.

Mr. COTTER.—He brought samples of the boots, which were cut open, showing the paper soles.

Mr. LEMMON.—Surely we should have an opportunity of submitting the Bill to practical men amongst the tanners and curriers, and in the Bootmakers Union. I am just as willing, of course, that it should be referred to the masters. The working sections of the community, whose interests our party look after, should not have a Bill like this thrust upon them without having an opportunity of considering it. This matter shows the necessity for a recognition of the fact that the Federal authorities should have greater power. I well remember a case cited by the Minister of Customs, when he pointed out that articles came to the Customs House which were branded according to the contents, but that immediately after they were transferred to the warehouse, or the shop, the label was altered. For instance, there would be flannel, which at the Customs House would be labelled as containing cotton and wool, but when transferred to the shop the brand would be altered to indicate that the material was all wool, and under this designation it would be sold to the public. We urged the public to recognise that the authority who had the power to say that these articles should be branded according to the ingredients they contained should be empowered to follow that article until it came into the hands of the purchaser. Unfortunately, that power was not given to the Federal authorities. It seems to me that there is a lot of window dressing about this proposal. I cannot believe that the honorable gentleman in charge of the Bill considers the probable effect on the manufacturers sufficient justification for not putting the measure into operation. Those manufacturers are a curse to the community. The men working for them could find work somewhere else. If they are prohibited from selling these goods, why should we care if a monopoly is given to another State? By preventing the sale here we would protect our own people from this deplorable stuff, and that would confer a blessing on the community. The only men would would suffer would be those who are engaged in the production of such articles. It is a fraud, and why should we be afraid to stamp it out?

Sir ALEXANDER PEACOCK.—There was an arrangement come to at the Premiers' Conference.

Mr. LEMMON.—I understand that the honorable gentleman intimated that if we brought this measure into operation it would give a monopoly to manufacturers in another State. Although we might suffer a little by putting it into operation, much greater good would be done by the blessing conferred on the community. I was greatly surprised to hear that the honorable member for Toorak had been a bit of a snob. I would not have believed it. His name does not appear on the list of the Bootmakers Union, although he is an upholder of unionism. I should like an opportunity, before the Bill is passed, of submitting it to some practical men outside, in order that we may hear what they have to say. That would assist us in the discharge of our duty.

Mr. McCUTCHEON.—I am at one with the honorable member for Williamstown in his contention that Bills should not be hurried through. It does not strike me that that particularly applies to this Bill, for the House is unanimous that steps should be taken to prevent this kind of stuff from being put on the market. All that the Minister asks is that the first clause should be passed in Committee, the

other provisions to be dealt with subsequently. I agree with the honorable member for Williamstown that those other provisions should be postponed until next week, but there is no reason why honorable members should be delayed in expressing their opinions on such a measure as this. I fail to see why we should be bound to wait until New South Wales passes similar legislation. There must be some reason why the Cabinet have arrived at that decision. We can ask the Minister in charge of the Bill why he proposes to wait until New South Wales passes similar legislation. I can see what may be one reason for it, and that is that the manufacturers of Victoria should not be placed at a disadvantage as compared with those of New South Wales. I am in accord with my friends on the Opposition side of the House that we have no need to wait for New South Wales to stop such iniquitous manufacture. No individual is likely to go to the expense of visiting New South Wales to buy a few shillings' worth of goods. It would mean spending a few pounds for the sake of a few shillings. Unless traders in boots buy in New South Wales, and offer the articles for sale in the shops here, there is no chance of such stuff coming into competition with Victorian manufactures. I fail to see any necessity for binding ourselves to wait in effecting such a reform until New South Wales effects a similar reform. If there is any good reason for delay, I should be glad if the Minister would state it before we enter on the consideration of the details of the Bill next week.

Mr. WARDE.—I am very much surprised to find this Bill under consideration now. I did not see it until it was circulated to-day. I know that it is a very important measure, and that it is badly needed in the community. I have no doubt that the Government have looked into some of the important phases in respect to the Commonwealth law. If I remember aright, some two years ago or more a Premiers' Conference passed a resolution agreeing to introduce into the various State Parliaments amendments of the law dealing with this matter that had become a public scandal.

Sir ALEXANDER PEACOCK.—Yes; it was brought under the notice of the Premiers' Conference by the ex-Prime Minister, Mr. Fisher.

Mr. WARDE.—The Premier of Queensland was the first Premier, I believe, to introduce a measure of this kind into a State Parliament, following upon the Premiers' Conference, and he was so satisfied with the discussion that took place that from that day until the present nothing has been done in connexion with that Bill in Queensland. During the last referendum campaign, when authority was sought to amend the trade and commerce section of the Federal Constitution, because of the difficulties of any State being able to control matters in which the whole of the States are concerned, it was said in opposition to the Labour Government's proposals, that the States had ample power. The Premiers' Conference admitted that this matter was of vital interest to the whole of the States. They admitted that it was impossible to do justice to the manufacturers and the public in the whole of the States unless the whole of the State legislatures passed similar legislation simultaneously. Notwithstanding that that resolution appears on the Minutes of the Premiers' Conference, the very first attempt that was made in Queensland failed to achieve any result. That justifies our statement that, under the trade and commerce sections of the Federal Constitution, the public have no protection against shoddy material, and that there is very little hope of any improved position resulting from any legislation that will be passed by any single State.

Mr. BAYLES.—That is not fair; we are going to pass this Bill.

Mr. WARDE.—There is a limitation in the second clause.

Mr. BAYLES.—We will soon deal with that.

Mr. WARDE.—Even if that clause is removed from the Bill, I am not satisfied that the manufacturers in the other States will not have certain rights under the Commonwealth Law, which will act with great disadvantage to manufacturers in Victoria. It is all very well for this Parliament to pass such legislation, but, under the Commonwealth Constitution, there has to be free trade between the States, and we cannot put any restriction on New South Wales manufacturers.

Mr. BAYLES.—I do not know about that.

Mr. WARDE.—I am not laying down a hard and fast rule. The proposition is a very difficult one to deal with—so difficult that the Queensland Parliament refused to pass a Bill unless the whole of

the State legislatures passed a similar Bill simultaneously, because otherwise Queensland manufacturers would be at a disadvantage compared with the rest of the manufacturers in Australia. I do not finally pass an opinion upon the matter, because I have not had time to go fully into it. I would have liked to have had time to look up the debates that took place in the Queensland Parliament, but, broadly speaking, so far as my memory serves me, the debate so satisfied the Queensland Government that the Bill would be placing Queensland manufacturers at a disadvantage as compared with manufacturers in other States, that they withdrew it. The Government admits itself that if this Bill is passed, and is not made operative generally throughout Australia, our people will be severely handicapped. If the interjections of the honorable member for Toorak are in accord with the Federal Constitution in regard to matters relating to trade and commerce, why should it be necessary for the Government to say in the Bill that the measure shall not come into operation until the sister State of New South Wales has passed a similar Act?

Mr. BAYLES.—If your argument is correct, we should wait until the whole of the States have passed the same Bill.

Mr. WARDE.—This shows that the amendment asked for at the last referendum was necessary to give the Federal Parliament power to enforce legislation of this kind. Six Parliaments have to pass legislation to accomplish an end, which could be achieved by the Federal Parliament passing one Act.

Mr. WATT.—To kill a mosquito, you would draw a whole battery of artillery.

Mr. BAYLES (to Mr. Warde).—Do you say that the manufacturer of shoddy stuff should not be put down.

Mr. WARDE.—No; I agree with other honorable members who have spoken. I am sorry I did not hear the speech of the Minister of Labour, but I was busy attending to some departmental work. I do not think there is any honorable member on this (the Opposition) side of the House who does not want as speedily as possible to prevent shoddy goods being sold. I do not believe that the traders themselves want to sell shoddy goods. Shoddy goods would not be sold if it were not for the unfortunate competition that causes the cut-throat business that is carried on by people trying to manufacture cheaper lines of goods. I venture to say that the unfortunate people who go into the shops, though they may think they are getting a cheap line of boots, believe that they are getting leather. They are very much surprised on the first wet day to find that when the children stand on a wet asphalt footpath the sole acts as a sucker. When the children lift their feet the blotting-paper soles are left on the footpath as the only relic of the fraud that has been carried on under the control and regulation of Liberal Governments ever since Victoria has been blessed with a Parliament. It is only since the proposal to hand over the entire control of trade and commerce to the Federal Parliament has been put forward that any proposal of this kind has been put forward by State Governments.

Mr. BAYLES.—That is not true.

Mr. WARDE.—It ill behoves the honorable member for Toorak to say that. He has been a supporter of that particular party in the Governments of the various States from Queensland, in the north, to Victoria, in the south. I know he has been responsible for what has taken place, and his malign influence is distinctly discernible in the asthmatic and consumptive coughs of thousands of children.

Mr. BAYLES.—I rise to a point of order. I know the honorable member for Flemington is only joking, but it is not fair even as a joke to make such a charge against me. One does not like to joke about these serious matters. No honorable member can charge me with not trying to assist humanitarian legislation to the best of my ability. I hope the honorable member for Flemington will withdraw the reference to my malign influence. It is not quite fair.

The SPEAKER.—I think the honorable member for Flemington will withdraw the word "malign."

Mr. WARDE.—Certainly; I have not the least desire to reflect upon the honorable member, but as I was informed in the earlier part of the day that the honorable member had been, or was, a "snob," I thought that he would not in the least mind my drawing attention to this matter. The main substance of the argument I was using was not a joke. During the whole time that so-called Liberal Governments were in power, prior to Federation, nothing was done to protect the public against spurious merchandise being foisted upon them. As the

honorable member for Williamstown pointed out, many other forms of adulteration are carried on besides the adulteration of boots and shoes. It is only since the Federal Labour Government asked for an alteration of the Constitution in order to hand over trade and commerce to the Federal Parliament, that the Liberal Governments in the States have become anxious about matters of this kind. I want to know why this legislation should apply to boots only, and not to other commodities that are adulterated.

Mr. SNOWBALL.—We deal with the adulteration of food in other measures.

Mr. WARDE.—It has been said that there are woollen goods manufactured in Victoria which contain scarcely any wool at all.

Mr. ELMSLIE.—A gold-marking Bill is very badly wanted, too.

Mr. WARDE.—Yes. The manufacturers of jewellery have waited on the Government from time to time asking that that matter should be dealt with. They say that jewellery is often marked 18-carat, when it is only 10 or 11 carats. The Federal Government have power to prevent such articles coming in from abroad, but they have no control over the manufacture and sale of those articles within the different States, with the result that wholesale robbery and fraud can be carried on, and not one finger is raised by the so-called Liberal Governments to protect the public.

Mr. CARLISLE.—It is just the same in New South Wales and Western Australia.

Mr. WARDE.—I believe that in Western Australia an Act has been passed protecting the public against the fraudulent marking of jewellery. I do not know what legal advice the Government have taken with regard to this Bill, or whether they have consulted Professor Harrison Moore, or any one else, as to whether it will not conflict with the Inter-State trade provisions of the Commonwealth Constitution Act. It is a question whether it is not an interference with freedom of trade between the States.

Mr. CARLISLE.—It is just about the same as the Pure Foods Act.

Mr. SNOWBALL.—This Bill does not deal with Inter-State trade at all.

Mr. WARDE.—I want to know what effect it will have on goods coming here from another State.

Mr. WATT.—You are not opposing the Bill, are you?

Mr. WARDE.—No, I am not.

Mr. SNOWBALL.—He is "stone-walling" it.

Mr. WATT.—That is a very unparliamentary expression.

Mr. WARDE.—I want to know what the position will be if a retailer in Victoria buys boots of this shoddy character which have been manufactured in another State. Would it not be declared unconstitutional as an interference with the Inter-State commerce provisions of the Federal Constitution?

Mr. MCCUTCHEON.—Can we not stop the sale of adulterated wine that comes here from another State?

Mr. WARDE.—I do not know. All I say is that the point I am raising is one for further consideration.

Mr. MACKEY.—We passed an Opium Restriction Act before the Federal Parliament did so. We had no power to regulate foreign trade, but we said that if any one were found in possession of opium here, he would be liable to a penalty.

Sir ALEXANDER PEACOCK (to Mr. Warde).—The Prime Minister of the Commonwealth asked the State Governments to bring in this measure.

Mr. WARDE.—It was the result of the action of an Inter-State Conference. I believe that the Queensland Government introduced a measure of this kind into the Queensland Parliament, but it was not carried into law, because it was said that the manufacturers of that State would be placed at a disadvantage as compared with those of any other States in which such a law had not been passed.

Mr. MACKEY.—I would like to see that Bill.

Mr. WARDE.—Yes. That is another reason why the second reading of this Bill should not be carried now. We should have an opportunity of looking up what took place in Queensland in connexion with the measure there.

Sir ALEXANDER PEACOCK.—I can see nothing in the correspondence relating to that.

Mr. WARDE.—I regret that the Government are determined to take the second reading to-day.

Sir ALEXANDER PEACOCK.—I said we would like to pass the second reading so as to affirm the principle of the Bill, and then we could consider it further in Committee.

Mr. WARDE.—When the Bill gets into Committee, we shall be confined to the clause that is before the chair.

Sir ALEXANDER PEACOCK.—The whole question can be discussed on clause 4.

Mr. WARDE.—Under those circumstances, I do not wish to continue the discussion, but I wanted information as to how our manufacturers would be affected. Now we all desire to protect the public against unfair trade. I do not blame the shopkeeper, or the manufacturer, or the public. As the result of competition, a shoddy article is manufactured, and for a certain time there is a market in which it is sold at a little lower price. A competition is set up with the more legitimate manufacturers, which is eventually reflected on the wage-earners. It is the shoddy article introduced by the unfair competitor which very often results in the unfortunate worker becoming the sweated victim in the end. If the Bill can be carried, and effectively prevent this sort of thing, then, notwithstanding that the control of trade and commerce has, to a certain extent, been handed over to the Commonwealth, the Government will have done some good by removing the conditions from which we have been suffering.

Mr. MACKEY.—I would like to explain very briefly the position. We have no power over foreign trade. If a merchant imports goods from the Old Country, we, as a State, cannot prevent them entering here. Once, however, he attempts to sell them to retailers or retailers attempt to sell them to customers, it is intra-State trade, and we have control over that. If goods are imported from New South Wales by a retailer, we have no control over that importation; but once the retailer attempts to sell those goods, we have complete control, for it is intra-State trade. I think that is the position, and that we have complete power to pass the Bill before us, although I have not had an opportunity of considering it in every little particular. I can quite understand the proviso that it must not come into force until New South Wales has passed a similar measure. Our wholesale makers have a market in Sydney and Riverina, and other parts of New South Wales, and they say, "Are you going to submit us to stringent regulations which our competitors in New South Wales are not subject to? Don't place those restrictions on us until the Sydney manufacturers are subject to the same restrictions. Then we will have fair play." It is for that reason that the Bill is to be held over until the other States have passed similar measures.

Mr. COTTER.—I have no desire to block this Bill, but the speech of the honorable member for Gippsland West was a remarkable one. Some little time ago that honorable member took a certain stand with regard to trade and commerce. He has shown us clearly that it is absolutely impossible for any one State to deal with trade and commerce. He pointed out that the manufacturer in Melbourne has his agencies in Sydney and the Riverina; and that if Victoria passes this Bill, and a similar measure is not adopted in New South Wales, our manufacturers will be injured, and the Sydney and Riverina trade will be handed over to the manufacturers of shoddy in New South Wales. Now, I want to go a little further with that argument. An exact copy of this Bill has been passed in South Australia, but they are not desirous of putting it into operation there until New South Wales and Victoria pass a similar measure. The honorable gentleman in charge of the Bill admitted that he would be glad to receive advice for the alteration of the Bill from honorable members on this (the Opposition) side of the House who are experts in this matter.

Sir ALEXANDER PEACOCK.—With regard to the technical definition, certainly.

Mr. COTTER.—If two or three States pass a similar Bill to this, and we alter it, where does the argument of the honorable member for Gippsland West come in? Is it not proof that the three, four, or five States concerned have not come to an agreement, and that they are probably not able to pass a uniform measure? That is a clear proof that that duty belongs to the Federal Parliament.

Mr. WATT.—You mean that the difficulty of passing a uniform Bill means that we should transfer such powers to the Federal Parliament?

Mr. COTTER.—I am not going as far as that. I am dealing with the argument that it was impossible to pass this Bill and put it into operation until New South Wales passes a similar measure, because it would injure Melbourne manufacturers in connexion with the New

South Wales trade. As long as New South Wales refuses to pass a Bill, the same shoddy work can go on in our State.

Mr. WATT.—As a matter of fact, this Bill was drafted in New South Wales.

Mr. COTTER.—It does not follow that it will be passed there. Every speaker has pointed out that, although he was in favour of a Bill of this sort to stop the importation or manufacture of shoddy, he did not think that the measure would accomplish it. If we are going to pass a measure here different from that passed in the other States, where does uniformity come in? I have a further objection to the Bill. It is an objection which applies to our pure food legislation. Providing the paper in which it is wrapped can be stamped to that effect, food can be adulterated under certain conditions. Only the other day a man was fined for selling sausages, not because there was an excess of adulteration, but simply because the paper was not stamped as prescribed. It is proposed to allow the use of shoddy in boots to be continued as long as they are stamped. That is set out in paragraphs (*a*) and (*b*) of clause 4.

Mr. SOLLY.—Under that clause manufacturers are allowed to do what they are doing now.

Mr. COTTER.—The honorable member for Toorak suggested that a certain subclause should be knocked out, and if that is done it will mean that a different Bill will be passed from that agreed to by the Conference.

Mr. BAYLES.—I object to any manufacturer who sells or tries to sell goods that are shoddy.

Mr. COTTER.—It will be essential for South Australia to amend its Act before this Bill is put into operation if it is altered in the way proposed.

Mr. BAYLES.—We want to clean our own stable first. Let other people clean theirs.

Mr. COTTER.—I do not think it is any use pursuing that argument. I do not want to take up the time of the House. The Government do not intend to bring this measure into operation until New South Wales has passed a similar measure. That may be twenty years hence. What guarantee have we that such a measure will be passed in New South Wales? I think that, if New South Wales intends to stamp out adulteration, it will not adopt paragraphs (*a*) and (*b*) of clause 4, but will legislate to prevent manufacturers from using paper or cardboard in making boots.

Mr. SNOWBALL.—The honorable member, by blocking the Bill, is giving manufacturers permission to continue that practice.

Mr. COTTER.—It is unfair of the honorable member to say that. I have not blocked the Bill, and, what is more, unlike the honorable member, I have been here listening to the whole discussion. I may say that I introduced a deputation of bootmakers to the Chief Secretary, when he was Premier, in 1909; and I have certainly given this class of legislation considerable attention. I was nominated to the Pure Foods Board in 1900, and have given measures in regard to food adulteration very serious thought. The Bill proposes to legalize what is being done to-day. Things which are being done to-day because the law does not cope with them will be made legal, and people will be able to do these things under the authority of this Bill. The main object of this kind of legislation should be to prevent certain things from being done.

Mr. WATT.—The Bill may not be, in its provisions, satisfactory to the honorable member, but the object is anti-adulteration legislation.

Mr. COTTER.—How is it going to prevent adulteration when it contains clause 4? I do not think the honorable gentleman knows what the Bill provides.

Mr. WATT.—I have handled this Bill ever since it came from New South Wales in the first place, and have conducted a lot of correspondence with the other States in regard to it.

Mr. COTTER.—Clause 4 will allow people to do what is now being done in defiance of the Federal law.

Mr. WATT.—In default of law.

Mr. COTTER.—The Bill will legalize something which is not now legal. When the Bill is in Committee, I shall move the omission of paragraphs (*a*) and (*b*) of clause 4.

The motion was agreed to.

The Bill was then read a second time, and committed.

Clause 1 was agreed to.

Clause 2, date of commencement of the Act.

Mr. WATT (Premier).—The House has affirmed the principle of this Bill, as would have been done before if we had not desired to hold the Bill up for the further consideration of other States. I do not think the Committee is prepared to consider the details of the Bill at present, and I shall therefore ask that progress be reported.

Progress was reported.

The House adjourned at five minutes past four o'clock p.m., until Tuesday, August 26.

# LEGISLATIVE COUNCIL.

*Tuesday, August 26, 1913.*

The PRESIDENT took the chair at four minutes to five o'clock p.m., and read the prayer.

## DEATH OF THE HON. JAMES BALFOUR.

The Hon. J. D. BROWN (Attorney-General).—It is once again my melancholy duty to inform honorable members that one of our members has died since we last met. The Honorable James Balfour died on Sunday evening last surrounded by his family, and after only a few days' illness. Honorable members who have been associated intimately with Mr. Balfour in the business of this House will mourn his death. Nevertheless, it is almost a matter of congratulation, if one may be permitted to say so, that, in the case of a man of Mr. Balfour's temperament, he passed away after a very short illness in the fulness of his vigorous mental power. To no man, perhaps, more keenly than to Mr. Balfour, would a lengthened illness have been a painful trial to pass through. Ever active as he was, none of those of us who were in this chamber last Tuesday, and saw how vigorously he debated certain matters then before the House, would have imagined that we were hearing his voice for the last time in this world, and that we should never see him again. However, the call came, and he has gone from us. We can now only do what we have had to do on many other occasions in regard to members who have passed away—speak about his character and about his reputation in this House. Then I will conclude by moving a resolution. Mr. Balfour was in many ways a remarkable citizen and a remarkable man. He was a public man and a prominent public man in Victoria for more than sixty years. Coming to Victoria, I think, in the early fifties, he was for some ten or twelve years in business and resident in Geelong, and since then in the city of Melbourne or its neighbourhood. From his very youngest days he appears to have been a most active public man. In the very first election of members of Parliament under our Constitution Mr. Balfour took an active part. He was, from his youngest days, associated with charitable works, and with religious and political organizations. For many years and up to the day of his death he had been an active organizer and manager of many charitable institutions. He was a man who took an intense interest in education, and particularly in religious education. Before the creation of the office of Minister of Public Instruction he was for some years a Commissioner of Education. I believe he conducted a Bible-class as a Sunday school teacher up to the very last week before his death. A friend of mine who is now a grey-headed old man, and a grandfather, told me often and often how much he and other men benefited fifty years ago by Mr. Balfour's instruction in that Bible-class. He was, as we know, a foremost man in the commercial world, and for many years he was a member of the Chamber of Commerce, presided over its deliberations for several years, and was also one of its vice-presidents. His first entry into political life was in 1866, when he was returned to the Legislative Assembly as one of the members for East Bourke Boroughs. He first entered this House in 1874, and he never ceased to be a member of it. Therefore, he was for thirty-nine, or nearly forty, years a member of the Legislative Council. He was, as we all know, a great supporter of his own church—the historic Presbyterian Church. In the early days, I understand that he assisted greatly in bringing about the union of many branches of that church which, at one time, were not in accord in many ways. The Parliament of Victoria can ill afford to lose such men; they are likely to leave a gap behind them. Very few men, indeed, live as Mr. Balfour did, for nearly

eighty-four years, and enjoy the robust, good health, the vigorous physical attributes and mental power that he did. Such men are few and far between, though in the early days some of the most active men, physically and mentally, came to this country from the Old World. We cannot but deeply regret his death, and we cannot but place on record our appreciation of the great services he rendered the people of Victoria in the directions I have indicated, as well as in many others that I cannot remember at this moment. So far as social and political work is concerned, he was, perhaps, one of the most active and earnest men in this community. As to his earnestness, I may say that no one who ever heard him speak in this House on any subject —and he never spoke on a subject on which he had not prepared himself— could say that he had not considerably enjoyed it. His convictions on many matters were very strong, and, as we know, he, by his eloquence, impressed them most deeply on our minds. I move—

That this House hereby records its sense of the great loss that has fallen upon it through the death of the Hon. James Balfour. His devoted labours to the Parliament of Victoria for 43 years, nearly 40 of which were spent in the Legislative Council, both as a Minister of the Crown and also as a private member, and the valuable services rendered by him as a public man to the State of Victoria, caused him to be regarded by all classes of this community with respect, affection, and honour.

The Hon. W. S. MANIFOLD.—It is a very true saying that there is nothing more uncertain than life. Coming as we do this afternoon to this chamber to pay the very last possible tribute of respect and esteem to our late brother member, the Honorable James Balfour, it seems almost impossible to realize that it was only this day last week that he was amongst us, apparently hale and hearty, and speaking on a matter before the House with all his accustomed vigour. I had not the privilege of knowing him intimately, although I knew him for a good many years. During the last two or three years I got into the way of very often consulting him about the business before the House, and the more intimate association that I obtained in that way with him at once confirmed the respect and esteem that I had for him from the very first time I entered the House. Indeed, as time went on, it seemed to me that I was developing a real affection for him, so much did I admire him. He was a man you could not come into contact with without admiring his splendid, clear method of grasping the first principles and seizing all the essential points of any Bill laid before him. I never came away from a conversation with him without feeling that he had placed at my disposal the whole of his great knowledge and his vast parliamentary experience. It was quite a privilege to know him in that respect. There are other members of the House who can speak more of him in the social sphere, and as to the immense amount of good he did amongst the young men of the State. Personally, I did not come into contact with him in that way, and I shall not speak of him in that relation. As a debater his clear voice and perfect choice of language, and the way he had of going straight to the heart of things without saying an unnecessary word, certainly marked him at once as a man that very few could emulate. He served his adopted country for a great many years; in fact, more years than would cover the entire lives of most men. During the whole of that time he served his country with great honour to himself and with great advantage to the State. His life extended far beyond the allotted span of three score and ten years, and during the whole of that time his courtesy and kindness to every one must have struck all of us. Nothing that can be said can add in the slightest to the respect and affection that all his brother members, including myself, had for him. To sum him up, I may say that he was a true-hearted Christian gentleman. There is no higher term of appraisement that can be bestowed on any man than to say that he was a true Christian gentleman.

The Hon. D. MELVILLE.—I have just returned with other honorable members, including yourself, Mr. President, from taking part in the solemn ceremony at the West Hawthorn Presbyterian Church, where the body of the late Mr. Balfour rested before us, surrounded by men distinguished in various avocations. The extraordinary demonstration which we saw there, and the large concourse of people which lined the streets, were a fitting testimonial of the regard and esteem in which our late colleague was held by all sections of the community. The late Mr. Balfour met me under such circumstances in 1853 that I cannot but allude to them. I arrived here on the

2nd June of that year, and took lodgings in Latrobe-street. I went to church at John Knox's Church, opposite the Public Library. The minister informed us that there would be a meeting of young men on Monday night in the church hall. I thought I should like to see who were there, and I therefore went, about 8 o'clock in the evening, to the church hall, where I was introduced to Mr. Balfour. I shook hands with him, and found that he was engaged in a great public work. In my early days almost all the educated and religious young men took an interest in the masses, met them, and advised them, prayed with them, and kept in touch with them, so as to make really good citizens of them. Last Tuesday I sat down in this chamber with Mr. Balfour, and was informed by him that he was still engaged in his delightful work of trying to save the young. The conversation turned slightly on religious matters, and the new forces that many of us are engaged in trying to understand, and that, perhaps, cause great differences amongst very religious men. Mr. Balfour gave his life's work to the public from that point of view. His motto was, "What can I do to make the world better?" The clergymen who surrounded the coffin to-day bore further evidence to the fact that the late Mr. Balfour was a great man. Of the many great men that I have met, both in Scotland and here, he was the man who came closest to my conception of what an ideal man should be. My impression is that the present generation do not have the requisite number of men who take that deep interest that the late Mr. Balfour took in that practical question, the development of the religious and moral teaching of the young. I have taken very little part in that work, I admit. That may be owing to circumstances that I do not want to mention here; but I am satisfied that our late colleague, who is now under the soil, ought to be classed amongst those men, if there be any such, who attained perfection. As a politician he was engaged in the same sort of work as in his religious activities—the protection of the public. I used to joke with him about his accommodating way of making peace between contending parties in politics; but he never undervalued the opposing side. His message was always a message of peace. I came into the House in 1881, and all the members who were here then have departed. How many have come into the House since that time and disappeared? It is rather a sorry thing to think that it is said of us out of doors that we are an immovable, Conservative crowd. Why, the House is practically new every few years. As a rule, men are pretty well advanced in years even before they come here, and, of course, the time comes when death takes them off. Our late colleague will leave with us the feeling that there are not many men who are equal to him. The remarkable thing which still remains in my mind is that we should have had a man who would give himself up so completely to religious work. He used to inform me with great pride about his Sunday school class. He used to mention it with delight. I may say that he welcomed me at the John Knox Church with the full belief that within a week I would join in such work as he was doing. I turned to the other side, and walked in another street; but I admired Mr. Balfour both in the House and out of the House. When I saw the assemblage to-day, consisting of men of note in religion, politics, and the mercantile community, imbued with a desire to do honour to the late Mr. Balfour, I felt that we as a House would be in no way behind in expressing our appreciation of the late honorable member's worth.

The Hon. A. O. SACHSE.—Once more the angel of death has laid his cold hand on one of our number, and this time it may be said has taken from us one of our most valuable members—perhaps one of the most valuable members that Parliament has ever had, for in the late Mr. Balfour Parliament had a member who was not only experienced, but had the great gift of logical eloquence, which enabled him to put his views before the Chamber in a way that we must all admit was perfect. The late Mr. Balfour had many attributes, apart from that wonderfully kindly disposition which he possessed—a disposition which appeared to dictate to him to be kind to all, and to help every one, no matter what their circumstances of life might be. He had a wisdom which used to surprise many of us when he spoke. His words were always kindly, and during the twenty-one years that I had the privilege of sitting alongside him in this chamber, there is not one occasion on which I can remember him saying a harsh personal word of

any honorable member. There were hundreds of occasions when he would even go out of his way to smooth over or soften a dispute, in order to bring about, as Mr. Melville has said, a compromise between contentious parties, provided that compromise did not affect any of the principles which he held. In the business community of Melbourne, the late Mr. Balfour stood in the front rank, and in the highest position. Of his religious work I need say nothing. There has been a glowing tribute paid to him to-day by those who knew him best in that great work; but I do know what his work amongst the young men of Melbourne was. Although it may be thought that everything is known of that phase of his work, but little is known of the great good that Mr. Balfour was doing. There are hundreds of young men in this State who owe the whole of their prosperity in business, not merely to the religious advice and moral assistance given to them by the late Mr. Balfour, but also to the financial help he gave them to enable them to make their first start in life. The old man's keen, kindly eye would always glisten whenever he was approached on any subject having anything to do with the elevation of the young. The Young Men's Christian Association stands to-day as a living tribute to him. We could go on adding *ad infinitum* to the list of good works done by that man. There would appear to have been no limit to his philanthropy, and I think his purse must have been strained to the utmost from January to December. Amongst the good works that he not only strove to do, but did, was the work he did in this House. *Hansard* will tell us of the great work that the late honorable member did as a private member of the Council and as a Minister. It will tell us of his great resolution in standing like a valiant soldier by any cause he championed; but whilst championing any cause he never took any action but what was of the highest possible standard. We have lost not merely a valuable member of the House, but a valued and valuable friend. We can do nothing. We can only say what a pity it is that our community should be robbed of such a man just in the very zenith of his fine work, and when it was producing a great moral effect on the community. Just when he was stiffening up the men as a good general in battle stiffens up his soldiers, the late Mr. Balfour was taken away from us. I suppose that when a member of the House lives to the ripe age of eighty-four years, we should be grateful and glad that he has been so long with us. We must leave him—

> With his limbs at rest
> In the quiet earth's breast,
> And his soul at home with God.

The Hon. J. STERNBERG.—I desire, with other honorable members, to bear testimony to the many excellent and great qualities the late Mr. Balfour possessed. As one of the senior members of the House, I was associated with him for many years, and I feel that we have lost a member whose place indeed it will be hard to fill. In times gone by, when politics were not running smoothly, as they are to-day, our late honoured friend was a leader of this House—a man amongst men, who was prepared at all times to recognise his obligations to his fellow citizens, and at the same time determined to carry out his political views, and the views of the party to which he belonged, in such a way as would command the respect and admiration of the citizens, not only of this State, but of other States. The name of the late Mr. Balfour stands out in letters of gold, not only in Victoria, but in other States. I have had the privilege of meeting him in other States, and I know the great appreciation that has been extended to him there in consequence of that excellent spirit which prevailed with him throughout his life. I remember occurrences in connexion with crises many years ago in this Parliament which we would marvel at to-day; and on those occasions our late friend was always willing and anxious to counsel and give good advice, so as to bring about peace and quietness with honour. I deplore that we have lost a member whose place it will be very hard to fill.

The Hon. R. BECKETT.—I would like to add a word or two to what has been said by way of tribute to the late Mr. Balfour, as his colleague in the representation of the East Yarra Province. When I was elected a few weeks ago, I counted it a privilege that I should sit with him, and I looked forward to spending many years with him, and having the benefit of his wisdom and guidance in connexion with the business of this House. My own feeling towards him was always one of very deep respect, almost reaching reverence, and I know that throughout the

whole of the Province that he represented for so many years there was the strongest feeling of affection for him. His constituents had an opportunity to express that feeling when he was opposed for re-election to the Council. The electors, by a very large majority, showed what perfect trust they had in him and the confidence they had in his actions, and they returned him to this House with that assurance behind him to guide him in his future actions. I feel that the East Yarra Province and the large number of electors it contains have lost a distinguished representative, and that it will be very hard indeed to fill his place. As his junior colleague, I add my tribute to his memory.

The PRESIDENT.—Before putting the question, I wish to say a few words. I will first read a letter which I have received from His Excellency the Governor, as follows:—

State Government House,
Melbourne, 25th August, 1913.

Dear Mr. President,

It is with very sincere regret that I have learnt to-day of the death of the Hon. James Balfour, M.L.C. In him the State of Victoria loses its oldest public servant, and one whose long and well-spent life will always remain a shining example to generations to come.

Mr. Balfour's record of nearly 40 years' continuous service in the Legislative Council is, I think, unique in the history of the State, and I would beg you to accept for yourself and your fellow members my expression of warm sympathy in your distinguished colleague's death, and of my sense of a great loss which it will be difficult to repair.

Believe me, dear Mr. President,
Yours very truly,
JOHN FULLER (Governor).

The Hon. J. M. Davies,
President of the Legislative Council.

By Mr. Balfour's death I have lost a lifelong friend, our friendship extending over fifty years. Honorable members have heard the references made to-day to the interest which Mr. Balfour always took in young men. Well, I was a young man in Geelong, shortly after Mr. Balfour went there—I think in 1854. Somehow he managed to know me, and he took an interest in me, and helped to impress on me his personality, and from that time to this there always existed the warmest friendship between us. This House has lost its most honoured member. When Mr. Balfour first entered it, in the old days, differences between the two Houses were constantly arising, and Mr. Balfour was one with those great men who were then members, Sir Charles Sladen, Mr. Fellows, and later on Sir Frederick Sargood, Mr. Service, and Mr. Fitzgerald—men, perhaps, who are not represented here at the present moment. They were men who in the past achieved greater things than I think we, as members to-day achieve. Mr. Balfour was the foremost debater in this House. Apart from his splendid voice, and his great gift of eloquence, he had the great faculty of logic. He would sum up a debate after nearly every member had spoken, and pick out all the fallacies of those who differed from his views, and he would do it in a good-tempered way, but do it effectually. I do not think we have had in the Legislative Council such a debater as Mr. Balfour was at the time he was in his glory and his prime. Of course, he retained his youthfulness and his vigour to the very last, but of late there do not seem to have been the same opportunities in this House as there were in the older days. Mr. Balfour first entered the Legislative Assembly in 1865, and Sir Henry Wrixon entered that House in 1868, so that for a short time Mr. Balfour and our late esteemed President were colleagues in the Legislative Assembly. Afterwards they met again in this House. But I think that the greatest work that Mr. Balfour did, notwithstanding his great work in connexion with political matters, was the service that he rendered to the Church. As Dr. Rentoul said, "A standard-bearer has fallen, and we do not know who will take his place." Foremost in the General Assembly, in the Sunday-school as teacher and as superintendent, as teacher of his Bible class, Mr. Balfour did more to influence, to educate, and to uplift young men of the particular place in which he lived at the time than any other person in Victoria. Mr. Balfour not only took the deepest interest in every member of his Bible class; he made each member his personal friend. He not only taught them, he went for excursions with them. At Easter time he would take them, perhaps, to Healesville or some other place, and camp out with them for a week. He would have them down to his place at Queenscliff, and he would follow and look after them, and if they were in trouble they went to him for help, and they got it. Not only did he attend to them while they were his pupils, but he followed them throughout their lives. He did not let go when he once got his grip

over them, and to my knowledge, from time to time, he has had from old scholars in various parts of the world testimony as to the great good and the great help they received from him. As has been said, Mr. Balfour was a man of many parts, because not only did he take up his political life with all his energy and force, but he took up the work of the Church and a Christian life with perhaps greater energy and greater force. Apart from that, he was a good citizen, taking his part in the business work of the community. So that we have lost one whom we could ill-afford to lose. And yet, when we think of his ripe old age, and that he was blessed with the full possession of his vigour and his faculties to the very end, we can only be thankful. We had a melancholy duty to-day in attending his funeral. In what took place in the church we saw the esteem and affection in which he was held, and how his work was recognised. I may say that there were many beautiful wreaths placed upon the coffin. To one of them was attached a card with these words—"My beloved colleague." Those few words conveyed the affection and esteem of our late respected fellow-member, the Honorable Edward Miller, a colleague of Mr. Balfour's of over twenty years' standing; so not only members of this House, but those who have been its members, have continued their affection and respect for our dear departed friend. I will now put the motion.

The motion was agreed to unanimously.

The Hon. J. D. BROWN (Attorney-General).—I now move—

That the House do now adjourn out of respect to the memory of the late Honorable James Balfour.

The motion was agreed to.

The House adjourned at twenty minutes to six o'clock.

# LEGISLATIVE ASSEMBLY.

*Tuesday, August 26, 1913.*

The SPEAKER took the chair at twenty-seven minutes to four o'clock p.m.

## DEATH OF THE HONORABLE JAMES BALFOUR, M.L.C.

Mr. WATT (Premier).—Yesterday the press apprised honorable members of the sudden and unexpected death of a member of another place—the Hon. James Balfour. Mr. Balfour was of very advanced age, far past the allotted span of life, but still his death was very unexpected, because only last week he was apparently in the full possession of his accustomed vigour, and took his part this day week in the discussion of some of the public problems presented for the consideration of honorable gentlemen elsewhere. Mr. Balfour had a very long and distinguished career. Forty-eight years ago, he was first elected as a member of the Legislative Assembly, and he sat here for the best part of two Parliaments, when he voluntarily resigned, to concern himself, I understand, about other affairs outside. But, in the year 1874, before many of us took any interest whatever in politics, he joined the Legislative Council as a member for one of the provinces, and he has sat continuously as a people's representative there ever since, so that, apart from his services during the great fighting times as a member of this Chamber, he was in the fortieth year of continuous work in the Upper House of this country. If that is not an actual record, it is, at least, so rare that it is worthy of our respectful recognition and admiration. Mr. Balfour, in addition, occupied a position in two Administrations—the Gillies Government and the McLean Government—of which he was an honorary member, and as a junior member of the latter administration I had the privilege of sitting with him as a colleague for some eleven months. I look back now with very vivid recollections of his personal character and his great value to the Administration as an able counsellor and advocate in another place. His death removes another of the few remaining links with the stormy political times of the sixties and seventies, to which I have referred. Mr. Balfour was a man of extraordinary qualities. He had immense mental and physical activity and a great depth of conviction, which impressed all with whom he was brought into contact. He was a doughty champion of many spiritual and social causes, prominent among which was the strict observance of the Sabbath. If I were asked to state his dominant characteristics, I would say that they were superabundant energy, strong determination in the prosecution of his convictions, and the great depth of sincerity which, as I have said, impressed all who were associated with him. He has been removed to his reward, and he goes there

with the unqualified respect of all who knew him. The Government, having considered his distinguished services, think that the proper thing is to adjourn the House to mark our respect for his memory and career. We offer to his sorrowing relatives all we can offer, and that is our sympathy with them in their great sorrow, and our testimony as fellow workers that his life was full of rich endeavour. I move—

That out of respect to the memory of the Hon. James Balfour, M.L.C., the House do now adjourn until half-past seven o'clock this day.

Mr. ELMSLIE.—I regret very much indeed the necessity of seconding a resolution of this character. I was not associated, nor have the members of my party been associated, with the deceased gentleman, otherwise than in a political sense. We have not had the privilege or honour of being associated with him in the way the Premier has, but I did have the pleasure, in a Conference between the two Houses, of being brought into close contact with Mr. Balfour, and was wonderfully struck with his keenness, his ability, and his integrity. He is one of those figures in this Parliament of ours that have always appealed to me. I could not but recognise that he took a keen interest in political matters, and that he was earnest and sincere, and, as far back as I can recollect, he has been a conspicuous adviser in the law-making of this State. No matter on what side of the House we sit—we have had, unfortunately, to say so on many occasions—in a sad hour like this, all political feelings are cast aside, and we feel genuine sorrow and regret for the distinguished member of Parliament who has passed away. I sometimes think it is to be regretted that some of the experience which has been gained by men who have loomed large and taken a very active part in making the history of this country could not be handed on to those they leave behind, so that the country might continue to get the benefit of their ripe judgments and large experience. I also sometimes think that we do not pay a deep enough tribute to the memory of these old pioneers, who undoubtedly, from their stand-point, have served the country so faithfully and so well. No matter to what party they may have belonged, I would like to see their memory kept green in a somewhat more substantial way than by the mere carrying of a resolution of sympathy. There is no doubt that Parliament honours itself when it honours the memory of one of its distinguished members by carrying a resolution of sympathy and adjourning as we propose to do, and passing on these resolutions to his sorrowing relatives, but for these old fighters of the past I should like to see some more lasting monument, which would be an incentive to others to carry on their work with that deep sense of conviction and earnestness that distinguished the late Hon. James Balfour. I second the resolution.

The SPEAKER.—Before putting the motion to the House, I would like to say a few words myself. I have known Mr. Balfour for a great part of my life, both in the city and in Parliament, and I always found him an upright gentleman, who was never afraid to enter into any contest where he thought his presence would do good. He was never a man to say, "God give us peace in our time," but if he saw a wrong to be righted, he went into the fight with heart and soul, and he always fought fair. Therefore, now that he has gone to his reward, he carries with him, as has been fitly stated, the respect of the whole community.

Mr. BAYLES.—As one who knew Mr. Balfour, not politically, but personally, I wish to add my meed of praise. He was a man you could not help admiring and liking. He was a Christian gentleman who lived up to his principles. What he thought was right he fought for, and he fought for fairly. When my time comes to go out, may I go out like him—with the respect and reverence of every one.

The motion was agreed to.

The House adjourned at a quarter to four o'clock, until half-past seven o'clock.

The SPEAKER resumed the chair at twenty-five minutes to eight o'clock.

## STATE COAL MINE.

### INCREMENTS TO EMPLOYÉS.

Mr. LEMMON asked the Minister of Railways—

1. If he is aware that the Railways Commissioners are not carrying out the provisions of section 89 of the Coal Mines Regulation Act inasmuch as they have declined to pay the half-yearly increments to certain employés of the State Coal Mine?

2. If he will direct that the Commissioners must carry out the provisions of the Act of Parliament and also that the effect of the operation of the Act shall be retrospective from the date the Commissioners departed from the operation of the law?

3. If he will insist that, whatever may be the policy of the Commissioners, the employés concerned will not suffer any monetary loss from that which the Act referred to provides for them?

Mr. A. A. BILLSON (*Ovens*—Minister of Railways).—From the reply which I have received from the Railways Commissioners it does not appear to me that they are violating in any way section 89 of the Coal Mines Regulation Act. The Commissioners state—

Section 89 of the Coal Mines Regulation Act, No. 2340, *inter alia*, provides—

> "that the services of all persons previously appointed under this power shall immediately on such vesting be and become transferred to the said Commissioners subject to the terms and conditions of their employment as if the same had been actually entered into with the said Commissioners,"

and, although it was arranged by the general manager, with the approval of the Honorable the then Minister, that certain clerks should be granted half-yearly increments, the payment of such increments was not one of the conditions of their employment, and when the control of the State Coal Mine was taken over by the Commissioners it was decided that the increments to bring the salary of these officers up to the maximum of their classification should, as in the case of all other officers, be granted only at the expiration of each twelve months.

In each case the amount of the yearly increment will, subject to the maximum classification, be not less than double the amount of the half-yearly increment previously suggested.

## BAY EXCURSION STEAMERS.

### CONTRACTING-OUT CLAUSES ON TICKETS.

Mr. ROGERS asked the Premier—

Whether anything has been done in the matter of dealing with the contracting-out clauses printed on the bay excursion tickets which were recently the subject of severe strictures by His Honour Judge Box; if not, will legislation be introduced early with the object of making such contracts illegal, as the new excursion season will shortly commence?

Mr. WATT (Premier).—Yes, we have done something in connexion with this matter. A Bill has been prepared which I have in my hand now, and which will be introduced in the House at once.

## SMALL BUILDING SITES.

Mr. BAYLES asked the Premier—

If it is the intention of the Government to prevent overcrowding by introducing a Bill this session to fix the part of any residential allotments that may be covered with buildings; if not, does the Government intend to introduce any other method of dealing with this evil.

He said—I should like to point out to the Premier that I have been informed on reliable authority that there are now blocks being cut up 52 feet by 21 feet in size. It seems in a city such as ours a disgrace that this should be allowed.

Mr. WATT (Premier).—I quite agree with the honorable member that cutting up land into such small allotments for building purposes means providing for future slums. The Government has given a lot of attention to the question, and it has two measures which will deal with it in different aspects. One measure is to be introduced this session to empower municipalities to deal with the cutting up of blocks themselves, if they desire it, for the purposes of workmen's homes. In the other measure we hope to provide against such cases as the honorable member has stated.

## PRICE OF CORNSACKS.

Mr. KEAST asked the Minister of Agriculture—

1. If he is aware of the very high price of cornsacks quoted by the merchants of Melbourne for the coming harvest, viz.:—7s. to 7s. 3d. per dozen for a 3-bushel bag, which works out on a basis on a 15-bushel crop at 3s. 1½d. per acre?

2. If he has caused any inquiries to be made as to whether the merchants in Calcutta would accept a much lower rate for a large parcel if sold direct to the farmers?

3. If he will, on behalf of the farmers of Victoria, communicate at once with the leading mills of Calcutta, and ascertain the lowest price for a large order, say, 1,000 bales?

Mr. GRAHAM (Minister of Agriculture).—I am fully aware of the circumstances stated in the honorable member's question. I am fully aware of the high price ruling for 3-bushel cornsacks in the Melbourne market, and also well aware of the cause of the rise in price, owing to the abnormally high value of the raw material in the Calcutta market, which is now quoted at from £27 to £31 per ton as against £21 10s. at same time last year. This is brought about by the estimated diminution of this year's crop by about 2,000,000 to 2,500,000 bales. Supplies in sight are likely to show a large deficiency for the world's requirements, hence the increase in price. For the information of honorable members, I would like to point out that the present price of raw jute in Calcutta is £31 10s. per ton, or 31s. 6d. per cwt. C.I.F. United Kingdom. C.I.F. United Kingdom is practically equal to C.I.F. Australia, as cost in insurance and freight is virtually

the same. One cwt. of raw jute is required to make 4 dozen of cornsacks thus: 48 cornsacks, each 2¼ lbs., equal 108 lbs. In the manufacture of 48 cornsacks, it is not much to allow as waste 4 lbs.—total, 112 lbs., or 1 cwt. If we divide 31s. 6d. (cost of jute) by 4 dozen (48 cornsacks), it would work out at 7s. 10½d. per dozen, without cost of manufacturing and Calcutta merchants' profit. Of course, this calculation is based upon the cost of first mark raw jute, and it is probable that cornsacks are not made out of such fine quality. I think, therefore, it would be fair to state that the cost of jute for cornsack manufacture would be about £28 per ton, and this would work out roughly at 7s. per dozen without freight or insurance. (2). Yes; I have made full inquiry, and find that the margin of profit now being obtained by the merchants here is so small that it would be impossible to receive any concession in price by placing a 1,000-bale order with the Calcutta merchants. (3). I have cabled to Calcutta asking for a quotation for 1,000 bales, but so far have not received any reply.

## CONVERTIBLE CROWN LEASES AND MORTGAGES.

Mr. BAYLES asked the Minister of Lands—

Whether, in all cases where the land in a convertible Crown lease is subject to a mortgage, the Lands Department gives to the mortgagee, as well as the Crown lessee, notice of the fact that the rent secured by such Crown lease is unpaid; if not, will the Department in future give such notice?

He said—I understand that, in some cases where these leases are mortgaged, large amounts of rent have accrued due to the Crown, and no notice has been given to the mortgagees.

Mr. H. McKENZIE (*Rodney*—Minister of Lands).—In cases where Crown land is held under a convertible lease, which is subject to a mortgage, it is not the practice of the Department of Lands and Survey to give a registered mortgagee notice that rent due under the lease is unpaid, unless prejudicial action is proposed to be taken. It does not appear advisable to depart from the practice indicated, as notification to the mortgagee of default by a lessee, in case in which no adverse action is contemplated, might tend to unnecessarily injure the credit of a lessee.

## INFORMATION REGARDING UNEMPLOYMENT.

Mr. ELMSLIE (in the absence of Mr. HAMPSON) asked the Minister of Labour—

If he will take steps to collect and systematize information regarding unemployment in the various trades and industries throughout Victoria; if so, will this information be made available monthly, at a nominal cost, so that persons desiring employment may have some intelligent direction where to go, and employers may be given an opportunity of making known their needs?

Sir ALEXANDER PEACOCK (Minister of Labour).—In reply to the honorable member, I would say that not only has the phase of the question referred to by the honorable member been receiving my consideration, but also other phases in connexion with industrial laws. A question of policy is involved, and the matter has been receiving my attention, and the attention of officers of the Department, for some time. The whole subject will have to come up for consideration by the Cabinet, and I hope to make an announcement at an early date.

## SUGARLOAF WEIR.

Mr. M. K. McKENZIE (*Upper Goulburn*) asked the Minister of Water Supply—

1. If there is any truth in the report that it is intended to withdraw the survey party now engaged in making a survey of the land required in connexion with the proposed weir on the Goulburn at a site known as "The Sugarloaf" before that work is completed?

2. If he can give any information as to when the construction of that weir is to be commenced?

3. If, in view of the fact that the Darlingford cemetery will be submerged when the weir is constructed, he will provide a suitable area in substitution therefor, and have the remains of persons interred in the present cemetery removed thereto free of expense to their relatives?

Mr. GRAHAM (Minister of Water Supply).—The answer to the first question is that it is not intended to withdraw the survey party now engaged in making surveys at the site known as Sugarloaf before all investigations necessary to the preparation of plans and estimates are completed. The answer to the second question is that it is not proposed to begin construction of the weir until the investigations which must precede construction are completed, and there is an assured demand for the water at prices which the cost of this work will render necessary. With regard to the third question, if the construction of this weir

requires that the Darlingford cemetery be removed, a suitable area for a cemetery will be provided, and the remains of the persons interred in the present cemetery will be removed free of expense to their relatives.

## FRIENDLY SOCIETY LEGISLATION.

Mr. LEMMON asked the Premier—

If, in view of the statement of the Federal Government that their policy includes the establishment of a scheme of national insurance which will take over the work of Friendly Societies, which work is at present being carried out so efficiently by these societies in this State, he concurs in handing over to the Parliament of the Commonwealth the State's power to legislate for this the most solvent friendly society State of Australia?

Mr. WATT (Premier).—In reply to the honorable member, I would say that the details of the national insurance scheme proposed by the Commonwealth Government have not yet been disclosed. It cannot therefore be stated to what extent, if any, it will affect the operations of friendly societies in this State. The question of handing over to the Commonwealth Parliament the State's power to legislate for friendly societies in this State has, therefore, not arisen.

## WHEAT COMMISSION'S REPORT.

Mr. LANGDON asked the Minister of Agriculture—

If it is a fact, as reported in the public press, that he has referred the report of the Wheat Commission to certain officers of his Department for investigation and report; if so, have such officers reported to him thereon, and will he submit a copy of such report to the House?

Mr. GRAHAM (Minister of Agriculture).—I desire to inform the honorable member that the Wheat Commission's report was referred to a sub-committee of the Cabinet, and the sub-committee is now dealing with it. It will submit a report to the Cabinet at an early date.

## APOLLO BAY TO MOUNT SABINE ROAD.

Mr. HOGAN asked Mr. JAMES CAMERON (Honorary Minister), in the absence of the Minister of Public Works—

If it is a fact that a sum of money was voted last year for the Apollo Bay to Mount Sabine-road; if so, why was the money not spent on the road for which it was granted?

Mr. JAMES CAMERON (*Gippsland East*—Honorary Minister).—No grant was set apart last year for the Apollo Bay to Mount Sabine-road, but a sum of £188 16s. 3d. was re-voted for expenditure by the councils of the Shires of Colac and Winchelsea, on the main road to Apollo Bay, being the balance of grant previously provided for this road, but no action was taken by the councils to claim the amount. The Minister of Public Works has promised the council to recommend that the amount be again re-voted.

## FLOGGING OF BOYS AND GIRLS.

### TRAINING SHIP "JOHN MURRAY."—NEGLECTED GIRLS' HOMES.

Mr. JEWELL asked the Chief Secretary—

1. If it is true, as stated in the newspaper *Truth*, that boys on the training ship *John Murray* have been flogged with flagellators on their bare skins; if so, will he take steps to stop such cruelty?

2. If the statement in the same newspaper is true that young girls in neglected girls' homes, ranging from 16 to 18 years of age, have been brutally flogged on Saturdays in the presence of other girls in these institutions for misbehaving themselves during the week; if so, will he take steps to stop this extreme brutality?

Mr. MURRAY (Chief Secretary).—The reply to question No. 1 is No. I have received a memorandum from the Hon. J. A. Boyd, M.P., who is chairman of the committee of the *John Murray* training ship.

Mr. LEMMON.—Do you know the paper mentioned there, *Truth?*

Mr. MURRAY.—I have heard of it. The regulations for punishment issued by the training ship committee to the Captain Superintendent prohibit more than six strokes being given, and those must be on the outside of the pants and in the captain's presence. The thicker the boy's pants the less he feels the strokes. The punishment is administered with a leather strap 3 inches wide.

Mr. J. W. BILLSON (*Fitzroy*).—What part of the pants is it applied to?

Mr. MURRAY.—That part on which the honorable member used to receive punishment when he was a boy at school. The answer to question No. 2 is also No. The fullest inquiries have been made, and there is absolutely no foundation for either of these reports.

## QUOTATIONS OF AUSTRALIAN WHEAT IN LONDON.

Mr. PLAIN asked the Minister of Agriculture—

1. If his attention has been drawn to the statement appearing in the *Leader* newspaper of the 2nd August instant, wherein it is stated that the price of Australian wheat in London was 5s. 2d. to 5s. 3d. per bushel, according to the *Mark-lane Express*, and upon the same date in the Melbourne market the price being paid was 3s. 8d. per bushel, which shows a remarkable difference of 1s. 7d. per bushel against the wheat-growers?

2. In view of the fact that freight and other charges do not exceed 10d. per bushel, does it not appear to him that the producers of this State are being unmercifully fleeced by the middlemen?

3. What action he proposes taking to prevent the wheat-growers being robbed in this manner?

Mr. GRAHAM (Minister of Agriculture).—The answer to the honorable member's first question is, Yes. The issue of the *Mark-lane Express* referred to by the *Leader* was that of 23rd June, which quotes Australian wheat at 40s. to 41s. per quarter of 496 lbs. *ex* granary in London. The Australian quarter is 480 lbs., or 8 bushels of 60 lbs. as against 8¼ bushels in the Mark-lane quarter (8¼ x 60, equals 495), so that the Mark-lane quoted price in terms of the Australian quarter equals 39s. 2d., or 4s. 10¾d. per bushel, and *not* 5s. 2d. or 5s. 3d. per bushel, as wrongfully stated by the *Leader*, which paper frequently misleads the wheat-growers by suppressing the fact that Melbourne quotations are for a quarter of 480 lbs. f.o.b., Melbourne, as against the Mark-lane quarter of 496 lbs. c.i.f. and exchange and landing and storage charges added. The Department of Agriculture on frequent occasions has had to put the *Leader* right on this matter. Mark-lane quotations must always be reduced by one-thirtieth when being compared with Melbourne prices (1-30th of 496 equals 16, and 496 minus 16 equals 480). So that the difference between the Mark-lane quotation and the Melbourne quotation on 23rd June (average 3s. 8½d.) was 1s. 2d. and not 1s. 7d., as stated in the question. Taking the cost of freight at 10d., as stated in the question, this leaves a difference of 4d. per bushel, out of which has to be paid insurance, exchange, London wharfage dues, cartage to granary, and handlings into and *ex* granary, storage charges, &c. These charges vary according to the time the wheat is held, but may frequently amount to 4d. or 5d. per bushel, so that the Mark-lane prices and the Melbourne prices on 23rd June were practically identical. In view of the above, I do not agree that "the producers of this State are being unmercifully fleeced," as stated in the honorable member's second question. As to the third question, I only propose to take action in the direction of warning the farmers of the State that the figures quoted by the *Leader* on these matters are usually unreliable.

## HOSPITALS AND CHARITIES BILL.

Mr. WATT (Premier) moved the second reading of this Bill. He said—I have the honour to propose the second reading of a Bill to consolidate and amend the law relating to hospitals and charities and for other purposes. This Bill, I may say, is introduced for the third time. On two previous occasions the Bill passed its second reading in this House, and I think the principles embodied in the proposals were generally approved of; but there being no general desire to restrict discussion, and such discussion involving time which Parliament was not prepared to give at that stage, the further consideration of the Bill on the two prior occasions was postponed. In view of the fact that the main principles have been widely known, and have been accepted by the House and discussed generally by the representatives of charities and in the press, I do not propose on this occasion to go very fully into details. In this sense, then, the Bill may be regarded as a Committee measure, and the individual principles that excite criticism can be dealt with more appropriately in Committee than on the second reading. It is practically the same Bill as was introduced on the last occasion. There are no outstanding alterations of policy. There are a few drafting amendments, some eight or ten altogether, which I will explain when we arrive at them, and there are only two amendments that might be regarded as provisions affecting the scope of the Bill or the powers to be conferred upon the Board. It will be remembered that the metropolitan hospitals, when this Bill was last before Parliament, issued a pamphlet, after deliberation, concerning some of the provisions of the measure. At that time I had occasion to say that the criticism which fell from the representatives of those hospitals was mostly destructive.

They dealt with matters which could have been amended in Committee, where such amendments might be considered necessary by Parliament. Now the opportunity has been taken, when reprinting the Bill this time, to remove some of the technical objections then raised by the metropolitan hospitals, and also by some honorable members when discussing the Bill. Those are the amendments which have been made in the measure to which I have referred, and honorable members will see that most of the amendments—some fourteen in number—are draftsman's amendments. To refresh the memories of honorable members, I will briefly allude to the leading provisions of the Bill. It is proposed to appoint a Board of Charity, consisting of three paid members. The chairman is to receive a salary not exceeding £800 a year, and the other two members a salary not exceeding £600 each per annum. One member—and this is one of the more important amendments proposed—is required to be conversant with the conditions affecting country institutions and hospitals.

Mr. BAYLES.—What about women?

Mr. WATT.—They are still of the same sex, I understand.

Mr. KEAST.—Will you put a lady on the Board?

Mr. WATT.—That is not the question the honorable member for Toorak raised. It is intended that the Board shall be vested with the same powers as those hitherto exercised by the respective Treasurers of the day. The duties and powers are fully set out in clauses 19 and 20, and from some points of view criticism will mostly centre around those two clauses. It is intended that the Board shall have control of all the charities, that they shall regulate the policy outstanding in the work of the institutions, that they shall advise and assist the committees in matters affecting the internal work of the hospitals and other charities; but that they shall not unduly interfere with them, or disturb the individuality of these committees, or the institutions over which they preside. I wish to emphasize this fact, and to pause upon it, if honorable members desire it, because I think that in some quarters the purpose of the measure in this respect has been misunderstood. The Bill is framed with the object of assisting, and not obstructing, such committees, so long as the charities are well managed. There will be some occasions when they will interfere, but only when the internal management is bad, and when such interference will be in the best interests of the institutions themselves. If it had been intended to take the management of the institutions out of the hands of the committees, as some folk supposed, though wrongly, the Bill would have been drafted from an entirely different stand-point. My experience at the Treasury, extending over nearly four and three-quarter years, has proved that the community owe a solid debt of gratitude to the committees running the principal institutions; and I have on former occasions, when receiving deputations, and in other public utterances in regard to the necessity for charitable reform, as well as when previously introducing this Bill, unreservedly paid my meed of praise to the committees for the work accomplished hitherto. In the light of this, some powers might appear drastic; but when these powers are considered it will be seen that the drastic powers will only be used when required in the best interests of the poor, and the charitable public, and those we have to protect equally with the institutions with which the Bill seeks to deal—in other words, with badly-managed or unnecessary institutions. My experience confirms the view, after elaborate investigation, that there are badly-managed and unnecessary institutions which a Treasurer or a Ministry, under the existing conditions, are powerless to close up or to remedy.

Mr. MCGREGOR.—How?

Mr. WATT.—Because they can continue without registration or any subsidy from the State. I have given illustrations before. There was one case of an institution in the suburbs. The facts were known and became a scandal. The utmost power I had was to strike the institution off the subsidized list; but that institution still goes on, and is collecting from the public, who have forgotten the criticism that the Government of the day levelled against it. Four or five cases have occurred in my own time, and a larger number have occurred in the experience of other Treasurers. There is really no statutory authority for dealing with institutions that have arisen and developed in Victoria during the last fifty years other than the conditions of the

grant which have recommended themselves as being reasonable to the Treasurers. Some Treasurers have taken different views from others, and the conditions of the grant have varied with different Treasurers. There is no guiding principle and no authority for final action. I have explained on other occasions the necessity for some central control, and that the tendency in respect to such institutions is the same the world over. A report published this year in connexion with the King Edward's Hospital Fund for London shows that the same questions which arise here are being discussed, namely, the co-ordination of the work of the different charitable agencies, the abuse of hospitals, the class of patients who should avail themselves of the charities, the need for local dispensaries, and the necessity for more central control. The surroundings here are different from those in Great Britain, and in some respects there is not much in common. It is interesting for us to note that the difficulties experienced here are presenting themselves for consideration and solution in the older centres of the world. Another important proposal in the Bill is that all charities must be registered by the Board created under the Bill. Existing charities are to be registered automatically, but no new agency shall be appointed without the consent of the Board. The Board may remove any name from the register, and any institution or society so removed must not appeal to the public for support under the penalties prescribed in the clause. The Board, however, can only take such action for the reasons detailed in the Bill, and which are clearly set forth in clause 29. These powers are given to the Board to enable it to close badly-managed institutions. They are proposed in the interests of participants in charity, and the charitable public. Provision is also made by the Board for the establishment, if necessary, of intermediate hospitals. These powers can only be exercised if such hospitals are not established by private enterprise. Intermediate hospitals not established by the Board will be registered as private hospitals. I have fully explained to the satisfaction, I think, of honorable members the necessity for filling this gap in our institutions. If at a later stage honorable members do not see the necessity for it, I shall be glad to explain in greater detail the reasons that compel attention to these phases of our hospital work hitherto neglected. I think that that need is now generally recognised outside. The views of the medical profession have materially changed since first the question was publicly discussed as the result of the presentation of the first Bill. Last year the Victorian branch of the British Medical Association appointed a committee to go into the subject of intermediate hospitals, and that committee has agreed as to the necessity for them. The report of the committee shows that there is practically no difference now between the view then presented by the Government and the view of the Association, for which the committee speaks. This encourages the hope that intermediate hospitals will be established by private enterprise, without the necessity for the Board exercising its powers in this direction. The Bill does not provide any special means for raising money for charities, except that a fund is created towards which legacies, special bequests or contributions can be directed. For the present, the Board will distribute such money as Parliament may provide as an annual grant to charities. When the Board has ascertained how financial matters really stand, I think they will be better able to advise Parliament whether the present monetary provision is sufficient for the adequate support and extension of institutional charitable work. Experts, as I hope they will be, giving their whole time to the charities, will be so able to help the committees that I think large economies are likely to be effected as a result of their assistance. I have had some little experience of the probability of this during the last two years. A careful investigation made by the Inspector of Charities, the results of which were embodied in a report to the Treasurer, showed that large discrepancies existed in the prices paid by metropolitan institutions for stores and drugs and general medical comforts. The disparity was in some cases as great as two to one in such common articles of food as bread, milk, and meat. It appeared to me that the argument to be deduced from these figures was that some institutions were not buying as well as others in certain lines of food, and I called the metropolitan institutions together with the object of considering a way out of the difficulty. I suggested to the chief hospitals

of the metropolitan area that they should elect a committee, to be known as the Stores Board, to deal with all questions of the purchasing and the standardization of all the articles consumed in the institutions. There was a great reluctance to do this, because the hospitals doing well in this respect objected to amalgamating for this purpose with hospitals that had not shown the same business acumen, and others had contracts running and did not want to relinquish them. However, persuasion led to the adoption of the idea, and that Board has now been working for about twelve months on a full run. Already enormous savings have been effected to these institutions. It was but an experiment, with no statutory authority behind it, and was only operative with regard to some few of the main institutions of Victoria. I venture to think that if that were done generally for the whole of the metropolitan institutions, many thousands per annum would be saved over and above the savings already effected, and a movement is on foot, I understand, to get statutory authority to have such a Board, whatever else is done with regard to general charitable control, to enable large savings to be effected in connexion with the amounts raised with difficulty and spent with care by the principal institutions of the State. In working the charities as a whole, I think it will be apparent that less expenditure will be necessary, so that the present revenue, although it is sufficient to meet the needs of the institutions in the aggregate, would be still more ample if these economies were achieved. In my previous remarks I have shown by figures, which honorable members can gather from *Hansard*, that the finances of the institutions generally are not unsound. I will not trouble honorable members with further figures, except to say that the returns for the year ending the 30th June, 1912—the latest returns available of an audited character, and which were not available last session—bear out the views I previously expressed. I asked two competent Treasury accountants to carefully analyze the balance-sheets of all the institutions participating in the subsidy allocated by the Government. The receipts for maintenance exceeded expenditure on maintenance by £6,205. In addition, endowment or reserve funds were increased by £19,063, and they now reach the respectable total of £272,333. That, I think, indicates that there is no immediate or pressing need to do what some zealous reformers have suggested—to embody in this Bill provision for a charity tax, in order that additional money may be raised for expenditure by these institutions. As our institutional instincts develop, we may institute larger expenditure, but at that particular time, with a body such as I hope to call into existence in full working order, we will be better informed than the Inspector of Charities or the Treasurer of the day can inform Parliament as to the necessity of imposing any ear-marked taxation for the expenditure of these charitable institutions.

Mr. BAYLES.—When the time of pressure comes the people cannot stand taxation.

Mr. WATT.—I have gone through the periods of depression of our hospitals, and it is safe to say, generally, that through the course of fifteen or twenty years there has been no crying demand for increased assistance to the hospitals. I speak generally of the institutions. Some institutions are not so fortunately circumstanced as others. I speak of the institutions as a whole, and in that light Parliament must adjudicate on the Bill. There is, of course, the additional fact that Parliament, after carefully analyzing the subscription lists of the different institutions, may say that the load is resting on too narrow a base, and may desire to widen that by more general and enforced contributions by the whole community. That, however, I am not in a position to advise Parliament on. I have my own impressions as to the numbers of men who subscribe to different institutions, but I have no data on which to advise Parliament. Notwithstanding the necessity for a co-ordination of charitable effort and central control, there is an objection on the part of some honorable members to the policy of appointing a Board to do the work. I could not sit under the criticism of some four or five years' work, or under the remarks of honorable members on the former occasions when I introduced this Bill, without realizing that some honorable members fear a Board, and think that this "boarding-out of Government," as it is the fashion to call it, is to be reprehended, and should be stopped in respect to this matter. It appears to me that that view is founded upon two mistakes. The first is the

theory that Parliament and its Executive can do all the work of a rapidly developing civilization, such as we have in Australia. Now the more experience one has of parliamentary and executive life the more apparent it becomes that if you load Parliament, as communities such as ours have a tendency increasingly to do, and correspondingly load Ministers, you will have a large portion of your work indifferently performed. In other words, special delegation to specially created organisms is the only way by which a democracy can perform the hulk of its administrative work. I thiuk honorable members will agree with the reasoning I have adopted so far. It becomes a question whether you should send to an elective Board or a nominee Board some of the functions which Parliament endeavours to let out. We prefer that degree of responsibility which leads through the Miuistry of the day into this Chamber by making this a nominee Board. The other mistake, which I think is apparent in the reasoning of some honorable members and critics, is the view that Boards, as a whole, are a failure. We all know Boards that have not proved an unqualified success.

Mr. BAYLES.—Hear, hear!

Mr. WATT.—If the honorable member were chairman, it would be the same.

Mr. LANGDON.—The Conference which you called, and over which you presided, some two or three years ago, differed from you in that respect.

Mr. WATT.—I think not. I have very clear recollections of that Conference, too.

Mr. LANGDON.—So have I.

Mr. WATT.—I made what was described as a very eloquent speech on the question. Some Boards have not been an unqualified success. Some have been triumphant successes. Let us take the Licences Reduction Board.

Mr. BAYLES.—The best Board ever created.

Mr. WATT.—It was a well picked Board. It was a Board that had an extremely difficult task—I think much more difficult than the task we are proposing to give the Board which we intend to create. The Licences Reduction Board has worked between two rival and antagonistic bodies with wonderful success.

Mr. BAYLES.—It has a good secretary.

Mr. WATT.—It was the wise selection of the members of the Board by a former Administration that led to its success. But, remember, that Board was condemned by those interested in the teetotal cause and those interested in the liquor trade. I remember most distinctly the opposition that came from some of my teetotal friends to the supersession of local option by the creation of this organization, but I think no one now in this Parliament believes that the old-fashioned and apparently more democratic method of working the system under local option achieved one-half the results that the Board has achieved. I think we may refer to the State Rivers and Water Supply Commission as well, for tackling an extremely difficult task, not, perhaps, with the same degree of unanimous approbation—when I look at my friend, the honorable member for Gunbower, I must feel that—as the other Board. Still, by its recommendations and hard personal work, the Commission has achieved quite as large a measure of success as any persons who watched its inception with some anxiety could have ever anticipated.

Mr. M. K. MCKENZIE (*Upper Goulburn*).—They have a big job still.

Mr. WATT.—I should be sorry to think that their work had been achieved. The deluge may come after us, but there is work to be done after the deluge, and Victoria, as we must candidly admit, is just scratching about to find its way; but probably children at present living may see eight or ten times its present population happily housed within its territory. Therefore, for all our organizations there is a big future. When in the Old Country, I had an opportunity of meeting some of those interested in the introduction of industrial legislation in the Motherland. A man whose name is widely known, Sir George Askwith, has achieved a wonderful degree of success as what is known as a strike settler. He has got no legislation behind him, but because of his character and personality he has, by general consent, been given the confidence of the employing and employed sections of the community; so that whenever a critical industrial struggle breaks out, his services are availed of with considerable success.

Mr. M. K. MCKENZIE (*Upper Goulburn*).—Common sense *versus* legislation.

Mr. WATT.—My honorable friend spoke too early. When discussing with Sir George Askwith, as I had the privilege of doing, the somewhat unique posi-

tion which he occupies among the British people, he acknowledged that it was a wonderful thing that he had obtained that degree of influence which enabled him to be a pacificator in the industrial world; but he also acknowledged that, in order to keep it, statutory authority must inevitably be given to him on somewhat similar lines to that adopted in Australia. In other words, the position of England in labour legislation is very nearly analogous to the position in Australia generally with respect to charities legislation. We have accretions of power, which are largely accidental, but most beneficial, and the time has come to harden the influence of those powers into legislation, just as there is coming to the Imperial Parliament the message that she must, if she wishes to tackle the increasing industrial problems, give statutory authority to some men or body of men to handle them.

Mr. BAYLES.—There are more strikes in England than in Australia.

Mr. WATT.—I do not know whether that is so, but it would be wonderful if it were not so, considering the millions of men who throng the industrial centres of the Old Country. Any one who has studied the comparative figures from this end of the world must admit that the low wages and the conditions there, whatever their cause or origin may be, are largely instrumental in promoting non-content and making the masses of workmen struggle for a higher living than the mere pittance which they are getting to-day.

Mr. M. K. MCKENZIE (*Upper Goulburn*).—I think New South Wales can hold its own with regard to strikes.

Mr. BAYLES.—The State Coal Mine is pretty useful.

Mr. WATT.—Some honorable members want to take a road which I have no desire at present to take at all. I merely used the industrial situation in England as it presented itself to my mind as an analogue to the position in charitable legislation here. At some more suitable period I would be willing to discuss the proper solution of industrial questions. Apart altogether from the difference of opinion among honorable members as to the wisdom of appointing a Board, there is a difference of opinion as to the way in which the Board should be appointed if one is determined on. There is a suggestion that there should be two Boards, one for the town and one for the country; or one to only deal with metropolitan institutions as distinct from those in the country districts. For many reasons, some of which I may explain at this stage, I feel that this would not meet the difficulty, which, I think, the friends of charities administration see to-day. I think these proposals would intensify the present evil. We want far more effective co-ordination; and while we admit that the best is being done that we can do, yet no one thinks that co-ordination has been attempted, much less arrived at. With two Boards, how could we bridge the differences and difficulties between town and country institutions? For example, when institutions in the city may be overtaxed to supply the demands of those seeking relief, and institutions in some parts of the country have beds to spare, how can two Boards co-ordinate, even as we can to-day, the difficulties arising from that situation? Take the financial difficulties. If two Boards were appointed, both with the power of allocating the money assigned to them within their respective spheres, the Treasurer of the day would first have to assign an amount to each Board. Of the £100,000 which the House authorized the Treasurer to allocate among the institutions, how much should be given to the country, and how much to town institutions? It would still perpetuate the same difficulty in a somewhat larger way by calling the Minister in to decide between town and country institutions. It is but fair to say that most of the objections raised to this Bill have not been raised by country institutions. They have been raised by metropolitan hospitals. Some of them, as I have said, are extremely technical, and all of them destructive or negative in character; but nothing that I have seen of vital worth or representative weight has come from country institutions. A country hospitals conference was summoned by the Echuca Hospital Board, I think. It met to criticize the Bill, and it was summoned by what was a hostile committee. If honorable members will read the report of that conference, they will see that most of the speakers favoured the leading principles of the Bill. Some of them differed with regard to the details. At the termination of the discussion, one of the principal speakers, the vice-chairman of the conference, moved this resolution—

That this conference of country hospital committees' delegates generally approves of the

principles of the proposed Hospitals and Charities Bill, subject to the powers of the Board being restricted, so that domestic management and their present powers generally be maintained by committees of country hospitals. To talk quite plainly, that resolution was side-tracked, and it was never put to the conference, a motion being carried that the institutions be further communicated with. Although the conference was summoned by a hostile body, it terminated without registering any opinion for or against the Bill, the nearest approach to an expression of opinion being the moving of the resolution I have quoted.

Mr. McLEOD.—They did not have the Bill before them, but only the details.

Mr. WATT.—Speaking from memory, I think they had it the year before. It must be remembered also, in dealing with this proposal to solve the difficulties by appointing two Boards, that we cannot draw a hard and fast line around a number of institutions in the metropolitan area and say that they operate only for the metropolis. That is another practical difficulty. Take for example the Melbourne Hospital and St. Vincent's Hospital, which take patients from all parts of the State.

Mr. BAYLES.—The Alfred Hospital.

Mr. WATT.—I will deal with that in a moment. These hospitals receive patients from all parts of the State, and also receive contributions from all parts of the State—from country municipalities in some cases, and from country residents and traders and private patrons of charity. The same thing is true of the Alfred Hospital, the Women's Hospital, the Children's Hospital, the Eye and Ear Hospital, the Blind Asylum, and the Deaf and Dumb Institute. These are eight institutions which, although located in the metropolitan area, do work for the whole State, and which, either generally, or in special cases receive patients sent by country doctors or from country hospitals for special treatment. Under these circumstances, it cannot be suggested that by any process known to a Board or Minister, we can differentiate in a hard and fast way between town and country institutions, as the suggestion for two Boards would involve. I hope I have not unduly trespassed on the time of honorable members. I have not gone into the details of clauses at all, because I have on two prior occasions done so, and I am anxious to conserve the time of the House. I have, therefore, tried only to deal with four or five of the outstanding principles around which the second reading debate on this Bill must centre.

Mr. COTTER.—Is there any difference between this Bill and the last one?

Mr. WATT.—Perhaps I should explain the differences in detail. The first difference is in clause 4, with regard to the definition of "benevolent society." To the definition given in the previous Bill I have added in sub-clause (*c*) the words, "for any specific charitable object." These words are inserted in order to make clearer than was done in the original Bill that any temporary appeal made by two or more persons would not entail registration of a particular institution. The next difference is in clause 8, sub-clause (2). I have provided in the present Bill for the first time that one member of the Board must be conversant with the administration of charitable institutions outside the metropolis—that is, with country charity. Clause 21 of the old Bill, which gave the Governor in Council power to add to the duties of the Board, has been omitted. In addition to the duties prescribed in the original Bill, there was a drag-net clause under which the Governor in Council had power to amend, by extension, the powers given in the Bill, and this provision I have omitted. Then in clause 24, sub-clause (2), paragraph (*b*), we provide that if one of the amalgamated institutions only is incorporated, the incorporated institution becomes responsible for the debts of the old institution. This is provided for the first time. In other words, when you amalgamate incorporated institutions the debts go over with the assets of the institutions. This is in order to protect tradesmen with whom the old institutions may have dealt, and which might be indebted to them or have other contracts outstanding. In sub-clause (3), paragraph (*c*) of the same clause a similar provision is also made with regard to amalgamated institutions which are all unincorporated. The next amendment is in clause 33, paragraph (*c*). Here the words "owned or occupied by any institution, benevolent society, or municipality" are inserted to get over the supposed difficulty that the private houses of committeemen, &c., could be entered in search of documents. That was a complaint which was made by some of the critics of the previous Bill. The

next alteration is in clause 36. The words "internal fittings" are inserted in order to meet a proved difficulty, which was called attention to in connexion with the last Bill. This refers to the consent of the Board being necessary for works exceeding £100. Clause 40—the "exempt from land tax" clause—has been amended so as to harmonize with the existing law. Clause 48 contains a drafting amendment relating to judicial notice of the chairman's signature. Clause 72 makes clearer the provision for the appointment of a chairman than was done in the old Bill. In clause 74, relating to the liability of patients, the words "from him or after his death from his executors or administrators" have been inserted. This puts the liability for the debts due by a patient to a hospital or other charitable institution after the death of the patient on his executors or administrators. In clause 79, paragraph (*d*), relating to refractory wards at benevolent asylums, the wording has been slightly amended. These are all the amendments made in the previous Bill, and none of them may be regarded as vital. They are simply the result of practical suggestions which have come in during the last three years from honorable members or other critics outside the walls of Parliament. I hope that honorable members, when this Bill gets into Committee, will endeavour to make it as workable a scheme in the interests of philanthropic relief and successful organization as it is possible to render it. I think we are indebted to the large number of persons who subscribe to charitable institutions in Victoria, and we ought to do our best to protect the charitable public against imposition, which, in very many cases, undoubtedly takes place. If we can, in addition to that, stimulate public opinion with respect to the obligations of the community in regard to institutional charity, I think we can achieve that result best by the passage of a successful and healthily working measure of this kind. I believe that this Bill will bring our legislation on this hitherto neglected question abreast of modern thought and right up to the progressive spirit of our general institutions. I am prepared to welcome, for the better working of the measure, any reasonable amendments which honorable members, irrespective of party, may submit in Committee. This Bill should not become a party Bill, and I hope it will not. I feel that all honorable members, irrespective of where they live, and irrespective of their political beliefs, are equally interested in making the charitable institutions, which are a credit to us, still more complete in their working results for the community at as small a cost as possible to the public or private purses of the people.

Mr. MCLACHLAN.—Is there not overlapping in our charitable organizations?

Mr. WATT.—There is plenty of it, and I dealt with that subject at great length when introducing the last Bill. I, therefore, hesitate to burden the House with any further illustrations on the point on this occasion. I trust that we will do our best to pass the Bill this session. The more one thinks of the problem of charity here, the more one is convinced that some organization such as this Bill seeks to create is not only essential, but will be of the greatest possible benefit to those who are, unfortunately, compelled to accept relief from the many charitable institutions of the State. I submit the Bill with every confidence to the House for its second reading.

On the motion of Mr. ELMSLIE, the debate was adjourned until Tuesday, September 2.

## WORKERS' COMPENSATION BILL.

The House went into Committee for the further consideration of this Bill.

Clause 26—

(1) Any three Judges of County Courts may subject to the provisions of this Act frame rules of court for any purpose for which this Act authorizes rules of court to be made and generally for carrying into effect this Act so far as it affects any County Court or any Judge or Officer thereof and any proceedings in any County Court or before a Judge thereof, and in such rules may prescribe such forms and such scales of fees costs or expenses as may be necessary or convenient for the purposes of this Act.

(2) The provisions of section one hundred and forty-eight of the County Court Act 1890 shall *mutatis mutandis* and so far as they are applicable apply to the rules of court under this section.

Mr. SOLLY.—I move—

That the words "fees costs or," line (10), be omitted.

Honorable members will see that I have given notice of the following new clause:—

E. (1) No costs shall be allowed or fees charged in any proceeding arbitration or appeal under this Act.

(2) If a Judge of County Courts before whom any matter is settled in any proceeding or arbitration or the Full Court in the case of an appeal certifies in writing that the expenses of either or both parties to any proceeding arbitration or appeal (as the case may be) should be paid and specifies the amount or amounts which should be paid (not exceeding Twenty pounds to any party) the Treasurer of Victoria shall pay such amount or amounts to the party or parties specified in such certificate out of moneys to be provided by Parliament for the purpose.

This new clause will explain the object of the amendment I am now moving. I desire to have the Court for the hearing of such cases in connexion with compensation free to both parties. In America, and also in Great Britain, the total amount of costs in connexion with these matters comes to a very large sum The honorable member for Flemington last week stated that in connexion with 2,200 cases before the County Courts in Great Britain the amount awarded as solicitors' costs came to £25,000. I read a very able article recently on the very same question in the *Contemporary Review* of 1908. The writer pointed out that in America during the preceding eleven or twelve years no less than 100,000,000 dollars had been paid as premiums by the workmen, that the total amount of compensation received on account of that payment of 100,000,000 dollars was 30,000,000 dollars, and that 70,000,000 dollars had gone to the lawyers. This is an enormous sum of money. In cases such as these in Australia we want it possible to make the Courts of justice free, so that both sides can take their cases to Court without any cost to themselves whatever. We desire that a widow who may endeavour to get compensation for herself and her children shall have the right to appeal to the Court, and get justice dealt out to her without the loss of any of the compensation she is entitled to. I know that this is an innovation. I do not know of any country in the world where there is a free Court to deal with these cases, but there is no reason why we should not launch out in this direction in Australia. We know that in the older countries of the world institutions are generally dominated, not by the Democracy of those countries, but by the Plutocracy, or the Conservative class. I think it will appeal to every honorable member that we should have a Court that can deal with these cases on their merits, without cost to either side. Of course, it may be asked why the country should be at the expense of paying lawyers' fees where cases are in dispute. It may be argued by opponents to my proposal that those who desire to have justice done to them should pay the lawyers themselves, as in connexion with any other proceedings in a Court of justice.

Mr. MURRAY.—How does the honorable member think that striking these words out will lighten the costs?

Mr. SOLLY.—If these words are struck out, I take it for granted that the Committee will agree to insert the new clause I have given notice of. The time has gone by, I think, for any long speeches on these clauses, but I trust the Committee will agree to my proposal to strike out these words, with the view of giving those persons who have to appeal to the Court for compensation the right to go to that Court and of having the lawyers' fees paid at the expense of the State. It may be asked why should lawyers be engaged at all? Well, I believe it would be almost impossible in many cases to get out the true facts of the case unless we had the able assistance of lawyers to cross-examine witnesses. I have had a little experience on Royal Commissions, and sometimes we have found it very difficult indeed to get out the full facts because of the want of proper training on the part of those persons who are cross-examining. In my opinion, there are many cases which would come before the Court in which compensation is claimed where the evidence would be very difficult to get out, and, therefore, the parties concerned should have the option of getting the assistance of lawyers. Therefore, I propose that the parties should be able to go before the Court without any cost to themselves. The honorable member for Flemington pointed out last week that, in England, there were something like 2,200 cases under review by the Court in connexion with workers' compensation, and that the costs awarded amounted to over £25,000. That would average something like £10 per case. I do not think the cost would be so great in Victoria as it is in Great Britain, so that, if my proposal were adopted, the State would not be put to any great expense. In my opinion, the persons who are claiming compensation should be able to go to the Court without losing in the payment of

lawyers' fees any of the money to which they would be entitled under this measure. Therefore, with a good deal of confidence, I submit this amendment, and I trust the Committee will help me to carry it.

Mr. MACKEY.—I do not think that any one who has heard the honorable member for Carlton can complain in any way of the terms in which he has submitted his amendment, or can quarrel with the object he has in view. I can easily understand that the honorable member has been looking into this matter fairly deeply, and he realizes that in the bulk of these cases the actions will not be against the employer at all. They will be against the insurance companies, or, rather, against the reserve funds of those companies. The companies, out of the premiums paid, will set aside a reserve fund for legal assistance, so that the persons claiming compensation will know that they are simply fighting an impersonal thing called a reserve fund.

Mr. MURRAY.—You mean that the employer will be fighting these companies?

Mr. MACKEY.—No; the employé or his dependants.

Mr. MURRAY.—It is not the employé who will have to recover against the companies.

Mr. MACKEY. — Yes, though nominally the employé brings his action against the employer, the employer is really indemnified by the insurance company, and the company fights the action. The employer does no more than lend his name to it. In England, these cases turn very much on technicalities. If honorable members look at clause 5, upon which largely these cases will turn, they will see that it begins—

> If in any employment personal injury by accident arising out of and in the course of the employment is caused to a worker,

and so on. Nearly every word has been fruitful of litigation. Is the action "in the employment"? Has it been in the interests of the master? One of the latest cases is that of *Mitchinson* v. *Day*, which was decided this year, and is reported in 1 K.B. In that case there was a carter working for an employer. His vehicle was drawn up close to the footpath. A drunken brawler stood by the horse, and the carter, in an objectionable way asked him to stand aside from the horse. The reply of this drunken person was to strike the carter violently a first time, and then a second time, hitting him in a vital part, and the carter was killed. The dependants brought an action against the employer. The Court of Appeal said, "This conduct of the carter in asking the man to stand aside was certainly in the interests of his employer, but it was not within the scope of his employment." Therefore, the dependants of the carter were defeated, and, of course, mulct in costs. That case certainly seems almost indistinguishable from a number of other cases where the plaintiffs have been successful, but throughout the Act the wording employed—not because of bad drafting, but because of the peculiar objects of the Act itself — lend themselves to litigation. There is no question about that. At a later stage I hope to induce the Government to accept an amendment in clause 5, which has been most fruitful of litigation. If that amendment is adopted, I think it will do away with a great deal of litigation, but even then, and apart from that, the litigation must be enormous, and the question as to whether many persons can take advantage of the beneficent provisions of the Act depends really upon whether they have the wherewithal to brief legal gentlemen in the matter. If they have not they will no doubt be compelled in many cases to accept terms much less advantageous than those to which they are entitled. I must say that if some provision could be made in such cases which would insure that the benefits of the Act will reach those for whom its provisions are intended, it would be a good thing. The honorable member for Carlton intends that the State shall pay these costs. That has been advocated by very many.

Mr. MURRAY.—He limits the costs to a very small sum.

Mr. MACKEY.—No doubt. If a case is taken from the County Court to the Supreme Court, and then to the High Court, the sum cannot be very small, and the honorable member realizes that he can provide to insure only a small portion of the costs. The litigation here will arise in many cases, not from the facts of the case, but from the drafting of the Bill, as in Great Britain. I do not mean to suggest that the drafting is bad in any way, but I say that we cannot draft a measure in such a way as to make it read exactly as we would like. I do not know whether the Chief Secretary will see his

way to adopt the honorable member's proposal. It will apply not merely to litigation on this subject, but on many others.

Mr. MURRAY.—This amendment, taken with the new clause, would make the position even worse.

Mr. MACKEY.—He expects only honorable members to vote for the amendment who are in favour of the new clause. If the new clause is to be rejected, and nothing of a similar character is to take its place, it will be idle to carry the amendment. It will be for the Government to say whether they will take the financial responsibility in this case, and to see whether it will encourage litigation unduly or not. The honorable member for Carlton has touched upon a genuine grievance—upon a circumstance that will lead to many cases of hardship. I sincerely trust that if the Government cannot accept the proposal they will think the matter out very carefully to see if the evil cannot be remedied in some other way.

Mr. SNOWBALL.—I regret that I was called out of the chamber, and was not able to hear the whole of the remarks of the honorable member for Carlton on this subject. Like the honorable member for Gippsland West, I feel that this is undoubtedly a matter that every one of us would like to apply some remedy to, if a practical remedy could be found. Looking at it in the most generous spirit, I fail to see how any provision can be inserted in the Bill to prevent the troublesome question of costs arising. Perhaps we have some consolation in the matter when we look at the way our modern Courts have dealt from time to time with the claims disputed under such measures. The Courts have become humanized and modernized in a way that has largely compelled them to alter the common law in dealing with such disputes.

Mr. MACKEY. — They have become liberalized.

Mr. SNOWBALL.—Yes. That has occurred not only in the British, but in the American Courts. There is a remarkable change coming over our courts of law in construing legal principles. Honorable members must feel that there is some consolation in that fact when they realize the difficulty set up, not by the employers, but by the insurance companies, who take the risk and harass the soul out of claimants. I would be in favour of limiting the costs in connexion with these matters, as is done in other litigation, so as to discourage solicitors from looking for any great reward out of compensation payable under this measure. A great deal of good can be done in that direction. The Chief Secretary might consider the wisdom of stipulating in the Bill that no more than a certain sum shall be allowed for costs. No limitation of that kind will restrain a company from fighting where there is a possibility of its eventually succeeding. The point the honorable member for Carlton made most of is the fact that the compensation is very largely encroached upon by the claimant's solicitor, who takes a large portion of the compensation for his services in contesting the claim.

Mr. MENZIES.—Would you like the Treasury to pay that?

Mr. SNOWBALL.—No. I would say that the reward to the solicitor should be limited by providing that he should not receive more than a certain amount. There is nothing new in that. Under the Administration and Probate Act, we have a scale limiting the solicitor's charge to a certain fixed sum.

Mr. MURRAY.—Is that not for a certain fixed quantity of work?

Mr. SNOWBALL.—It is, and in that case it can be fixed more definitely than in a case of this kind. We know that in legislation dealing with appeals from the County Court to the Supreme Court or orders to review, it is provided that the costs shall be limited to a certain sum, no matter what labour the solicitor has to undertake.

Mr. MURRAY.—Do you think it is possible to place a limit, not only on the solicitor's fees, but also on counsel's fees?

Mr. SNOWBALL.—If we fix the charge at a certain sum to provide for both counsel and solicitor, they can arrange matters between themselves as best they can.

Mr. ELMSLIE.—They can have a Saturday night divide.

Mr. SNOWBALL.—I think we are entitled to look to the legal profession to give away something in view of the spirit that permeates such legislation. I strongly object to any proposal which will impose on the Treasury the obligation of paying the enormous fees that might be run up in connexion with litigation, and which would inevitably be encouraged by a proposal of this kind. There would be no limit. We know how costs can be piled up.

Mr. MURRAY.—It would be the most glorious Act for the lawyers ever passed.

Mr. SNOWBALL.—I think the honorable member for Carlton would be satisfied if a provision is inserted limiting the costs in the way I have suggested. Of course, it is impossible to draft a scheme now, and it is also impossible to consider a proposal to omit the words "fees, costs, or" without having an alternative scheme before us.

Mr. MURRAY.—We have an alternative scheme in the new clause which the honorable member for Carlton has circulated.

Mr. BAYLES.—He does not propose any costs at all.

Mr. MURRAY.—This amendment only takes away the power of the Court to fix the costs.

Mr. SNOWBALL.—I think I would fix the costs in the measure. The Government might give some indication that they are prepared to limit the costs in connexion with these proceedings, and the Chief Secretary might allow the clause to stand over for further consideration. I am quite sure honorable members will co-operate with the honorable member for Carlton and the Government in trying to devise some scheme that will meet the genuine grievance to which the honorable member has referred.

Mr. BAYLES.—The honorable member for Brighton said that he would fix the costs in the measure. He might be able to fix the costs so far as solicitors and barristers are concerned, but I had a compensation case under my notice in which there were no less than seven witnesses. The men were earning 8s., 9s., and 10s. per day. We could not, in common fairness, pay those men less wages than they were getting at their work. It would have meant four days' pay—one day to come down to town, two days for the trial, and one to get back. The whole of the amount of £20 mentioned in the new clause circulated by the honorable member for Carlton would have gone in paying the witnesses' expenses.

An HONORABLE MEMBER.—And nothing would be left for the lawyer.

Mr. BAYLES.—The lawyer did not want anything in that case. He was working on the humanitarian principle. You cannot, in a case of that kind, fix the amount of costs, because the witnesses' expenses run up. Of course, the solicitors' and barristers' expenses may run up, too. I am quite with the honorable member for Carlton in the views he has expressed. We want to fix the costs at a low figure. The honorable member gives a large amount of his time to assisting the Crown as a member of Committees and Commissions, and he knows from experience that unless a man is skilled in the law of evidence and in cross-examining, and in bringing out facts, he cannot bring his case out properly. An ordinary layman may have the very best case, but he cannot bring it before the Court in such a way as an able barrister or solicitor can, and, therefore, he is at a disadvantage. I am quite with the honorable member for Carlton in saying that the fees should be fixed on as low a scale as possible. We lawyers have no objection to the scale of fees in the Administration and Probate Act. They are fixed at so much per cent. on the capital value of the estate. I think the honorable member for Carlton would do well to consult with some of the legal members of the House. We will be only too glad to give him what assistance we can to arrive at some proposal that will be fair and reasonable. I would point out that in one case there may be only one witness, while in other cases there may be ten witnesses.

Mr. MURRAY.—Would the amendment affect the expenses of witnesses?

Mr. BAYLES.—The proposal is that the amount shall not exceed £20.

Mr. MURRAY.—I am speaking of the amendment, not of the new clause.

Mr. BAYLES.—If the words "fees costs or" are omitted, the Court would not be entitled to award any fees or costs at all, but only expenses. I think that would cover witnesses' expenses. You would be able to pay the witnesses' expenses, and nothing else, and that would not be fair. I am sure the honorable member for Carlton does not want any one to work for nothing. I wish to say publicly how glad I am to see the Chief Secretary back again, and I am sure every honorable member has the same feeling as I have. We were very sorry that the honorable gentleman had to go away on sick leave, and we trust that he is as "fit as a fiddle" now. If the amendment is carried, the Court will not have power to award costs, and lawyers may not take up these cases.

Mr. MURRAY.—If we carried the amendment it would not prevent the lawyer getting his costs.

Mr. BAYLES.—But he would not be entitled to recover from the other side.

Mr. MURRAY.—It would only take away the power of the Court.

Mr. BAYLES.—The amendment would do more harm than good.

Mr. McCUTCHEON.—So that the object of the honorable member for Carlton may not be upset, I would like to know whether the new clause the honorable member intends to propose in regard to costs is in order, because it is a proposal that the Treasurer should pay money?

Mr. SNOWBALL.—The Government may accept it.

Mr. McCUTCHEON.—If the Government accepted it, it would form a precedent. I do not want to have any mistake about the matter.

Mr. MURRAY (Chief Secretary).—Perhaps we need not deal with the new clause of the honorable member for Carlton until we arrive at it, and then the point which has been raised by the honorable member for St. Kilda may be submitted to the Chairman for his ruling. We are all sympathetic with the object which the honorable member for Carlton has in view, but if the amendment were carried simply by itself, instead of helping the unfortunate widow who has been cited in this case, it would leave her really in a worse position than if the clause remained as it is. The omission of the words "fees costs or" would simply mean taking away the power of the Court by a rule to fix a scale of costs that should be charged in these cases. Suppose the new clause of the honorable member for Carlton was accepted. There would be nothing to deter any person, no matter how bad his case might be, from going to the Court, because he would have nothing to pay. The State would have to pay the money. It would encourage a great lot of vexatious cases. I could imagine the Courts having very little else to do but to deal with cases of this sort, if the State had to pay the piper for the litigants. It would lay an intolerable burden upon the State—one that I must protest against being made chargeable to the State. There is another view which honorable members might take. We cannot assume that the Court is always going to decide against the plaintiff. We can see that there will be great difficulties, from what the honorable member for Gippsland West has said, in the Court determining many of the cases brought before it. I think we would be fair in assuming that the cases will not invariably go against the claimant, and if the company does unfairly resist a fair claim, why should the burden of costs be laid on the State, and the company itself not bear its costs, that is, where the company is unsuccessful. Where it wrongly resists a claim I am sure the honorable member for Carlton has no sympathy with the company, and would desire to see it carry the costs. The amendment will open up a wide avenue through which an endless procession of litigants will march to the courts, knowing that, in getting there, they will themselves have nothing to pay. I should be very pleased if any way can be shown by which we can fairly fix the limitation of costs in these cases. Another aspect of the matter which strikes me is that if you limit to a certain fixed very small sum the payment for services which are to be rendered, then I venture to say that counsel will not feel disposed to give beyond the value they are receiving for their services.

Mr. MENZIES.—It would shut out the best.

Mr. MURRAY.—Yes, and the more eminent the counsel you employ the better your chance of gaining an intricate and complicated case.

Mr. SNOWBALL.—Limit the solicitor's charges.

Mr. MURRAY.—If you merely limit the solicitor's charges where counsel has to be employed, how will that protect the litigants? The heavier charge, as I understand in all these prolonged cases in our courts is the payment of barristers' fees, and not solicitors' fees—that the higher branch of the profession levies a much heavier toll than the lower one. As it has been done in other cases which have been quoted by honorable members, it is possible that we can embody in this Bill something that will give substantial protection in the limitation of costs. I am prepared to give it consideration. It would not be wise from the honorable member for Carlton's own stand-point to accept this amendment by itself. If he could not carry his other amendment, he would not care to proceed with this. My objection to the other one is that it is not a fair proposition that the State should carry the whole burden of all the costs that may be incurred in cases arising from this measure that may be brought before the Court. I am entirely in sympathy with the object which the

honorable member has in view. I am prepared to give him the heartiest co-operation if anything practicable can be suggested by which those coming before the Courts in these cases may have the costs lightened. I would ask the honorable member not to press this amendment at the present time, but I will give consideration to the suggestions that have been made by legal gentlemen on this side of the House, and possibly we may find a way by which costs in these cases may be restricted. If we can do so I shall be happy to include it in the Bill at a later stage.

Mr. ELMSLIE.—Unhappily in the system of insurance against accidents which does obtain now, many restrictions are placed by companies on workmen. A few years ago, when I was working at a trade, it was the custom of some contractors to stop so much in the pound out of the wages of workmen for insurance against accidents. When an accident occurred the representative of the company would come round and try to get the man to take less than he was entitled to. I have two cases in my mind, and I will give one of them. A man was supposed to be insured for £100 against the loss of an eye, or a limb, or something of that sort. Unfortunately, one of my fellow workmen was struck in the eye by a piece of steel. He had to go to the hospital, and eventually lost the sight of that eye. The representative of the insurance company came to his wife, and wanted her to accept something like £10 as payment for the whole liability. Therefore we have some of these unscrupulous companies trying to take advantage of people when they are in need of money, and poor people think it is better to suffer injustice than be dragged before the Court, and have to submit to what they consider heavy charges.

Mr. SNOWBALL.—That will not prevail so much in an Arbitration Court dealing with claims.

Mr. ELMSLIE.—No, but I want to point out that some of these companies at the present time have a habit of trying to evade their responsibilities and proper liabilities, and this Bill will not accomplish its object unless we give to the people we desire to assist the full compensation which is laid down in it. I think the honorable member for Carlton has pointed out a serious weakness in the measure. I listened with considerable attention to the remarks of the honorable member for Gippsland West, who pointed out that in British-speaking communities there was a great deal of litigation in connexion with these Acts.

Mr. MURRAY.—You must remember that a great many unfair claims are made.

Mr. ELMSLIE.—I am certain that there will be some unfair claims made, but I am perfectly sure that there have been more unfair payments made than unfair claims hitherto. The Chief Secretary, before resuming his seat, made a certain promise. I do not doubt but that he intends to keep it, but I would have liked an indication as to in what direction his own ideas run, and whether they would follow the suggestion offered by the honorable member for Gippsland West that an amendment of clause 5 might meet the case.

Mr. MURRAY.—That would not meet the point taken by the honorable member for Carlton. What the honorable member for Gippsland West proposes is to make the grounds in clause 5 clearer, and make it easier for the Court to decide. That does not deal with the matter of costs at all.

Mr. ELMSLIE.—I know it does not deal with the costs, but if the Bill is made more specific, and the opportunity of evading payment under technicalities could be removed, then, of course, it would have a material bearing on the costs of a case. The insurance companies now have their own doctors. A man's own doctor may say that he is suffering from an accident, but the insurance company's doctor may say that it is lumbago or some other complaint. Rather than go to law, unless it was an extremely serious accident, the claimant would accept half of what he was entitled to, and very often less than half.

Mr. MENZIES.—Our Railway Commissioners adopt similar methods in cases of accident.

Mr. ELMSLIE.—Yes; they send men out to the claimants. That is quite right, if the men sent out do the right thing. The men sent out by the Department are in the public employ, and I do not think that the medical men representing the Department are unfair. But they do not occupy the same position as the representative of an insurance company. The representative of an insurance company is sent out to try to keep

down the company's expenditure to the lowest possible amount, and if they see a point in the company's favour they will take advantage of it. That is the great objection many workmen have to the system of compulsory insurance. After paying their money, they know they will never get what they are entitled to, unless they are prepared to go to law. I think that the proposal of the honorable member for Carlton deserves serious consideration.

Mr. WARDE.—I hope the Chief Secretary will see his way to assist the honorable member for Carlton in his proposal. I know that during the earlier stages of this legislation in Great Britain one of the great faults of the Act was the enormous amount of money that was spent in law costs. As the honorable member for Carlton pointed out, the report which he and I looked over in the library showed that the costs for about 2,200 cases last year in the County Courts in Great Britain were over £25,000.

Mr. MURRAY.—That was not a very heavy charge for 2,200 cases.

Mr. WARDE.—That was a very large amount to deduct from the compensation paid to dependants.

Mr. MACKEY.—It was £12 a case, which would be £6 for each side on the average.

Mr. WARDE.—Particular attention has been drawn to the expense in costs by writers on industrial matters, and the subject has been referred to in the *Encyclopædia Britannica* and *Money* and other publications. It is necessary that something should be done. Whether the proposal of the honorable member for Carlton will wholly meet the situation the honorable member himself cannot say, as he is not a lawyer. I am glad to see, however, that legal men in the House have made several suggestions. The honorable member's proposal has been pretty well drafted to meet the object in view.

Mr. MURRAY.—This proposal by itself takes away some protection.

Mr. WARDE.—There is a subsequent amendment in the form of a new clause to be proposed by the honorable member for Carlton, and that clause has been drafted at his request by the Parliamentary draftsman, so that a legal gentleman has already been consulted on this matter. I understand that the honorable member got the permission of the Attorney-General to consult the Parliamentary draftsman, and that the proposed new clause is the result of their inquiry and consideration. I daresay the honorable member told the Parliamentary draftsman the lines on which he wished to go. If the Committee is in agreement with the object the honorable member has in view, it can pass the honorable member's new clause and feel certain that it is likely to be as well drafted as other clauses in the Bill, because it has been drafted by a person whose business it is to know how to put such provisions in legal phraseology. I think, therefore, that nothing will be gained by delay. It was pleasing to hear lawyers declare that something should be done to limit costs in these matters. Those statements were very creditable to members of the legal profession. I do not know what the other members of their union will say. They may charge these honorable members with "black-legging," and there may be serious trouble. Considering all that the honorable member for Brighton has on his shoulders at present, and the greater trouble which is impending in 1915, we do not desire to see any more great troubles placed upon him. In view of the difficulties the honorable member for Carlton has in dealing with a matter of this kind, and the Chief Secretary having expressed sympathy with him, and the lawyers in the House being also with him, surely the Chief Secretary could promise that he would see that something was done in this matter. He might promise that, if the honorable member for Carlton withdraws this proposal for the present, something will be done at the third reading stage to carry out the object he has.

Mr. MURRAY.—My promise does not mean a passing on of costs to the State.

Mr. WARDE.—The honorable member for Carlton is not so much concerned about that. What he desires is that the people whom this Bill is to benefit shall not have a large amount of money frittered away in law costs. The Chief Secretary, having expressed his sympathy, surely he might himself get the parliamentary draftsman to look into the matter, and see if he cannot at a future stage submit a clause which will carry out the object the Committee evidently desires to see accomplished.

Mr. MURRAY.—That is to limit the costs that may be incurred. That is all I promised to do.

Mr. WARDE.—That will be satisfactory. The amendment might be withdrawn at this stage, and when the proposal comes before the House again we shall have a further opportunity of considering this proposal.

Mr. McCUTCHEON.—There is just one point I should like to bring before the Chamber. Insurance companies are very well aware that if they brought up technical points of resistance to equitable claims they would become marked companies, and cease to be patronised by people who otherwise would go to them.

Mr. MURRAY.—They certainly would have to bear the costs in a case of that kind.

Mr. McCUTCHEON.—Of course they would have to bear the costs. I am speaking in reference to the suggestion which has been thrown out that the companies would seek to terrorize the claimants under this Act by putting them to the expense of going to Court on technical grounds. So far as I know, the companies here would be aware that it would never pay to do that. If companies resisted equitable claims they would become marked companies, and employers would keep clear of them.

Mr. WARDE.—It has nothing to do with the employer, I understand. When he pays the premium, the company undertakes to pay the money.

Mr. McCUTCHEON.—That is the phase of the matter I want to deal with. In my opinion, the employers are not so callous-hearted and careless as to leave such things in the hands of a company in which they have not confidence. If a company got a reputation for doing these things, it would be in the same position as a lawyer who gets a reputation for being litigious. Some lawyers—I will not name them—you cannot go to without being advised to go to law, instead of being advised to settle the case, as good firms will urge you to do. In the same way, insurance companies would not risk going into court on technical and trifling grounds, because they would get such a name that they would not be applied to for insurance. The employers in this State are sufficiently aware of what has occurred in the past in connexion with this matter, and they will be sufficiently careful I think of the interests of their employés not to pay fees to a company of that character. Any decent employer is most anxious, as is indicated by their desire to get this law passed, that the employé should get the utmost benefits of this legislation. Fixed premiums are paid for the insurance, according to the nature of the employment, and I think that as the employer knows he has nothing more to pay he will, as a rule, see that the employé gets the best of the deal, so far as he possibly can. It would influence him very largely in deciding what company to insure with if he found that certain companies were not giving the employés fair play.

Mr. J. W. BILLSON (*Fitzroy*).—I am delighted with the speech of the honorable member for St. Kilda, and I think that I can thoroughly indorse all that he says. The honorable member gives us to understand that the employers when they insure their men are very anxious that in case of accident the men shall get the full benefit of the amount they are insured for, and that full justice will be done to them. It would appear that some of the insurance companies are really honest companies controlled by directors who desire that the right thing shall be done. If that be so, we shall have very few cases going into Court, and the amendment of the honorable member for Carlton can very easily be carried without causing much expense to the country. Under these circumstances, I do not see how the Government can really oppose the amendment. In the event of a case going to Court the Chief Secretary can easily see that it might ruin any poor person who sued under this Act.

Mr. MURRAY.—That is if the poor person were unsuccessful.

Mr. J. W. BILLSON (*Fitzroy*).—That is not the trouble. I am very much afraid that a poor person might not have sufficient means to present his case as it ought to be presented to insure success. As we are assured that very few cases will come before the Court, I think the Government might very well secure to poor litigants the legal assistance that is absolutely essential to enable them to place their cases before the Court in a proper way. Cases of this kind have been before the Courts both in England and America that have cost immense sums of money, and we have no reason to believe that our experience will not be similar. I think it would be a standing disgrace to this Parliament if it did not pass an amendment such as that which

the honorable member for Carlton has proposed to insure that justice shall be done. What is the use of our passing a Bill of this character unless we fortify as well as we are able the just claims of those who have, unfortunately, to bring actions under it?

Mr. McLEOD.—I am sorry that I cannot go to the length of canonizing the insurance companies that the honorable member for St. Kilda has done, because the experience I have had in connexion with mining companies is that the company itself has nothing whatever to do with the case. They insure to cover all liabilities, and the insurance company fights the claims, and often fights unfairly. What often happens is that, when an accident happens, the person who is entitled to compensation has no means, and is obliged to accept something less than he is entitled to. That is the difficulty that I see, and I strongly support the object of the honorable member for Carlton that there should be a limit to the costs. So far as I can judge, however, the clause proposed by the honorable member seems scarcely to effect that object. There are cases where insurance companies are justified in fighting, but there are no doubt other cases where they take an undue advantage of the poverty of the claimants. I think that if the Government adopted the principle of limiting costs, they could bring down some provision which would enable an unfortunate litigant to fight a wealthy insurance company, and be at the same time protected as to the amount of costs incurred. The Chief Secretary might consult with the law officers to ascertain what is a fair and legal proposition in that direction.

Mr. McCUTCHEON.—Might I say that in the remarks I made just now I was referring to individual employers, and not to companies. We know that a company has neither a body to be kicked nor a soul to be damned. The honorable member for Daylesford spoke of mining companies which left the insurance companies to deal with the men as they liked. I was referring rather to private employers who have personal relations with their workmen, and that is an entirely different matter.

Mr. BAYLES.—I would like to say that during the eight years or so for which the Workers' Compensation Act has been in force in Queensland the insurance company with which my firm was insured has never disputed one claim that has been put in. In every case the company has paid without making any difficulty whatever. I think it is the general rule for any reputable insurance company to pay wherever a fair claim can be shown. The honorable member for Flemington says that in England the experience has been the other way.

Mr. WARDE.—I believe it has very much improved during the last few years.

Mr. BAYLES.—I do not know anything about what has occurred in England, but from the experience I have had through acting as solicitor for employés who have brought claims under other Acts, I know that some of the companies are very considerate and humanitarian in their ideas, and treat these cases very fairly.

Mr. SOLLY.—If I cannot get all that I want, I would like to take the best I can get. I should very much like to see something done in the direction I have advocated. Many frivolous cases would be taken to the Court if the Court were free, but as a preventive against frivolous cases a penalty clause could be inserted in the Bill. Under that the Judge would have power to say whether the case was frivolous, and to impose a fine on the person who brought it.

Mr. SNOWBALL.—That would cut both ways.

Mr. SOLLY.—Exactly. We know that in connexion with the Victoria Racing Club and other reputable racing clubs, if a jockey lodges a complaint for interference on the part of another during a race, and it is shown that the charge is frivolous, the complaint is dismissed, and the jockey who made it is fined. We could make similar provision in this Bill. The honorable member for Williamstown has reminded me that under our Factories Act, if a case is taken to the Courts concerning the carrying out of the conditions of a Wages Board, the costs are borne by the Department.

Mr. MURRAY.—As a rule the losing side pays the costs.

Mr. SOLLY.—If the Crown takes action and loses the case, it pays the costs.

Mr. MURRAY.—Yes.

Mr. SOLLY.—If the Minister of Labour takes action under the factories law, and the case is lost, the costs come out of the Consolidated Revenue.

Mr. MURRAY.—You do not propose that the State should bring these cases before the Courts?

Mr. SOLLY.—No. It appears to me to be a wretched proposition to say that when a woman loses her husband she can be put to the expense of £100 in bringing an action. To penalize that woman to that extent for attempting to get justice appears to me to be quite wrong. I feel that my ideas are sympathetically received by honorable members.

Mr. MURRAY.—I feel that the difficulties will arise not so much in connexion with fatal accidents as with those that are not fatal.

Mr. SOLLY.—Several honorable members who have spoken have agreed that something should be done to limit the costs to both parties. The Chief Secretary states that he is willing to draft a clause that will meet with honorable members' views, and I am prepared to accept his promise. If the honorable gentleman's clause does not meet with my approval, I desire to inform him that I shall move my new clause after the third reading of the Bill. Under the circumstances I withdraw my amendment.

The amendment was withdrawn, and the clause was agreed to.

Progress was then reported.

The House adjourned at ten o'clock.

# LEGISLATIVE COUNCIL.

*Wednesday, August 27, 1913.*

The PRESIDENT took the chair at five minutes to five o'clock p.m., and read the prayer.

## SPECIAL WAGES BOARD.

### PAPER, CARDBOARD, AND CARPET FELT MAKERS.

A message was received from the Legislative Assembly intimating that they had agreed to the following resolution, in which they desired the concurrence of the Legislative Council:—

That it is expedient to appoint a Special Board to determine the lowest prices or rates which may be paid to any person employed making paper, cardboard, carpet felt, or any similar products.

The message was ordered to be taken into consideration on Tuesday, September 9.

## SCAFFOLDING INSPECTION BILL.

This Bill was received from the Legislative Assembly, and, on the motion of the Hon. J. D. BROWN (Attorney-General), was read a first time.

## WIRE NETTING BILL.

This Bill was received from the Legislative Assembly, and, on the motion of the Hon. W. A. ADAMSON (Honorary Minister), was read a first time.

## SHEEP DIPPING ACT 1909 AMENDMENT BILL.

This Bill was returned by the Legislative Assembly with a message intimating that they had agreed to the same with amendments, in which they desired the concurrence of the Council.

The amendments were ordered to be taken into consideration forthwith.

The Hon. A. A. AUSTIN said that the first amendment was in clause 1, which dealt with the short title and construction. The amendment was for the insertion of the words "hereinafter called the principal Act" after the words "Sheep Dipping Act 1909." These words were omitted by accident from the Bill when it was before the Council. He begged to move—

That the amendment be agreed with.

The amendment was agreed with.

The Hon. A. A. AUSTIN said that in clause 2, which amended section 2 of the principal Act, the Assembly had made an amendment repealing the words "'carrying ticks or lice' means 'affected by ticks or lice, and the words.'" It was felt by the Department of Agriculture that these words were unnecessary in the interpretation section, and likely to lead to confusion. He moved—

That the amendment be agreed with.

The amendment was agreed with.

The Hon. A. A. AUSTIN said there were two slight amendments in clause 7, and one in clause 9. He moved—

That the amendments be agreed with.

The amendments were agreed with.

The Hon. A. A. AUSTIN said the next amendment was the insertion of the following new clause:—

A. In sub-section (2) of section six of the principal Act for the words "October or November" there shall be substituted the words "or October."

He said the new clause meant that the Department would have another month in which to enforce the Act. He moved—

That the amendment be agreed with.

The amendment was agreed with.

The Hon. A. A. AUSTIN said another amendment was the insertion of the following new clause:—

B. In section ten of the principal Act for the words "to a penalty not exceeding Five pounds" there shall be substituted the words "for a first offence to a penalty not exceeding Five pounds and for a second or any subsequent offence to a penalty not exceeding Ten pounds."

He said it simply provided a penalty for a second offence. There was no penalty for a second offence in the principal Act. He moved—

That the amendment be agreed with.

The amendment was agreed with.

The Hon. A. A. AUSTIN said the last amendment was to insert a new clause stating—

C. In section eleven of the Principal Act after the word "slaughter" there shall be inserted the words "or for sale."

He said the principal Act referred to sheep coming in from another State for slaughter. The new clause provided that the Governor in Council should be empowered to make regulations for sheep introduced from another State for sale. He moved—

That the amendment be agreed with.

The amendment was agreed with.

## COHUNA SETTLEMENT.

### Case of Mr. Browning.

The Hon. FRANK CLARKE asked the Attorney-General—

(*a*) If it is a fact that Mr. Browning, a Cohuna settler, has left that settlement owing back rent to the State Rivers and Water Supply Department; and, if so—

(*b*) is it a fact that he realized by a clearing sale over £200, which he has taken away;

(*c*) has he taken up an allotment under the New South Wales Closer Settlement Department; and

(*d*) does the Department intend to recover, by process of law, the rent and other arrears owing?

The Hon. J. D. BROWN (Attorney-General).—The answer is—

Mr. Browning was a Cohuna settler. He left the district owing back rent to the State which he has this day (26th August) paid.

## TRANSFER OF LAND ACTS AMENDMENT BILL.

The Hon. R. BECKETT moved the second reading of this Bill. He said the measure did not presume to deal with any questions of fundamental importance. All the matters referred to in the various clauses related to questions which had from time to time come under the notice of the Titles Office, and of solicitors doing business with that office. They had been considered, not only by himself, but by other members of the profession, and the general opinion was that the working of the Act would be considerably facilitated if the additions and amendments proposed by the Bill were made. All the provisions were drawn up as the result of experience in actual cases which had arisen in various offices, and if the measure were passed it would considerably facilitate the transaction of various classes of business. Clause 2 related to the attestation of instruments such as transfers, mortgages, leases, and powers of attorney, which were dealt with at the Titles Office. As the law stood to-day, an instrument of that character signed outside Victoria could not be attested by a justice of the peace. Throughout Australia justices of the peace were well recognised as competent men to deal with judicial business, and also to attest documents of various kinds. By the High Court a justice of the peace was permitted to take an affidavit in any part of Australia. In the other States considerable power was given to a justice of the peace by the laws in operation there. As far as the Transfer of Land Act was concerned, although a justice of the peace was competent to take a declaration used in the Titles Office, he could not attest the signature for a transfer. There had been cases, and unless an alteration were made there would be more, where it was exceedingly troublesome to get documents in remote parts of Western Australia and Queensland attested by those at present authorized to do so. For instance, in up-country towns in Western Australia there were justices, but there were no persons qualified under the Transfer of Land Act to attest signatures. That meant that a transfer was held up a long time until the person who had to sign could find some one authorized to attest his signature, such as a notary public or the manager of a bank with its head office in Melbourne. He

thought we had reached the stage when throughout the whole of the Commonwealth justices should be granted equal authority and sanction, and in Victoria we should be permitted to recognise a justice in any other part of the Commonwealth. Clause 3 extended the list of persons qualified and authorized by the principal Act to bring under the Transfer of Land Act land now under the general law. In the principal Act six classes of persons were included in the list. This clause proposed to add two other classes of persons. Only a few years ago an extensive and improved law dealing with settled estates had been adopted, a law which was on the model of the English Act, and which gave to a tenant for life of real property much enhanced powers. Instead of being in the more or less subordinate position which he used to occupy, the tenant for life had all the powers of an absolute owner. For instance, a tenant for life could sell or mortgage, or make an exchange, and so on, but a tenant for life could not bring under the Transfer of Land Act land which was now under the general law. Certainly a tenant for life might be given this power. As the law stood to-day, a tenant for life, if he wished to bring land under the Act, had to get one of the first remaindermen to join with him. In most cases the first remainderman would be some one under age so that practically it was impossible in settled estates of that kind to bring land under the Act unless action was taken through the trustees. This clause empowered the tenant for life to make an application and hand in all the old deeds under the general law, and obtain a certificate of title under the Act, so that when a tenant for life exercised his powers to sell or exchange he would be able to make better terms. Paragraph 8 of the clause dealt with a matter which was somewhat intricate. It was provided in paragraph 8 that owners of land abutting on a *cul de sac* might make application under section 21 of the principal Act to have that land brought under the operation of the Act. Clause 4 dealt with a matter which was of considerable practical importance. Under the Conveyancing Act, a man who purchased property under the general law was practically prohibited from going back into the early stages of the title, and from ransacking all the matters which were dealt with in the early days. He was compelled to accept the title as it was presented to him at a certain stage, but the Titles Office was not in that position at all, and purchasers who desired to bring their land under the operations of the Act were compelled by the Titles Office to prove all the instruments, &c., relating to the land. The Titles Office, as a rule, raised a whole host of objections against the applicant, and required him to furnish proofs which he could not require of the vendor of the land. No end of objections and difficulties were placed in the applicant's way. The object of the clause was that the Titles Office should, in dealing with applications, be in the same position practically as the vendor of the land, and be bound by the provisions of sub-section (1) of section 4 of the Conveyancing Act. Clause 5 was designed to facilitate the passage of applications through the Titles Office. Clause 6 was an amendment of the principal Act, and provided that the abandonment of the easement over a right-of-way, or a passage, or lane might be presumed after twenty years' adverse possession instead of thirty. Clause 7 was as follows—

> From and after the commencement of this Act there shall be added to the conditions set out in the table A in the twenty-fifth schedule of the principal Act the following conditions :—
>
> 10. The land is sold subject to all the conditions contained in the Crown grant relating thereto.
> 11. Time shall in all respects be the essence of this contract.
> 12. If the purchaser shall not give any acceptances or notes but shall agree to pay the balance of purchase money by an instalment or instalments the words "instalment or instalments of purchase money" shall be read in these conditions instead of the words "acceptances or notes."

In 99 cases out of 100, Table A was made use of by agents and persons selling land under the Act, and it was necessary to add certain conditions in writing to the printed conditions. The amendment was for the purpose of adding the ordinary and usual conditions to the conditions set out in Table A.

On the motion of the Hon. J. D. BROWN (Attorney-General), the debate was adjourned until September 10.

## CRIMES ACT 1891 FURTHER AMENDMENT BILL.

On the motion of the Hon. J. D. BROWN (Attorney-General) this Bill was re-committed for further consideration of clause 2.

The Hon. R. BECKETT said it was provided in sub-clause (2) of clause 2 that—

> The failure of any person charged with an offence, or of the wife or husband (as the case may be) of the person so charged, to give evidence shall not be made the subject of any comment by the prosecution.

He moved—

> That the words "or by the Judge or Justice" be added to the sub-clause.

Although the words he desired to have inserted were few, they really dealt with a very important principle. The clause on the face of it made it plain that if an accused person did not choose to go into the box, and give evidence on his own behalf, the prosecution could not make any comment on that fact, but it left it open to the Judge, if the accused was being tried in General Sessions, or in the Supreme Court, or a justice, if the accused was being tried in a Court of Petty Sessions, to comment on the fact if the accused did not choose to give evidence on oath, and in that way to make use of the fact more or less as a presumption of the man's guilt. At present the law in Victoria did not permit a Judge or justice to comment upon the fact that an accused person did not give evidence on oath. That had been the law in Victoria ever since prisoners had been permitted to give evidence on their own behalf. There had been a provision in the law that the failure of an accused person to give evidence on oath must not be commented upon by the prosecution or the Judge.

The Hon. FRANK CLARKE.—A recent decision has practically abrogated that.

The Hon. R. BECKETT said that the decision which the Attorney-General had laid great stress upon when the Bill was last before the House was a decision of the Court, in England, which simply referred to the practice of the Judges there, and there was no doubt that if the Bill was passed without the amendment which he proposed, that decision would be followed here, and it would be quite open for Judges or magistrates to presume that a man who did not choose to give evidence on his own behalf was a guilty person. This matter had been discussed in other parts of Australia. There was nothing new about the point, and he thought honorable members had arrived at a stage where they ought to be able to make up their minds as to what was best for the community. Some years ago, in New South Wales, a man named Kops was charged with arson, and the Judge, in putting the case to the jury, commented upon the fact that that man's hat was found at the scene of the crime, and that the man had not gone into the witness-box, and explained how it was that this piece of evidence against him was found in that place. The accused was convicted, and, on appeal, the case came before the full bench of the Judges of New South Wales. The Judges differed, but the majority of them agreed that the Judge in the first case was quite right in commenting upon the fact that the accused did not choose to go into the witness-box and give evidence. One Judge who dissented was strongly of the opinion that no comment as to the accused not having gone into the witness-box should have been made. The Full Court sustained the conviction. There was then an appeal to the Privy Council, and the Privy Council held that the decision of the majority of the Judges was right. Immediately afterwards, Parliament in New South Wales altered the law, the general opinion being that the ruling of the highest Court was most unjust. Section 407 of the New South Wales Crimes Act 1900, provided in sub-section (2) that—

> It shall not be lawful to comment at the trial of any person upon the fact that he has refrained from giving evidence on oath on his own behalf.

From that time the law had been observed in New South Wales on those lines. Our Victorian law, which it was now proposed to alter, made it plain that there should be no comment.

The Hon. FRANK CLARKE.—It is a matter of common knowledge that there is.

The Hon. R. BECKETT said he did not know that.

The Hon. FRANK CLARKE.—I have the authority of a Judge for saying that they do comment.

The Hon. R. BECKETT said he had given what was the law in New South Wales. The New South Wales Parliament deliberately decided that the fact of the prisoner remaining silent, and not going into the witness-box, should not be commented on and used against him. In the other States the same view of the law was held. In New Zealand it had been the law for many years, and in the consolidated Acts the law was perpetuated. The New Zealand Act of 1908, number 32, section 423, said that "no comment adverse to the person charged shall be allowe dto be made" on

the fact that he failed to go into the witness box and give evidence. In South Australia, from the first time they permitted accused persons to give evidence, in 1882, they made it clear that the failure of the prisoner to give evidence should not be used against him; and their Statute said that no presumption of guilt should be allowed upon the fact of such person electing not to give evidence. All the States made it quite clear that the option given to the prisoner to give evidence on his own behalf was not to be so used—that if he chose not to give evidence, that was not to be brought up against him to his prejudice. He (Mr. Beckett) had had the opportunity of speaking to men who practised in the criminal Courts, and their view was that an accused person ought not to suffer by his remaining silent. He did not think that Judges disagreed with that position. He was not dealing with men who made allegations against other witnesses, but with men who, when asked by their counsel whether they would go into the box, simply remained silent and let the Crown prove the case against them. He was sure that the Judges always approved of what was the practice of the other States, that no comment should be made. Look at the effect of comment in such a case. If the prosecution were to comment, the accused person would have an ample opportunity of rebutting what was said, as his case came afterwards, and he had his say later on. If the Judge were allowed to comment, that would be the last word. There would be nothing more to be said, and the accused person would have no opportunity of making any explanation. As a matter of practice, there were many good reasons why accused persons, when wholly innocent, were not disposed to go into the witness box and stand cross-examination.

The Hon. J. D. BROWN.—Why should they not?

The Hon. R. BECKETT said there were many reasons why some innocent persons could not give evidence on their own behalf. In some instances there was extreme nervousness, timidity, and fear on the part of the witness when he knew he would be cross-examined by the Crown Prosecutor. There were other cases where prisoners remained silent, not so much to shield themselves as to shield others, and they would not speak when they knew that by cross-examination all kinds of other things would be dragged out of them. In a large number of cases accused persons remained silent, although innocent, and it should never be used against them that they had kept silent, and left the Crown to prove the case against them. The principle of British law was that no man was presumed to be guilty, but that every man was presumed to be innocent. We should not get away from the foundation principle that every man was innocent until he was proved guilty. There was not only the fact that, if the Judge was permitted to comment, the Judge would be the man who had the last word, but there was also the fact that this provision would apply in the lower Courts, such as the Courts of petty sessions. Although we might have confidence in the learned men in the higher Courts, if this was left open in respect of the lower Courts it would be quite competent for the justices of petty sessions to be influenced by such a provision. The justices would see that there was nothing in the law to forbid them drawing their own conclusions from the fact that the accused had not gone into the box and given evidence, and they would say to themselves, "The case is a weak one, but this man did not go into the box. That is enough for me, and I will convict him." He (Mr. Beckett) knew the way some of the justices regarded some of these cases. If there was a plain intimation in an Act of Parliament that the justices must not weigh as a fact against the prisoner the circumstance of the man not giving evidence, most justices would utterly exclude that from their minds. Any one with a certain amount of training was capable of shutting out of consideration a thing which the law stated he was not to take into account. If it was provided that there was not to be any presumption of guilt simply from the accused person not going into the box, then he believed justices, as well as Judges, would be very careful not to allow the fact to weigh with them when making up their minds. Knowing the large experience which had guided the Legislature of New South Wales, and the more limited experience which had guided New Zealand and South Australia in making the provision they had made, we ought not to hesitate in giving the same privilege in Victoria, and he therefore hoped that the amendment would be carried.

The Hon. J. D. BROWN (Attorney-General) stated that he did not think he would have much difficulty in satisfying

the Committee that, so far as justices were concerned, there was not the danger that Mr. Beckett feared. What was the duty of the justice? His duty was to hear evidence, and to decide whether he should convict and punish, or send the case before a jury, or acquit the accused. With the Judge it was a different matter. The carrying of this amendment would alter what had been the law for more than 100 years. As a fact, the law had always been, and was now, that the Judge was left free to comment or not, as he pleased. He would satisfy honorable members by what he would read to them, that the Judge had the right from time immemorial to comment. In *Archbold's Criminal Pleading Evidence and Practice*, 24th edition, which was a leading text-book on this part of the law, it was stated, at page 226—

> The Court, in summing up the case after the conclusion of the evidence and arguments, is bound to direct the jury as to the law applicable, and may go through and comment on the evidence given, and may even comment on the absence of evidence which might have been given, including the failure of the defendant to exercise his right to give evidence under 61 and 62 Vict. c. 36, if, in the discretion of the Court, such comment appears to be fair and just.

He would remind honorable members that the provision in this Bill was a verbatim copy of the English law. He desired to graft into the law of Victoria the English legislation of 1898, which was considered by Judges and advocates to be a great improvement on our law. Then in *A Century of Law Reform*, containing reports of lectures given before law students in the Old Country, there was a lecture by Mr. Blake Odgers, who was a leading criminal prosecutor in London. He stated—

> From 1872 to 1897 about 26 Acts were passed enabling accused persons in certain cases to give evidence; but at last came Lord Halsbury's important Act of 1898, which made an accused person and the husband or wife of such person *competent* witnesses, and which regulated the procedure as to their examination. That Act is so plain and clear that I need not detain you by enlarging on its provisions. I will only say that all the predictions of its opponents have been falsified, and that it works admirably.

That was the dictum of one of the foremost criminal prosecutors at present practising in the Old Country. He (Mr. Brown) was going to refer to the statements made in delivering judgment in the case in New South Wales which had been referred to. The New South Wales section in the Act of 1891 was in advance of our law. It was as follows:—

> Every person charged with an indictable offence, and the husband or wife, as the case may be, of the person so charged, shall be competent, but not compellable, to give evidence in every court on the hearing of such charge: Provided that the person so charged shall not be liable to be called as a witness on behalf of the prosecution nor to be questioned on cross-examination without the leave of the Judge as to his or her previous character or antecedents.

That Act was anterior to the Act of 1898. But he was not going to follow New South Wales when he could find an Act in England which had met with the approval of the Judges of the British Empire and, as he believed, of all criminal lawyers. He preferred to follow the English Act of 1898 rather than any Act of New South Wales. In that particular case, *Kops* v. *The Queen*, the head note was as follows:—

> When a prisoner applied for special leave to appeal in a criminal matter on the ground that the Judge misdirected the jury in commenting upon the prisoner having refrained from giving evidence. Held, that such comment was according to law, and that the Criminal Law and Evidence Amendment Act did not preclude it.

Under this Bill, the prosecuting counsel was to be prevented from making any comment at all upon the fact that the prisoner refrained from giving evidence, but the Judge was not to be muzzled in that respect, or prevented from administering justice fairly and squarely. In the case of *Kops* v. *The Queen*, a man was convicted of arson, and the Judge commented on the prisoner not having given evidence which he was competent, but not compellable, to give under the section of the New South Wales Act. The Judge told the jury that they might draw an adverse inference from the fact that the prisoner had omitted to deny on oath certain statements, and to explain certain suspicious matters. The case went on appeal to the Privy Council, and the Lord Chancellor (Lord Herschell), in delivering the judgment of the Court, which was unanimous, said—

> The point on which special leave to appeal is sought in the present case is whether upon the trial of a prisoner since the passing of the New South Wales Criminal Law and Evidence Amendment Act (55 Vict. No. 5) it is legitimate for the Judge, in commenting upon the facts proved, to refer to the capacity of the prisoner to give evidence on his own behalf, and so explain matters which would be naturally within his own knowledge, and of which an explanation would be important in view of the evidence already given. The argument would have to go, and did go, to this length—either that in no

case is a Judge entitled to comment upon the prisoner having refrained from giving evidence, or that in this particular case there were circumstances rendering such a comment illegitimate in point of law.

The majority of the learned Judges of the Full Court have held that the comments made by the learned Judge at the trial in this case were made according to law, and that there was no reason to interfere with the verdict which followed.

Their lordships see no reason to doubt the correctness of the conclusion at which the majority of the Court arrived. The learned Judges did not lay down—it was not within the scope of the case necessary to lay down—any general rule as to such comments. There may, no doubt, be cases in which it would not be expedient, or calculated to further the ends of justice, which undoubtedly regards the interests of the prisoner as much as the interests of the Crown, to call attention to the fact that the prisoner has not tendered himself as a witness, it being open to him either to tender himself, or not, as he pleases. But, on the other hand, there are cases in which it appears to their lordships that such comments may be both legitimate and necessary.

It has been urged on behalf of the petitioner that the words, "not compellable," are used in the Act, and that these words indicate an intention that no such comments as those made by the learned Judge who tried this case should be made to the jury; and this appears to have been the view of the majority of the learned Judges in the Court below.

In their lordships' opinion—having in view the fact that in the English Act to amend the law of evidence (14 and 15 Vict. c. 99) which enabled parties to tender themselves as witnesses, or be called as witnesses in civil actions, the provision was that parties should be both "competent and compellable" to give evidence—when subsequent legislation introduced in part the same capacity as regards criminal cases, rendering the accused competent but not compellable to give evidence, the word "compellable" which in the earlier Statutes obviously meant, "compellable by process of law," must in subsequent legislation have the same meaning, and not any more extended meaning, such as that which has been contended for here. Consequently the argument founded upon the use of the words "not compellable" cannot prevail.

Their lordships will, therefore, humbly advise Her Majesty that this petition must be dismissed.

In the course of argument, Lord Morris said—

> It is a matter of every day comment that witnesses have not been called to disprove facts; and before this Act comment might have been made that no explanation had been suggested.

He was sorry he had not the report of the proceedings before the Full Court of New South Wales. If the amendment were carried, it would be more against a prisoner than in his favour, because the Judge would be unable to say a single word to guide the jury. The jury might see from the evidence that the man could have shed a great deal of light on the matter in the way of explaining suspicious circumstances. Why should an honest man be afraid of going into the witness-box? Mr. Beckett stated that some people were too nervous to go into the witness-box. That should not stand in the way of innocent men. Every man had to go into the box sometimes if he were subpœnaed, and no man could refuse on the ground that he was nervous. The prisoner could only be subjected to cross-examination as to character if he put forward evidence of character, or improperly attacked a witness in the box. Mr. Justice a'Beckett and Mr. Justice Williams spoke strongly against this system being allowed to go on. The result of the system had been that a large number of people had been acquitted of serious crimes when they ought to have been convicted. Would any honorable member suggest for a moment that we could not trust the men we put on the Supreme Court Bench to fairly, honestly, and equitably administer the law? Unless we had the utmost confidence that the Judge would guard the interest of the prisoner, then we should not have such a Judge on the Bench. The Judges did guard the interest of prisoners, and there were many instances of that. The Judges were as keen and desirous of protecting prisoners from an improper verdict as they were to see the law was administered properly. We could not follow a better example than the English law, which had been in existence now for fifteen years. It was approved by all the leading writers on that section of our law. It was commended and approved by Judge after Judge, and he thought we could not do wrong in following it. He would ask honorable members not to accept the amendment.

The Hon. FRANK CLARKE said he rose to speak with some diffidence in the presence of legal luminaries. Still he was trained in law at the University, and had had some practice as an honorary justice. More by chance than by design he had had a conversation with two of our Judges during the last week or two upon this amendment, and gathered from them that they, and in their belief the whole of the Bench, felt strongly that the amendment was not on the right lines, and that the Judges should be given power in these matters as the Attorney-General suggested. Mr. Beckett had said

that where a man said nothing, did not get into the box, and did not give evidence, it was fair that no comment should be made on that failure to give evidence. The honorable gentleman omitted the third choice that every prisoner had, and that was the choice of making a statement from the floor of the Court without being sworn. That was not evidence. It was a common habit for a guilty man to adopt that method. They elected to make a statement, and were not allowed to be cross-examined or questioned on that statement. Judges found constantly that the plausible prisoner stood up on the floor of the Court and told a plausible story suggesting to the jury that it was very hard luck for an honest man like himself to be put in such a position, protesting his innocence, and trying to convey to the jury the impression that he was entirely innocent. Now, that prisoner was not allowed to be cross-examined nor questioned on that statement. The average juryman was not intimately acquainted with the law, and very frequently, no doubt, did not distinguish the fact that the prisoner had not been sworn, and had not given evidence under oath. The average juryman accepted the prisoner's statement at exactly the same value as if he had gone into the box and been sworn. It was in such cases that Judges had built up the practice during the last few years of quietly reminding the jury that the statement made from the floor of the Court was not the same thing as a sworn statement. The two Judges to whom he spoke assured him that every Judge did, when he thought fit, tell the jury that the prisoner's default in not giving evidence must be taken into account. It was, as the Attorney-General said, the common practice, and as the cases referred to by Mr. Beckett and the Attorney-General showed. We had the feeling at heart that it was right that a man should be considered innocent until proved guilty. He had no doubt that we all hesitated to arm any one with weapons that might possibly be used to the detriment of the innocent man. In this case he was sure that the argument of the Attorney-General was perfectly correct. The status of our Judges was a perfect guarantee that they would, as far as possible, see that nothing was done to prevent an honest verdict from being given. That would serve the prisoner in many ways if an honest man, and would serve the ends of justice in a great many cases where the prisoner's plausibility was likely to hoodwink a jury. The prosecution was not allowed to comment under the existing law. He thought it advisable that Judges should be given the power to undeceive a jury that had been deceived by a plausible prisoner remaining silent, or making a statement from the floor of the Court. He would urge the Committee not to adopt the amendment for that reason. We had had too many instances lately of men, obviously guilty, succeeding and bluffing juries. There had been a case within the last fortnight. It was a notorious case reported in the newspapers, but had the Judge been given larger powers, or chosen to exercise larger powers, it was possible that the ends of justice might have been secured, whereas now the man was free.

The Hon. D. MELVILLE said, as far as this matter had gone, it smelt rather strongly of the Inquisition. It appeared to him that this kind of thing had been practised for years in France with painful results. It seemed to him that the Attorney-General would have been a splendid man in the time of the Inquisition, or at the time witches were placed on trial. He believed that in some countries the prisoners were subjected to bullying. They could bring a man up and examine him at once. In Scotland the prosecutor had to present his case, but the prisoner had an advocate provided for his defence by the Crown, who looked after his rights. It was not likely that such an advocate would allow a prisoner to be cross-examined. In a book he had read it was mentioned that in one case the Judge said to the prisoner who was being cross-examined, "Jimmy, fat gars you lee," meaning "Jimmy, what makes you lie"? He was astonished to know that when the late Mr. Tucker, the then Minister of Lands, went into the witness-box in the Syme case, he was trembling, and everything went out of his head. He was a Minister of the Crown. Another witness was so nervous that he had to be accommodated with a chair. Suppose the Attorney-General were in the same position as Mr. Tucker?

The Hon. J. D. BROWN.—I am afraid the honorable member has not listened to the arguments.

The Hon. D. MELVILLE said that the Attorney-General was usually sympathetic and clear-headed in putting his case; but the chief point to be considered now was whether they were to make an autocratic Judge.

The Hon. J. D. BROWN.—The Bill does not do that.

The Hon. D. MELVILLE said there had been some extraordinary lawyers in the past.

The Hon. J. D. BROWN.—But not extraordinary Judges.

The Hon. D. MELVILLE said he wondered whether, if the Attorney-General put himself in the box, he would be any better than Mr. Tucker. Strong men often showed a great want of nerve in the circumstances. He agreed with the Attorney-General that no prisoner who was innocent need be nervous about stating his position. However, he was disinclined to change the law respecting the attitude of Judges to prisoners.

The Hon. A. ROBINSON said he could not help thinking that some of the opposition to Mr. Beckett's amendment was based on misapprehension of what the clause proposed. The clause was to take the place of section 34 of the Crimes Act 1891. Now section 34 provided that an accused person might give evidence in his own behalf, and the concluding words of the section were—

> Provided always that no comment shall be made upon the fact that any such person has not given evidence in his own behalf.

The clause provided that the failure of the person charged to give evidence should not be the subject of any comment by the prosecution, which was a variation of the present law. If the clause became law the only person prohibited from commenting on the fact was the Crown Prosecutor. In reply to Mr. Frank Clarke, he would point out that section 35 of the Act of 1891 provided—

> Where a person charged with an offence is not defended by counsel or solicitor, the following caution or words to the like effect shall, before he is called as a witness, be handed to him in writing under the direction of the Court, Judge, or Justice before whom he is charged (that is to say):—"Having heard the evidence against you, do you wish to be called as a witness and give evidence in answer to the charge? You are not obliged to be called and give evidence unless you wish, but if you are called the evidence you give may be used against you, and you will be liable to be cross-examined."

That was a complete intimation that the prisoner had the option of going into the box, and that if he did he might be cross-examined. The question was whether the fact of a man not giving evidence should be the subject of comment. New South Wales and other States had deliberately legislated against it, and he thought those who legislated in that way were right. Every one of them must be aware that a man very often would not go into the box to clear himself because he might implicate others, perhaps of his own flesh and blood. Why should he give evidence of his own innocence if it meant that evidence of the guilt of relatives might be extracted from him. That would be torture such as existed centuries ago. There were cases in which comments should not be made on the failure of a man to give evidence, and that being so there was only one safe thing to do—prevent it altogether. That would not mean that a Judge could not say "The prisoner has made a statement, which is not on oath, to the following effect"; but it would prevent the Judge saying that the prisoner had not gone into the box, and that if he could have explained such and such a thing he did not take the risk of doing so, or comment of that sort. By going into the box a man might put himself into a position grossly unfair to himself and those dependent upon him, or those from whom he had received benefits in the past, or might receive benefits in the future. The opinion of those who practised in the Criminal Court was that it was illegal for a Judge to comment on the failure of a man to give evidence in his own behalf. There were gentlemen in this Chamber with a long experience in law, and their opinion was that Mr. Beckett's amendment should be adopted.

The Hon. J. D. BROWN (Attorney-General) said Mr. Beckett had told the Committee that New South Wales had gone back upon its previous custom, and had passed a law stopping a Judge from commenting upon the fact that an accused person had not given evidence on his own behalf. The principle seemed to have always been that Judges should be allowed very great latitude in making such comments on the evidence as would assist the jury in coming to a conclusion, probably allowing more in favour of the prisoner than against him. If the amendment were agreed to a Judge would be unable

to point out to a jury that they should not take an adverse view of the prisoner because he did not give evidence. In the New South Wales case mentioned by Mr. Beckett the Judge commented upon the fact that the accused person did not give evidence in explanation of how it was that his hat was found near the scene of the crime. At that time there was nothing expressly in the New South Wales Act preventing Judges from making such comments. The Full Court of New South Wales, by a majority, and subsequently the Privy Council agreed that there was nothing to prevent the Judge making such a comment. In Western Australia and Tasmania the law was exactly the same as clause 2. If the amendment were carried it would absolutely prevent a Judge from making any comment he might desire to make in the interests of an accused person. However, he would leave the matter entirely in the hands of honorable members.

The Hon. R. BECKETT said it must be borne in mind that under the law at present it was absolutely clear that no comment could be made by a Judge upon the fact that an accused person did not give evidence on his own behalf. There was the following provision in the principal Act:—

> Provided always that no comment shall be made upon the fact that any such person has not given evidence in his own behalf.

That was the law to-day. So, if the Bill were dropped, Judges would not be allowed to make any comment upon the fact that persons accused did not give evidence on their own behalf. He differed from the Attorney-General, who said that Judges did comment in that way. From the little he knew of this particular jurisdiction, he could say that the Judges kept to the law, and if they saw that the law provided that no comment should be made, they did not make any comment. He had had an opportunity of speaking to a learned member of another place who practised occasionally in the Courts, and who was certainly well versed in the statute law of this land. That gentleman was most emphatically of the same opinion as he (Mr. Beckett). He wished to emphasize the fact that it was the Attorney-General who was trying to make a change in the law. The Bill altered the law from what it was to-day, and any one who sought to alter the law that had been in force since 1891 should show very good reasons for the alteration. His (Mr. Beckett's) amendment really maintained the law as it was at present. Many reasons could be given—Mr. Robinson had given some—why an accused person did not voluntarily go into the witness-box and submit himself to cross-examination. Generally speaking, he acted under the advice of those defending him, and those who knew very much about the practice not only at criminal trials, but civil trials, knew that in many cases indeed what influenced the advisers was the desirability of getting the last word to the jury. The Attorney-General presumed that every man presented for trial was guilty. He (Mr. Beckett) preferred the good old English principle that a man should be deemed innocent until his guilt was established. It was considered a very great advantage to have the opportunity of putting the case for the accused person last—at a stage in the case when a Crown prosecutor could not make any further comment. Without reiterating, he would say that he was standing for the law as it was on the statute-book to-day. It was the Attorney-General who was trying to make an alteration. The amendment would bring the Bill on this point into consonance with the existing law. Without the amendment, the Bill was a departure from the law. We ought to have the greatest respect for the decision of the New South Wales Legislature, which had had experience of a larger mass of criminal work than the Legislature in Victoria had. The New South Wales Legislature had passed the provision to which he had called the attention of the Committee. The Attorney-General, in adhering to the Bill, was taking us back to the position from which we had departed in our legislation here, and from which the legislation of New South Wales and New Zealand had also departed. We should stand by the old British rule that, if a prisoner chose to remain silent and not give evidence, he would be at liberty to do that and not have his silence commented on.

The Hon. J. M. DAVIES said he felt impelled upon this occasion to say a few words, because he introduced into this House the Act that was now being amended. He proposed the particular clause enabling accused persons to give evidence. Of course, he could not tell what was in the minds of honorable mem-

bers on that occasion, but he was responsible for the section, and he knew quite well what was in his mind. It was that no comment should be made by prosecution or Judge, or anybody else, upon the fact that the accused person did not choose to give evidence. This was given as a privilege, and as a privilege only. The Legislature said, "We will permit you, if you so desire, to give evidence. You need not give evidence unless you want to. If you do not choose to give evidence, that fact shall not tell against you." It was never intended to be an instrument of punishment. The accused person was not to be told, "You may give evidence if you choose, but, if you choose not to do so, the fact may be commented on." If the proposed alteration was desirable, then honorable members ought to go farther, and provide that the accused person should be warned that, if he did not avail himself of this privilege, the Judge could, if he thought fit, comment on the fact and put it to the jury. It was never intended that this privilege should be turned into a weapon of offence. It must be remembered that when this law was passed there was no such law in England. A Bill had been introduced, in the Commons he thought, similar to our Act, but it was not passed. There was a recommendation that a Bill should be introduced, but there was no such law. He always understood that, when it was said that no comment should be made, the provision meant what it stated. It did not say that there should be no comment except by the Judge, but that no comment should be made upon the fact that the accused person did not give evidence. The clause now before the Committee said that no comment should be made by the prosecution. That was allowing the Judge to comment. If this clause was passed, the Judge might comment. That was an alteration of the law. He was amazed to hear it stated that the same words as were used in our Act had been held by any Court to mean that they did not exclude the Judge. No words could be plainer than the words in the Act—"No comment shall be made." Where was the exception of the Judge? Where was the benefit to the accused person if the comment could be sprung on him afterwards, without warning, that he had not chosen to go in the box and give evidence? He (Mr. Davies) was strongly in favour of the amendment.

The Committee divided on the amendment—

| | |
|---|---|
| Ayes ... ... ... | 10 |
| Noes ... ... ... | 2 |
| Majority for the amendment ... ... | 8 |

AYES.

| | |
|---|---|
| Mr. Beckett | Mr. Richardson |
| ,, Davies | ,, Robinson. |
| ,, Evans | |
| ,, McLellan | *Tellers:* |
| ,, McWhae | Mr. Austin |
| ,, Melville | ,, McDonald. |

NOES.

*Tellers:*

Mr. Adamson | Mr. Brown.

The Hon. R. BECKETT said sub-clause (3) was as follows:—

(3) The wife or husband of the person charged shall not, except in any case in which such wife or husband might have been compelled to give evidence before the commencement of this Act, be called as a witness in pursuance of this section except upon the application of the person so charged.

He moved—

That the following words be added:—"Provided that in any case where the husband and wife are jointly charged either of the accused may without the consent of the other be called as a witness on his or her own application."

This amendment would make provision for those cases where two accused persons stood in the relation of husband and wife. These cases were not exactly provided for by the Bill, and he was told by counsel practising in this branch of the Court's work that a case of this kind occurred only a short time ago. In that particular case the wife and husband were jointly charged. The wife desired to give evidence on her own behalf, but the husband objected, and it was ruled that she could not do so. This amendment would make it quite clear that in a case of that kind either husband or wife would have the right to give evidence.

The amendment was agreed to.

The Hon. R. BECKETT moved—

That in clause 2, sub-clause (5), the following be added to paragraph (*b*):—"Provided that the permission of the Judge (to be applied for in the absence of the jury) must first be obtained.

He said that this amendment related to the right of cross-examination which was given by the Bill to the prosecutor in regard to the prisoner's past character and career. The Bill gave a larger power than had ever yet been given in cases where

the accused person went into the box, to cross-examine him as to his past career. The amendment was intended to make it plain that this could not be done until the Judge had given his permission, and that that permission was to be asked for in the absence of the jury. It would be manifestly unfair to the prisoner that the question as to his past convictions should be put to him in the presence of the jury, before the Judge had decided whether he should permit it or not.

The amendment was agreed to, and the clause, as amended, was adopted.

The Hon. J. D. BROWN (Attorney-General) said he would like to have a little time to consider the effect of the amendments that had been made in this Bill. Therefore, he desired that progress should be reported.

Progress was reported.

## SECONDHAND DEALERS BILL.

On the Order of the Day for the consideration of the report from the Committee on this Bill,

The Hon. J. D. BROWN (Attorney-General) moved—

That the Bill be recommitted for the consideration of clauses 2, 5, 6, 10, 12, 20, 22, and 27, the second and fifth schedules, and a new clause.

The motion was agreed to, and the Bill was recommitted accordingly.

The Hon. J. D. BROWN (Attorney-General) said it would be within the recollection of honorable members that when the Bill was previously in Committee Mr. Beckett suggested that the municipal clerk of the municipal district in which a dealer's licence was applied for should have some power of objection. There was no reason why that should not be done, and with that object he (Mr. Brown) had prepared a series of amendments, nearly all of which were of a consequential nature, in clauses 2, 5, 6, 10, and 12. He moved that these amendments be agreed to.

The amendments were agreed to.

The Hon. R. BECKETT called attention to clause 20 providing (*inter alia*) that, "every licensed secondhand dealer shall enter in a book (to be called a 'Purchases Book') to be kept by him on his premises, the particulars of each transaction in his business." He moved—

That the words, "Purchases Book," be omitted and the words, "Purchases and Sales Book" substituted.

In drafting this amendment, he had adopted word for word the provisions of the Imperial Act which applied to Ireland.

The Hon. J. D. BROWN (Attorney-General) said that if the amendment were adopted it would undoubtedly lead to a good deal of work by a class of persons who were not usually adept bookkeepers. The idea the Government had in introducing this Bill was to try and stop the ready manner in which stolen goods were disposed of. It was necessary that a "Purchases Book" should be kept by each of these secondhand dealers, but if full particulars of all sales had also to be recorded it would be a much more difficult matter.

The Hon. J. McWHAE expressed the opinion that the simpler the system of registering these transactions was made the better it would be, especially as secondhand dealers were not usually a highly-educated class of people. If a "Purchases Book" were kept as provided for in the clause it should be sufficient, without adopting the amendment proposed by Mr. Beckett.

The Hon. R. BECKETT said that in the Imperial Act, which applied to Ireland, express provision was made of this character—that a record should be kept of the sales as well as the purchases. This had been carried out for some years in Ireland, and he did not see why a similar provision should not work well here. Keeping this record would not mean that the secondhand dealer would have to keep an extra book; it would merely mean having an extra column in which to enter sales. He believed that such a provision would do a great deal more to stop the sale of stolen property than anything else in the Bill, because the secondhand dealer would know that, if the real owner came along, he could trace the property through the record of sales, and be able to get it back. Under the law, the owner of property that had been stolen could follow it back into the hands of any person who had possession of it.

The Hon. W. J. EVANS said he would point out that all secondhand dealers were not in the business of buying stolen property, and why should all secondhand dealers be compelled to enter every sale, simply because some such dealers were dishonest? Moreover, he failed to see how stolen property could be traced by such an amendment as Mr. Beckett pro-

posed. A Bill of this kind should not treat all secondhand dealers as if they were rogues. He believed with Mr. McWhae that if an entry was made of the purchase of articles, it would be quite sufficient.

The amendment was negatived.

The Hon. R. BECKETT drew attention to clause 22, which was as follows:—

(1) Every secondhand dealer—

(*a*) shall keep all secondhand wares purchased or received by him without changing the form in which they were when so purchased or received and shall not remove efface deface conceal or in any way alter or tamper with any name initial or other distinguishing mark of ownership and shall not dispose of the same in any way for five days after they have been purchased or received; and if within such period a notice signed by a member of the police force above the rank of sergeant has been served on him stating that a member of the police force has reason to believe that certain wares in such notice described have been stolen such secondhand dealer shall keep the wares so described for a further period not exceeding five days after the expiration of the first-mentioned five days;

(*b*) shall not by himself or any other person on his behalf purchase or receive any secondhand wares from any person apparently under the age of twenty-one years.

(2) A secondhand dealer shall for any contravention of any of the provisions of this section be liable for a first offence to a penalty not exceeding Twenty pounds and for any subsequent offence to a penalty of not less than Ten pounds or more than Fifty pounds.

He moved—

That in sub-clause (1) paragraph (*a*) after the word "notice," line 13, the words "in writing" be inserted.

The Hon. J. D. BROWN (Attorney-General) said he did not wish to object to the amendment, but as the clause provided that the notice must be signed, he thought the words "in writing" were hardly necessary. A notice must be in writing if it had to be signed.

The amendment was agreed to.

The Hon. R. BECKETT moved—

That the following words be added to paragraph (*a*) "but such notice may at any time be withdrawn."

He said that as the Bill stood now, all goods in the hands of secondhand dealers must be kept for five days, and then, if the dealer received notice from the police, he had to keep the goods for another five days. This might be very injurious to a man in carrying on his business. Moreover, it might be found by the police, before the close of the first five days, that there could be no objection with regard to the particular goods in question, and in such circumstances the police ought to have the option of withdrawing the notice.

The amendment was agreed to.

The Hon. R. BECKETT moved—

That in paragraph (*b*) "twenty-one" be omitted, and "eighteen" be substituted.

He said that this sub-clause imposed a severe penalty on every secondhand dealer who purchased or received any secondhand wares from any person under the age of twenty-one years. In the Imperial Act, from which some of the clauses of this Bill were taken, the minimum age was fixed at fourteen. To make the limit twenty-one, practically meant that it was proposed to treat every one below the age of twenty-one as a suspicious character, and as a person who ought not to be trusted to sell, exchange, or have dealings with a secondhand dealer. This, in his opinion, was an unwarranted aspersion on our young men. We allowed a man of eighteen years of age to take up land, but if he wanted to sell any of his implements he could not do so. This was legislation of a most drastic character.

The Hon. J. D. BROWN (Attorney-General) said the sole object of the Bill was to try to put a stop to young people robbing houses in the suburbs, and being able to dispose of the booty. The Government wanted to prevent large quantities of stolen articles from being disposed of. The records of the Police Court showed that a great many young people were concerned in these robberies. He knew there were people in Melbourne, like the character Fagin described by Charles Dickens, who employed boys to do this kind of thing. There were very few boys of eighteen who had tools of trade to sell in an honest way. Such articles were usually stolen from buildings in the course of erection.

The amendment was negatived.

The Hon. R. BECKETT moved—

That the words "unless accompanied by some person apparently over the age of twenty-one years," be added to paragraph (*b*).

He said that the addition of these words would give a young fellow a right to do this kind of business. There would be some person present over the age of twenty-one as a guarantee concerning the honesty of the transaction. Was it not fair to

allow any one under twenty-one, if accompanied by some one over that age, to exchange or sell any secondhand wares he possessed? He contended that such should be allowed. If the Bill were carried without this amendment it would be absolutely prohibitive to such a young man if he wanted to exchange or sell a watch or any other article. The Committee had decided to fix the age at twenty-one, and surely a man of the age of twenty-one should be allowed, if his father or some other adult person went with him, to sell his tools.

The Hon. J. McWHAE said there was no doubt that we were suffering from an epidemic of what might be called pillage. The chairman of the Harbor Trust told him the other day that 1,700 or 1,800 cases of pillaging had been found out. The pillaging that went on on the wharfs was simply a scandal. His experience in bringing machinery here was that it was not there for an hour before the brasses were lost. This pillaging must be put a stop to. We must do our utmost to stop it. It was most degrading to the character of this class of young people that instead of working they could go down to the wharfs and steal the brasses. It was adding to the criminal class, and although a little injustice might be done by legislation to some one who wanted to sell his watch or his tools, it was necessary to take drastic action to prevent the immensity of harm through this widespread pillaging. It was the man who bought the stuff who was doing the greatest harm.

The Hon. J. M. DAVIES said he was inclined to agree with Mr. Beckett. Assuming that there was a thief under the age of twenty-one, he could not sell his goods under the Attorney-General's proposal, but he would have no difficulty in passing those goods on to another criminal who was twenty-one years of age, and in that way they could be sold. He could not see how the Bill would act with any check against dishonesty, but it would be placing a difficulty in the way of the honest young man. He agreed that it was not a good thing to let people under twenty-one go direct to the secondhand dealers. He could not see how the Attorney-General's proposal safeguarded anything. He approved of the amendment.

The Hon. W. J. EVANS said it seemed to him that the amendment was on a par with the law in existence now under which a young man could come down from the country with a horse or a cow for sale, and take some one to the auctioneer as a guarantee that the animal was not stolen. At the present time a number of people were selling farms and implements. A farmer's son under twenty-one might be sent to sell implements, or a farmer might send a youth who was simply an employé, to sell a plough to a secondhand dealer. That dealer would say that he was not going to be fined £20, and would refuse to buy the plough. If the amendment were carried the dealer could tell the youth to bring a reputable citizen with him as a guarantee that he was authorized to sell the plough, and then the dealer would purchase it. That youth would not then have to take the plough back to the country, and that seemed to be the right position. It had already been decided by the Committee that a secondhand dealer should not be allowed to purchase goods from any one under twenty-one. If the amendment were agreed to the difficulty he had referred to would be overcome.

The Hon. J. D. BROWN.—There is no plough in the schedule.

The Hon. W. J. EVANS said he had only spoken of a plough in order to make his argument clearer to the Attorney-General. At any rate, he would support the amendment.

The Hon. J. D. BROWN (Attorney-General) said he might be very dull and stupid, but he could not agree with what the President had said. If the amendment were carried, then the man who had entered a house in Toorak or St. Kilda and taken a lady's bag or portmanteau containing jewels or other things could at once come into the city and offer a boy a shilling or half-a-crown to sell it to a secondhand dealer. There were numbers of boys to be found at the corners of streets smoking cigarettes who would jump at the opportunity. The very object of the Bill was to prevent boys having anything to do with secondhand dealers. If the amendment were carried, it would make the Bill useless as far as convictions were concerned, because the thief would make use of a boy.

The Hon. R. BECKETT.—Why does he want to do that if he is over twenty-one years of age himself?

The Hon. J. D. BROWN said the amendment proposed that a boy under

twenty-one years of age would not be allowed to sell the articles specified to a secondhand dealer unless he was accompanied by some one over twenty-one years of age.

The Hon. R. BECKETT.—Then the thief does not want a boy if he is over twenty-one years of age himself.

The Hon. J. D. BROWN said the boy would sell the portmanteau, and his name would be taken. The Committee had decided that it would not allow a secondhand dealer to deal with a boy under twenty-one years of age. Now it was proposed to make it the easiest thing in the world for an adult thief to get the assistance of a boy in disposing of stolen goods. A man had made a business of that sort of thing. He had asked them to get for him things off vans, and given them a coin in return.

The Hon. H. F. RICHARDSON said he regretted that the Attorney-General could not accept the amendment, which would give the police a chance of finding out whether the youngster was the person who might be prosecuted. Otherwise, property stolen by a youth might be handed over to a man and sold by him to the dealer. In that case, the name of the youth would not appear at all. Instead of injuring the Bill, the amendment would prove of advantage to the police, because there would be an additional name on the records.

The Hon. J. D. BROWN (Attorney-General) said it seemed to him that if the amendment were inserted, the clause would be meaningless.

The amendment was agreed to, and the clause, as amended, was adopted.

Clause 27 was verbally amended, and adopted.

The second and fifth schedules were consequentially amended, and agreed to.

The Hon. R. BECKETT proposed the following new clause:—

Every person applying for a licence under this Act or a renewal thereof shall pay to the Clerk of Petty Sessions a fee of 10s.

He said that under the Marine Stores and Old Metals Act dealers had to pay a licence-fee, and under the Imperial Act, on which the measure now before honorable members was based, dealers had to pay a fee. The fee ought to be made a reasonable one, and 10s. per year was certainly a reasonable figure.

The Hon. J. D. BROWN (Attorney-General) said he would ask that progress be reported. When the Bill again came up, if honorable members thought that a licence-fee was necessary, he would ask them to make the amount the same as under the Marine Stores and Old Metals Act—£1 on the granting of a licence, and 10s. for renewal.

Progress was then reported.

## ADJOURNMENT.

### DESPATCH OF BUSINESS.

The Hon. J. D. BROWN (Attorney-General) moved—

That the House, at its rising, adjourn until Tuesday next.

He said he hoped that honorable members would come next week prepared, if necessary, to sit on Thursday. There were now a considerable number of Bills on the notice-paper, and he thought more would very quickly be received from another place. It might be necessary for the House to meet three days next week and the week following.

The motion was agreed to.

The House adjourned at twenty-two minutes past nine o'clock until Tuesday, September 2.

# LEGISLATIVE ASSEMBLY.

*Wednesday, August 27, 1913.*

The SPEAKER took the chair at twenty-five minutes to four o'clock p.m.

## DUGGAN, FUMINA, HILL-END, AND WILLOW GROVE CONNECTING RAILWAY.

Mr. E. H. CAMERON (*Evelyn*) brought up the report of the Railways Standing Committee on the question of connecting Duggan, Fumina, Hill-End, and Willow Grove, by means of a railway, with the existing railway system, together with minutes of evidence and plan.

The report was ordered to be printed and to lie on the table.

## *RONALD* v. *HARPER.*

### THE REV. P. J. MURDOCH AS A WITNESS.

Mr. LEMMON (in the absence of Mr. Hannah) asked the Premier, for the Attorney-General—

1. If it is a fact that in the case of *Ronald* v. *Harper*, No. 448, 1908, a witness named the

Rev. P. J. Murdoch was ordered into custody of the Sheriff by the presiding Judge, Mr. Justice Hodges, for contempt of court, such contempt consisting of the Rev. P. J. Murdoch's refusal to produce to the court a letter-press copy of a letter addressed to the Honorable Robert Harper, M.P., by the Rev. P. J. Murdoch, and that, notwithstanding this committal for contempt of court, and a subsequent promise to produce it, the letter-press copy of this letter has never been produced to the court, and that in this respect the power and authority of a court of justice in this State has been flouted?

2. Is it consistent with good government that courts of justice should be flouted in this way?

He said: Mr. Ronald has made a declaration setting forth that the statements made in the question are facts, and I have that declaration with me.

Mr. WATT (Premier).—I have been receiving deputations about every quarter of an hour throughout the day, and I have not been able to communicate with the Attorney-General in reference to this matter. I would ask the honorable member to submit the question again to-morrow.

## NEGLECTED CHILDREN'S HOME, ROYAL PARK.

### Inquiry Concerning Food.—Employes' Hours of Duty.

Mr. JEWELL asked the Chief Secretary—

If he will lay on the table of the Library all papers relating to the inquiry made last year by Messrs. Smith and O'Regan with regard to the food in the Neglected Children's Home, at Royal Park?

Mr. MURRAY (Chief Secretary).—I have the papers here, and I shall lay them on the table of the House. I may say that Mr. O'Regan's name does not appear as indicating that he took part in the inquiry. I do not know whether he did or not.

Mr. JEWELL asked the Chief Secretary—

If he will lay on the table of the Library the official daily diary of the Neglected Children's Home, at Royal Park, containing particulars as to the names of the persons on duty during 1912, and their hours of duty?

Mr. MURRAY (Chief Secretary).—I think what the honorable member refers to is the Time-book. There is no objection to laying it on the table of the Library, and I hope to have it available for that purpose to-morrow.

## CROWLAND TO NAVARRE RAILWAY.

Mr. PENNINGTON asked the Minister of Railways—

1. How many men are now employed in the construction of the railway from Crowland to Navarre?

2. At what date, approximately, the Crowland to Navarre Railway will be open for traffic?

Mr. A. A. BILLSON (*Ovens*—Minister of Railways).—At present there are 66 men employed on the works, and it is expected that the line will be opened for traffic early next year.

## BRUNSWICK AND COBURG TRAMWAYS BILL.

Mr. WATT (Premier) moved for leave to introduce a Bill to provide for the construction and management of certain electric tramways in the municipal districts of Brunswick and Coburg, and for other purposes.

Mr. BAYLES.—I have no objection to this motion, for I approve of the extension of tramways, so long as they are in the right direction. I wish to say that in one of the morning newspapers to-day there is a full account of the Greater Melbourne scheme. When the Premier moves the second reading of this Bill I should like him to make a statement concerning these tramways and the placing of them under the Tramways Trust.

Mr. LEMMON.—I rise to a point of order. Is the honorable member for Toorak in order, Mr. Speaker, in addressing the House on the Greater Melbourne scheme at this juncture? If he wants to object to leave being given to the Premier then he is in order.

The SPEAKER.—The honorable member for Toorak is in order in making a speech on this motion, but I do not know how far he is entitled to deal with the subject of the Greater Melbourne scheme. One of the most important speeches made by Mr. Gladstone was made on the motion for leave to introduce a Bill.

The motion was agreed to.

The Bill was then brought in and read a first time.

## STATE SAVINGS BANK LAND BILL.

Mr. H. McKENZIE (*Rodney*—Minister of Lands) moved for leave to introduce a Bill to revoke a building condition contained in Crown grants of certain allotments in the city of South Melbourne.

The motion was agreed to.

The Bill was then brought in and read a first time.

## MILDURA CROWN GRANTS BILL.

Mr. H. McKENZIE (*Rodney*—Minister of Lands) moved for leave to introduce a Bill to authorize the issuing of Crown grants of certain lands at Mildura.

The motion was agreed to.

The Bill was then brought in and read a first time.

## DUNOLLY LAND BILL.

Mr. H. McKENZIE (*Rodney*—Minister of Lands) moved for leave to introduce a Bill to provide for the sale of certain Crown land at Dunolly and for other purposes.

The motion was agreed to.

The Bill was then brought in and read a first time.

## CARRIAGE OF PASSENGERS BILL.

Mr. WATT (Premier) moved for leave to introduce a Bill relating to the carriage of passengers by water.

The motion was agreed to.

The Bill was then brought in and read a first time.

## WORKERS' COMPENSATION BILL.

The House went into committee for the further consideration of this Bill.

Clause 27—

Every policy of insurance or indemnity indemnifying an employer against his liability in relation to workers' compensation under this or any other Act or at common law or otherwise which is issued after the commencement of this Act shall contain only such provisions as may be approved by the Governor in Council.

Mr. SNOWBALL.—I would like to know whether some alteration is not necessary to make this clause of any value. It seems useless inserting such a clause unless provision is made for imposing a penalty on any company issuing a policy which is not in the approved form. Insurance companies will go on issuing policies protecting against liability at common law, or otherwise, but this clause says that no policy for that purpose shall be issued unless approved by the Governor in Council. If a company continues issuing such policies, which are not so approved, will it be held that they will not be binding hereafter. It seems futile to pass a clause of this sort unless some penalty or machinery is provided. I think the clause requires further consideration.

Mr. BAYLES.—I quite agree with the honorable member for Brighton, and I would like to hear what the Chief Secretary's idea on the subject is. As the honorable member for Brighton has pointed out, there are no working provisions at all, although there is the clause empowering the Governor in Council to make regulations. Perhaps the Chief Secretary will explain why the clause is in the Bill.

Mr. MURRAY (Chief Secretary).—I do not think there is much in the objection taken by the honorable, learned, and legal members, who have just spoken. On the face of it the clause itself is clear enough. It prohibits the issue of any policy of insurance or indemnity for the purpose of this measure by any company, unless that policy has been approved by the Governor in Council.

Mr. SNOWBALL.—Or taking any risk at common law?

Mr. MURRAY.—Yes. With regard to the point that no penalties are provided, I would direct the attention of honorable members to clause 35, which empowers the Governor in Council to make regulations prescribing penalties not exceeding £5.

Mr. SNOWBALL.—The Chief Secretary's answer does not seem to meet the case. If that be the position in which we are to be placed, I think the Committee will not adopt the clause. The moment this Bill is passed the whole of the business of insurance companies is to be held up until the regulations are passed and published.

Mr. MURRAY.—No.

Mr. SNOWBALL.—The Bill states that after the coming into operation of the measure, no further policy shall be issued, unless approved by the Governor in Council.

Mr. MURRAY.—At the beginning of the Bill it is stated, the honorable member will see, that the Act is to be brought into operation by proclamation.

Mr. SNOWBALL.—That is so, but what safeguard is there against a proclamation being issued before some form of policy is adopted. It seems to me that there should be a time-limit, after which no policy shall be issued, except in the form approved of. I do not think it is fair to companies which are doing an enormous business in general accident insurance to pass the Bill in its present form. Under the clause no company can

issue a policy of insurance against accident or indemnity indemnifying an employer against his liability in relation to workers' compensation under this or any other Act——

Mr. MURRAY.—Unless the conditions are approved by the Governor in Council.

Mr. SNOWBALL.—That is an unfair proposal, which will interfere with the large volume of business which is being daily done by these companies. Some time should be mentioned in which the companies should be able to bring the policies into the form required. We have no assurance that that will be done.

Mr. MURRAY (Chief Secretary).—I will give that assurance. The object of providing that this measure shall not come into operation until a day to be proclaimed by the Governor in Council is to enable all these necessary preparations to be made, and conditions to be complied with by the various insurance companies, so that there will be no interference with their ordinary business until the moment the Act comes into operation. By that time the forms of the policy which they are to issue will have been approved of by the Governor in Council, and no impediment whatever will be placed in the way of their transaction of business. I can give honorable members that assurance. That is the only reason why this measure is not to be brought into operation immediately.

Mr. SNOWBALL.—Why is such a restriction to apply in the case of common law, going beyond the operations of this measure altogether?

Mr. MURRAY.—I will have to consult my legal advisers on that point before I can give a perfectly clear reply to the honorable member.

Mr. BAYLES.—I would like to know what would be the position of an insurance company carrying on business here and issuing policies to protect employers or employés in Queensland. I do my business with an office carrying on business in Melbourne. It issues a policy for Queensland, and the Queensland branch deals with that policy, but the office, as I say, is in Melbourne. Therefore, if this clause is passed the issue of these policies may be prevented, so it will be seen that the difficulty will be very great.

Mr. ELMSLIE.—Is that so?

Mr. BAYLES.—It is a technical point, but it may interfere with companies in this State doing business in respect to risks in another State.

Mr. SNOWBALL.—This does not apply to such risks.

Mr. BAYLES.—The clause says, "or at common law or otherwise." It will apply to a man taking out an accident policy when he goes to another State. As honorable members know, all sorts and conditions of policies are issued in this State. I do not wish any company to be able to issue a policy detrimental to the person insured, but I would like the Chief Secretary to say what will be the position in the circumstances I have referred to. What would arise in the case I have mentioned? Sometimes a man takes out an accident insurance policy when he goes to another State.

Mr. SNOWBALL.—It could not operate outside the State.

Mr. BAYLES.—He would have to recover the insurance here. The company might plead that the policy was not in accordance with the provisions of the measure. If the clause is of no use, why put it in? All an insurance company would be liable to for a breach of the provision is a fine of £5. If a company issues a policy that does not accord with the provisions laid down by the Governor in Council, will the insured be able to recover? The clause is so loosely drawn that it will enable a company to issue policies containing other provisions than those approved by the Governor in Council, and all that the company will be liable to is a fine of £5.

Mr. SNOWBALL.—The regulations can impose a penalty.

Mr. BAYLES.—That would not do what the Chief Secretary wants to do. He wants to protect the employer when he insures, but the clause does not do that. If the clause said that every policy issued must contain only provisions approved by the Governor in Council, there would be some sense in it, but, as it stands, the clause gives no protection to the employer who insures his employés, or to the employés. Will the clause affect policies issued in this State with regard to risks taken in another State? Will it make the position better in any way for the employer who insures his employés, and the employés who are insured?

Mr. MURRAY (Chief Secretary).—The object of the clause is to insure that there shall be fair conditions in the policy.

Mr. BAYLES.—It does not do that.

Mr. MURRAY.—I say that is the object of the clause. There may be a question as to whether it will fully secure that result or not. There have been in the past—I do not know whether there are any now—accident insurance companies which have issued policies containing conditions that made it almost impossible when an accident occurred for the person insuring to recover. Honorable members will agree that every policy that is issued for this purpose should contain nothing but fair conditions, and it is also desirable that all the policies of the various offices, as well as those of the Government Insurance branch, should be uniform and fair. That is what we propose to establish. If the clause requires strengthening in the direction indicated by the honorable member for Toorak, I am prepared to have that done. I shall consult the Crown Law advisers upon that point. If an accident does happen to an individual insured under a policy issued in this country, he can recover the insurance in this State, no matter where the accident occurs.

Mr. BAYLES.—If you put conditions in here you will drive the business away from the State.

Mr. MURRAY.—We are not very likely to drive it away from the State if the conditions are fair. We do not propose to put in anything but fair conditions.

Mr. SNOWBALL.—After consulting the companies?

Mr. MURRAY.—Yes. As most of the companies that now carry on this business are highly respectable companies, it is to be presumed that they will have no objection to adopting fair conditions. I do not apprehend the slightest difficulty in regard to that. The only question is whether, after a company had paid the fine stipulated, the policy would be a valid one or not.

Mr. SNOWBALL.—It would be.

Mr. MURRAY.—I am not perfectly clear upon that point, and I do not think that, without consideration, even a legal gentleman would very decisively express an opinion. The intention of the clause, of course, is to make any policy containing provisions that are not approved by the Governor in Council illegal and invalid.

Mr. MACKEY.—The clause is a very unimportant-looking provision, but a number of points have been raised regarding it. I am glad the Chief Secretary has agreed to further consider it. While he is doing so I would ask him to bear in mind the fact that the clause in no way directly relates to the relations between the employer and his workmen, or to the liability of the employer to his workmen for any accident. It relates to another contract altogether, in which an insurance company, in consideration of a certain premium, undertakes to indemnify the employer in respect to any liability that may arise in respect to accidents to his workmen. That is the contract. The liability may arise with reference to an accident in New South Wales or Queensland, but both parties to the contract referred to will probably be in Victoria—the insurance company and the employer—and if that is so, certain companies in relation to contracts in New South Wales and Queensland may prefer to do their business in those States rather than here, but I take it that the Chief Secretary only intends the clause to refer to accidents that occur in Victoria.

Mr. MURRAY.—I understand that if they are insured here it will protect them, even if the accident occurs in another State.

Mr. MACKEY.—Certainly. But does the honorable gentleman intend that the clause shall cover contracts between an insurance company and the employer indemnifying the employer against liability in connexion with accidents to his employés in other States?

Mr. MURRAY.—That is not the intention.

Mr. MACKEY.—It seems to me that if the words "for accidents occurring in Victoria" were inserted after the word "liability," the clause would convey what the Chief Secretary intends. The clause is not intended to refer to contracts as to accidents that happen in other States. If the clause did relate to accidents in other States, it could easily be avoided by insuring in other States. I hope the Premier will consider the point raised by the honorable member for Toorak; and there is one other point to be considered. The clause says that every policy of insurance shall contain "only such provisions as may be approved by the Governor in Council." I take it that it is not intended that the Governor in Council shall supervise and approve of every separate policy, but under this clause there is no

power taken to make regulations with regard to the form or the substance of the provisions. I would ask the Chief Secretary to consider whether power should not be taken to make regulations as to the provisions to be contained in policies. There will be a typical form and typical provisions. The power to make regulations certainly does not specifically cover what it is intended to provide for. Further, I am inclined to agree with the Chief Secretary that a breach of the clause would invalidate an insurance policy. If a policy contained a provision in violation of this clause the policy would be in violation of an expressed statutory provision, and I think that would invalidate it. The matter requires to be looked into.

Mr. SNOWBALL.—I trust the Chief Secretary will not severely limit the responsibility under policies to accidents occurring in Victoria. At first sight it might appear that that is all we are concerned about, but there are many cases in which firms send their workmen to other States to carry out works undertaken or contracted for in Melbourne. I know that policies are at present issued in Melbourne by insurance companies to cover such risks.

Mr. MACKEY.—We cannot make employers liable for accidents occurring in other States.

Mr. SNOWBALL.—I do not think there would be any difficulty about this measure dealing with such policies.

Mr. MURRAY.—Would not the worker who met with an accident in another State have the protection of the Workers' Compensation Law there?

Mr. SNOWBALL.—No. It has been held that a workman coming from Victoria is not entitled to the protection of the Queensland Act in respect to an injury occurring in Queensland in the course of his business. The principle is that the employer, being out of the State, does not come under the operation of the local Act. I had a case in which a man who was sent to Brisbane to carry out work for a Melbourne firm was killed in the course of his duty. Counsel's opinion was taken in Brisbane, and we were advised that there was no remedy under the Queensland Workers' Compensation Act.

Mr. MACKEY.—We want some other provision saying that the employer is responsible in that case.

Mr. SNOWBALL.—I think he would be, unless the clause is framed in such a way as to limit the relief in respect of accidents.

Mr. MURRAY.—What the honorable member for Gippsland West wishes to have clear is that the liability of the employer, even if the workman is doing work in another State, follows on that.

Mr. MACKEY.—If that can be accomplished.

Mr. MURRAY.—That is so.

The clause was agreed to.

Clause 28—

(1) For the purpose of enabling employers to obtain from the State policies of accident insurance or indemnity indemnifying them against their liability in relation to workers' compensation under this or any other Act or at common law or otherwise, and of doing all such things as are incidental or conducive to the carrying out of accident insurance, a State Accident Insurance Office shall be constituted.

(2) Such office shall be managed and controlled by an officer who shall be appointed by the Governor in Council and shall be called the Insurance Commissioner; and subject to the Public Service Acts such agents officers clerks and persons as may be necessary shall be appointed to assist the said Commissioner.

(3) The Governor in Council may appoint an officer to be called the Deputy Insurance Commissioner who shall manage and control the office during the absence and on behalf of the Insurance Commissioner and also during the occurrence from any cause of a vacancy in the office of Commissioner and so long as such vacancy continues.

(4) The Insurance Commissioner may from time to time by writing under his hand and subject to the approval of the Governor in Council delegate to the Deputy Insurance Commissioner or to any officer who may have been appointed to assist him any of the powers functions or duties imposed or conferred on the Insurance Commissioner by this Act.

Mr. JEWELL.—I have circulated an amendment to add to sub-clause (4) the words "or any Act amending the same." I should like to know from the Chief Secretary whether the Commissioner would have power under an amending Act. At the end of this clause there are the words, "functions or duties imposed or conferred on the Insurance Commissioner by this Act." Would the powers conferred under an amending Act become part of the powers under this measure?

Mr. MURRAY.—Of course. An amendment of this Act may limit or extend the powers of the Commissioner.

Mr. JEWELL.—If the honorable gentleman assures me of that I will not proceed with the amendment which I have given notice of.

Mr. MURRAY.—Oh, yes.

Mr. SNOWBALL.—I should like to see this clause taken out altogether. It seems to me that the State insurance idea has been introduced into the Bill purely as connected with the contributory clauses which have been inserted. It is only in contemplation of such provisions being included that the necessity for some such system as this has been felt. I think that it was only because such contributory provisions appeared to be necessary that the Government felt it would be wise to let them be accompanied by a provision for State insurance. This is a proposal which I think the little experience there has been in connexion with State insurance should compel us at once to turn down. In no country where experimental legislation in connexion with public requirements such as this has been attempted has the State ever gone into the field of insurance, excepting New Zealand. That is the only place where the State has ever attempted to take up the insurance business. There, the difficulties that surround the whole question are such that I think honorable members must realize that no good purpose is going to be served, in the interest of the insured or any one else, by this proposal. We must realize, in connexion with this proposal, that it will result in creating a new Department of the State which will be a very extensive one and very expensive to carry on. I think that, if this is apparent to honorable members, they will hesitate about adopting this proposal, which is not in any way essential to carrying out a workmen's compensation law, and where it has been carried out has been found to be practically of no value. Looking at the results in New Zealand, what do we find? After years of experience, it is found that the State cannot compete with private insurance companies with any degree of success. The reason is apparent on the surface.

Mr. ELMSLIE.—The State office reduced the premiums considerably.

Mr. SNOWBALL.—That is a fallacy, as I think the figures will show.

Mr. ELMSLIE.—It is a fact.

Mr. SNOWBALL.—The honorable member states that the rates have been reduced, and that the State office is doing business at a lower rate than the private companies.

Mr. ELMSLIE.—No; it has made the private companies reduce their rates.

Mr. SNOWBALL.—In New Zealand, the rates of the private companies have not been reduced to the extent that the rates of private companies have been reduced elsewhere. By co-operation between companies, and the fixing of tariff rates generally, there has been a general reduction of insurance rates all over Australia. In New Zealand, the reduction in the general rates does not equal the reduction in Western Australia and Victoria, where no State system is in operation. In Victoria, during the period covered by the New Zealand report, we find that the insurance rates have been reduced by 40 per cent. The companies have got together in these various States, and have adopted a tariff which applies to us. Experience shows that the tendency amongst the companies is to reduce premiums to a minimum, and a steady reduction has taken place since the system of tariff rates has been introduced. In New Zealand, as the figures of the reports show, the people are actually paying 75 per cent. for their insurance cover more than the people in other States, where no State system is in existence. If honorable members read the last report of the Insurance Commissioner in New Zealand, as they no doubt have, they will see that it is a pitiful plea to the people of New Zealand to assist them and support the office more than they do, because it is a State office. The people have shown their appreciation of this system by practically doing no business with the State office at all. Speaking from memory, £25,000 was paid in premiums in connexion with accident insurance to the State office, whereas the business done by private companies represented about £250,000. I do not think one could have a stronger indication of the failure of the State in taking up business of this kind. In America, where they undertake to carry on every business that can be done profitably and in the interests of the community, the States have never attempted to do this business; and there is always an expression of gratification by the State, and by insurance people, that the authorities have never touched this risky business of insurance in any of its forms. The reason, I think, is apparent. The accident business is carried on by private companies, in conjunction with life and fire and other insurance business, and they can do the

business with their existing staff, buildings, and machinery, and carry it on at a minimum cost. Mr. Laughton was sent away by this State to seek information in connexion with this new business. If we act as wise business men, surely when we send an expert officer to the various States for information we should pay some regard to the results of his investigations. Surely we are compelled to listen to the facts that he lays before us. He says that everywhere he found that this accident business is carried on at a very low cost—in some cases actually at a loss, and that the premiums charged in connexion with this business by existing companies were in all cases of a minimum character. He points out the unfortunate result of the State venture in New Zealand in this respect.

Mr. WARDE. — Where does he point that out?

Mr. SNOWBALL.—He says in regard to some of the risks that were undertaken that the New Zealand people have actually had to amend their law, and drop out those risks altogether, because they had been carried on at a loss. I say that the State, having regard to all the circumstances, cannot carry on a complicated business of this kind with the same keen, close supervision, and with the same success that a private company can. Where this accident business of insurance is carried on in other States by private companies we do not find any complaint from the insured that it is carried on at an undue cost. In fact, the reports show that such is not the case. In England, where accident insurance business is carried on by private companies, and by private companies only, the reports of the Board of Trade show the position with regard to the premiums charged. I have before me the return for last year, showing that the cost of carrying on accident business by the private companies during the past year resulted in a loss of 1.56 per cent. Looking back through previous returns, though they vary slightly, we find that this business was carried on by existing companies in conjunction with their general business at less than a minimum cost. I feel sure the object of honorable members is to have this risk taken up on behalf of employers and employés at the minimum of expense.

Mr. ELMSLIE.—If it is done by the State it will abolish the canvasser, and that is where the principal cost is now.

Mr. SNOWBALL.—The abolition of the canvasser would be brought about by a clause which I intend to move later on making insurance compulsory.

Mr. ELMSLIE.—That would not abolish the canvasser.

Mr. SNOWBALL.—It would compel every one who is going to employ labour to take out a policy.

Mr. WEBBER.—One company would compete with another company just the same.

Mr. SNOWBALL.—I admit that my proposal would not entirely abolish the canvasser. The very nature of the business will involve the establishment of offices or agencies throughout Victoria. Honorable members will see the enormous expense that will be involved by the State setting up a department of that kind to do no other business than accident insurance. Is it reasonable to think that a State Department could be carried on profitably when we have working throughout Victoria insurance companies of the highest standard, and of the most substantial character, well equipped in every way to undertake the work? I would not hesitate for one moment to approve of the establishment of State insurance if the business were not being effectively done at the present time by private companies throughout Australia. Looking at the only place where the State has undertaken such work, surely the results are disappointing.

Mr. MACKEY.—Would you be satisfied if an addendum were made that this provision shall only come into force upon resolution of both Houses?

Mr. SNOWBALL.—That might be an improvement.

Mr. WARDE.—The passing of this clause would express the opinion of both Houses.

Mr. SNOWBALL.—I hope the contributory clauses will go, and I urge honorable members to let this clause go with them. They are blots on the Bill. I hope that this measure, when it leaves the Assembly, will be one that we will all be proud of, and we can never be proud of it if it contains a proposal that has been tried elsewhere and found wanting—a proposal that can only be carried out in an indifferent way, and at great expense by the State. I could understand it if honorable members were able to turn

to statistics in connexion with accident insurance business, and show that these risks have been taken by private companies at a very high premium, and that those premiums have become a serious burden upon the public. The opposite, however, is found to be really the case. Therefore, I hope that honorable members will not repeat what it seems to me has been fairly proved to be an impracticable venture, and one that can only be undertaken at great loss by any State. I refer to State accident insurance.

Mr. MURRAY.—Would you include any other kind of State insurance?

Mr. SNOWBALL.—We know what the effect of State fire insurance is. I think that even the Chief Secretary himself will say, "God forbid that the State should ever touch fire insurance." We know that fire risks are of a character that fluctuate according to the prosperity or otherwise of the time and place.

Mr. MURRAY.—Have not enormous profits been made on fire insurance?

Mr. SNOWBALL.—Very heavy losses have also been made. We know that when depression existed in Victoria, and we were feeling financial pressure, the fire losses went up to an enormous degree.

Mr. MURRAY.—How do you account for that?

Mr. SNOWBALL.—I would leave the honorable gentleman to account for it. It is found that when people are depressed in financial matters the risk of fire materially increases.

Mr. MURRAY.—Have not many of our biggest fires taken place in the most prosperous periods of our history?

Mr. SNOWBALL.—I do not know whether the honorable gentleman is going to set his casual experience against the statistics which have been collected by insurance authorities all over the world. It is a well known fact that losses by fire strangely synchronise with the rise or depression of general trade. In America that is particularly the case.

Mr. MURRAY.—Is that why Chicago was burnt, and not because a cow kicked over a lamp?

Mr. SNOWBALL.—What I have stated is a well known fact in connexion with fire insurance business.

Mr. MURRAY.—It is the first time I have heard it.

Mr. SNOWBALL.—I think that the report of Captain Hugo, with regard to State fire insurance in New Zealand, ought to make us pause. He says that the effect which State fire insurance has upon those who are covered against fire risks is very strange. He points to the experience of America in that respect, and says that the State is not covering merely the ordinary risk of fire to which the community is exposed. The statistics in New Zealand show that the people there are paying more than 75 per cent. more for insurance cover than is paid in any other State.

Mr. MURRAY.—Is that for accidents?

Mr. SNOWBALL.—Yes.

Mr. MURRAY.—Then the statement is not correct.

Mr. SNOWBALL.—It is. I can only deal with the figures I have before me.

Mr. ELMSLIE.—The difference in the Acts must be taken into consideration.

Mr. SNOWBALL.—There is very slight difference in the risk.

Mr. ELMSLIE.—Was not miners' phthisis included in the New Zealand Act?

Mr. SNOWBALL.—It was in the New Zealand Act, but they found the losses were so enormous that they had to amend the Act and exclude it.

Mr. MURRAY.—That was not the only reason. The other reason was that it was working against the miners themselves.

Mr. SNOWBALL.—Yes. It was preventing them from getting employment.

Mr. WARDE.—What year are you quoting?

Mr. SNOWBALL.—The report of Captain Hugo, to which I referred, is dated 1911.

Mr. MURRAY.—That would be for the year 1910.

Mr. SNOWBALL.—With regard to the reduction in premiums in New Zealand, I would draw attention to the fact that the Government report shows that in New Zealand premiums have been reduced by 27 per cent., whereas in Australia the reduction has varied from 40 per cent. to 46 per cent. In Victoria there has been a reduction of 40 per cent., and in Western Australia 46 per cent. We have the startling fact that in New Zealand, after years of experience, the people themselves prefer to have the private companies to deal with in connexion with accident insurance. It is suggested that the companies get together and establish tariffs which are unfair to the insurers. I think experience everywhere has shown quite the contrary to be

the case. The returns of the Board of Trade for New Zealand, and the returns for our own Australian States show that the whole of the insurance business is carried on at a very low premium. Accident insurance is carried on in some cases at a loss, and in all other cases at a very small profit indeed. I trust honorable members will hesitate, before including in the Bill a provision which seems to me to be justified in no other way than by the fear that the contributory system would create so many difficulties that it would be wise to allow the State to have an opportunity of doing this business, to act as a sort of check on private companies. In New Zealand the Government has found it so impossible to carry on this business and compete with private companies, that it has actually called the private companies to meet it, with a view to the adoption of a uniform tariff to be charged by private companies and the State. A State Insurance Department would not act as a check on private companies, and would not reduce the cost of insurance, and those are the only reasons that could justify the adoption of a scheme of this kind. Everywhere the experience has been that it is unwise of the State to establish such a business, and I think we should hesitate about doing so, and remove from the measure the provision which we are now discussing.

Mr. WARDE.—I think that clause 28 is absolutely necessary under any set of circumstances, though I believe it has been introduced, to a very large extent, owing to the determination to put in clause 34. I think that the provisions of clause 28 should have appeared in the measure when it was previously before us, more especially as the Chief Secretary himself agrees that there should be a form of compulsory insurance. It would be much easier to carry out compulsory insurance with the State office than it would be if people were allowed to insure themselves with the various private companies.

Mr. SNOWBALL.—What would it cost to establish a State insurance office?

Mr. WARDE.—I cannot say; but if the German card system was adopted, under which, when a man's wages are paid, his card has a stamp placed upon it, it would not cost much. There is no need for any big expense in connexion with a Government insurance scheme on those lines.

Mr. SNOWBALL.—There would have to be offices.

Mr. WARDE.—There would only have to be an office for the employers to pay the money in. There would not be any expenditure in canvassing, and there would not be many of the expenses of management that private insurance companies have to pay. In Germany, when a workman draws his weekly wage, his card has a stamp placed on it.

Mr. ELMSLIE.—That is so in Switzerland, too.

Mr. WARDE.—Many countries have copied the German system. The workman can take his card away with him, or leave it with his employer during the currency of his employment. The objection of the honorable member for Brighton as to a great expenditure being necessary would disappear under a properly-managed system. If the whole of the premiums were paid in to a State Insurance Department, there would be no heavy expenditure. The honorable member must know that a large proportion of the money paid into insurance companies is paid out again to secure new business. The amount spent in advertising, apart from the commissions paid, is something enormous. One cannot conceive that, with any reasonably economical system of management, a State Insurance Department would be expensive.

Mr. SNOWBALL.—The Board of Trade returns show that in New Zealand the risks have absorbed the whole of the premiums.

Mr. WARDE.—The figures which I have read in connexion with New Zealand do not bear out the statements of the honorable member for Brighton, and, what is more, the report of our Government Statist does not bear out the idea which the honorable member has in his mind. I asked the honorable member for Brighton to point out the paragraphs in Mr. Laughton's report which justified him in coming to the conclusions he came to. As far as I can see in Mr. Laughton's report, there is nothing at all condemnatory of the New Zealand system. At page 4 the report says—

CALCULATION OF PREMIUM RATES.

I have already stated that it is not possible to quote rates which will be sufficient under any circumstances likely to occur. In theory it would be possible to do this by making the rates higher at the outset than the existing circumstances warranted, but if these were higher than the rates charged by companies little business

would result. This would apply particularly to the better class of risks which the companies are anxious to secure.

I would ask the honorable member to bear that in mind, because, if he looks up the official document issued by the New Zealand Government Insurance Commissioner, Mr. Richardson, for the same year as he himself quoted, he will find that miners' phthisis was one of the complaints which called for a lot of money to be paid out of the insurance fund.

Mr. SNOWBALL.—They dropped it.

Mr. WARDE.—Yes; but the results have not been shown in the operation of the New Zealand Accident Insurance Fund. They will probably be shown in the next set of figures.

Mr. SNOWBALL.—Experience has shown that in New Zealand the Government get all the bad risks, and the private companies the good ones.

Mr. WARDE.—That is so. Mr. Laughton points that out. He goes on to say—

> The Government would thus be left with that class of business which is not in favour with companies on account of the great difficulty which they experience in assessing the risk.

Under the proposals of the Government the State Insurance Department will get the very best class of risks, and not be saddled with the worst risks, as they might be under the other system. There is provision for a rebate.

Mr. BAYLES.—You are not in favour of preference being given in that way, are you?

Mr. WARDE.—I am dealing with the argument of the honorable member for Brighton, and am not dealing with what I am in favour of. The honorable member for Brighton will see that under clause 34, if the whole of the insurances were effected with the State Insurance Department, the objection which Mr. Laughton has raised would disappear at once, because, if a rebate is given, as is proposed in clause 34, then the better class of business, as well as the inferior class, would go to the State Insurance Department. The report continues—

> I do not think the rates should be included in the Act or in a schedule thereto, but that there should be a provision to the effect that such rates will be charged as may be fixed by regulation. In Schedule B attached to this report a few specimen rates are given. These are approximately the premiums which would be required for the benefits mentioned in the Bill, other than the trade diseases referred to in the Third Schedule, and include an allowance for cost of procuration and renewal of business and contingencies. A change in the terms of the Bill might necessitate an important alteration in the rates. For example, an increase in the maximum weekly payment beyond £1, or a reduction in the initial period during which no benefit is payable, would increase the cost of the compensation in each case, and necessitate a corresponding alteration in the premium. These rates are given merely as indications of what would be required. They would have to be increased by the amounts necessary to provide for trade diseases. I have at present no information which will enable me to estimate the cost of this additional risk. It might be possible to obtain this from New Zealand if a table of rates were being prepared; the only alternative course would be to make arbitrary additions for this portion of the risk, which additions would be subject to adjustment in future years if found too great or too small.

That is the only thing I can see in Mr. Laughton's report bearing on the matter.

Mr. SNOWBALL.—Read the next paragraph.

Mr. WARDE.—The next paragraph is as follows—

> The expenses of management of the Government Insurance Department would probably be fairly high in proportion to premium income in the initial year, but a reduction in the ratio might be expected as the business increased.

Mr. MURRAY.—It would be exactly the same as if it were a private company.

Mr. WARDE.—The paragraph I have just read does not warrant the honorable member for Brighton saying that Mr. Laughton has in any way discredited the system of State insurance as carried on in New Zealand.

Mr. SNOWBALL.—I said the New Zealand figures show it to be unsuccessful.

Mr. WARDE.—The New Zealand report bears out the view that in the initial years, as with private companies, the results would be against the Department.

Mr. BAYLES.—How long has the Government Insurance Office in New Zealand been in existence?

Mr. WARDE.—Only a few years.

Mr. BAYLES.—Twelve years.

Mr. WARDE.—Does the honorable member know that the tables upon which the friendly societies base their payments have been calculated on the results of sixty years, and that they are not satisfied yet that they are justified in saying that the contributions are sufficient to give the benefits promised? The honorable member for Brighton knows that I am correct about that. He has had a lot of experience of friendly society work. As a man who has taken an interest in friendly society work, I know

how difficult it is to build up the tables upon which the contributions have to be made to guarantee the payment of the benefits promised. If that is so in connexion with ordinary sickness risks and longevity, it must be much more difficult with regard to accident insurance.

Mr. SNOWBALL.—In New Zealand the Government Department has failed to compete with private enterprise.

Mr. WARDE.—The honorable member will find, if he looks up the New Zealand *Year-Book* for this year, that the Government insurance premiums commence at as low a figure as 4s. 6d. per £100. I am speaking of working men, not domestic servants. That is the rate for bootmakers, I think, and the rate of premiums rises until bush-felling is reached. The experience is that deaths and accidents are very numerous in that occupation, especially in a windy and heavily-timbered country, such as New Zealand. I do not think any of the insurance companies that we know of are working on such a low premium as 4s. 6d. per £100.

Mr. SNOWBALL.—But in New Zealand they are working on a common tariff.

Mr. WARDE.—The paper the honorable member used was published in 1911, and we may assume that the figures are not later than those in the official report for 1910. This is what Mr. J. H. Richardson, the Insurance Commissioner, states in his report for 1910:—

> Government Insurance Office,
> Wellington, 9th June, 1910.
>
> I have the honour to submit my report on the business of the Accident Insurance Branch of the Department for the year ended 31st December, 1909, together with the revenue account and balance-sheet. The premium income amounted to £26,337—

The honorable member said it was something over £20,000. It may be in the same year—

> as against £20,898 in 1908. The exceptional increase of £5,439 is principally due to a large amount of mining business having been placed with the Department, in consequence of the difficulty which arose over the inclusion of pneumoconiosis in the 1908 Act;

I believe that is miners' phthisis—

> but this disease has now been removed from the list, and it is probable that much of this extra business will now revert to the companies which formerly held it, so that this additional item cannot be looked for in the future.

The honorable member will see that that was one of the things which were very troublesome. They amended the Act so far as I can discover. I think that it was on account of the severe examinations that the miners were subjected to, and through numbers of them being thrown out of work because they were affected with these diseases. So much trouble was created that the miners were removed from the protection of this Act, and something was done like what we are endeavouring to do at the present time. The report continues—

> The income from interest was £2,178, being an increase of £387 on that of the previous year. The claims (including those in course of settlement at the close of the year) amounted to £12,805, an increase of £879 on those of 1908. The ratio of claims to premiums earned was 53 per cent.; and the total provision for outstanding claims now amounts to £11,500. The total expenses, including taxes and commission, were £7,182, as against £6,669 in the previous year.

Mr. SNOWBALL.—The provision made by private companies is 27 per cent.

Mr. WARDE.—The report continues—

> The ratio of expenses to premiums was 27.3 per cent., showing a considerable fall from the rate for 1908, which was 31.9 per cent.

Mr. SNOWBALL.—That is a little above the other.

Mr. WARDE.—They are on all-fours.

Mr. SNOWBALL.—Therefore, there is nothing to be gained by a State office.

Mr. WARDE.—The honorable member's statement was that the State could not carry on accident insurance at such low premium rates as private insurance companies, and his statement is not borne out by what I have quoted. What I have read upsets the honorable member's argument. There is no warrant in those figures for saying that the private companies can carry on the business with lower premiums than the New Zealand State office can do. On the other hand, I think the honorable member will admit that, after the office has got rid of miners' complaint, and has had a few years' experience without these miners' diseases, the results will be reflected in the figures in ten or fifteen years time. As the honorable member for Toorak says, the figures in New Zealand in ten years will be seen in a much more favorable light than they were during the time the office dealt with miners' diseases. A very considerable fall is shown from the rate which existed in 1908. Honorable members will see, therefore, that the ratio of expenses to premiums in the 1910 report, which we may take as being the 1909 figures, was

27.3 per cent., whereas in 1908 it was 31.9 per cent. There, already, we see a reduction. I do not know what the reason is. It may be because of the miners being withdrawn, or of something else. There is immediately a drop of something like 4 per cent., and that is what one would expect to find under the circumstances. The honorable member set out to prove that the New Zealand State office could not carry on at the same rate as the private companies were charging in New Zealand and Australia. I do not think the honorable member proved that. If he states that the State office and the private companies seemed to be running at about the same cost, then his statement would be correct.

Mr. BAYLES.—They are working on a tariff.

Mr. WARDE.—In the same tariff they vary. The charge goes from 4s. 6d. in some cases up to £4 for bush felling.

Mr. SNOWBALL.—The private companies charge the same rates as the Government.

Mr. ELMSLIE. — The Government knocked the private companies out.

Mr. WARDE.—It was pointed out by Mr. McBride, when he introduced this Bill—I do not know with what authority, though I fancy I have read the same statement recently in looking up matters in connexion with this Bill—that the starting of the Government insurance office would eventually result in a very considerable saving. The honorable member for Brighton knows that in New Zealand the State office caused a very great reduction in the premiums paid in New Zealand.

Mr. SNOWBALL.—That is disputed. It is said that the rates in the other States have been reduced to a greater extent.

Mr. WARDE.—It is hardly fair to take figures from America or Timbuctoo and apply them in this case. There may be local conditions that we cannot satisfy ourselves about which would make comparisons with other States unreliable. A true test to my mind is to compare like with like. We should compare the former position in New Zealand with what resulted after the Government office started. It will be found that there has been a very great reduction in the amount of premium which it is necessary to pay in order to get a given sum of money for a place which has been destroyed or partially destroyed by fire. It was pointed out by Mr. McBride, or the honorable member for Prahran—I believe it was by Mr. McBride—that the operation of State insurance would lead to a saving of about 25 per cent. on the premiums that were being charged by private companies. Of course, that is only a prophecy, which may or may not be realized, but I am positive that, so far as New Zealand is concerned, the premiums have been reduced very much. I think the honorable member will recollect that the New Zealand companies charged the Government with doing the work at a price that is not payable.

Mr. SNOWBALL.—That is so.

Mr. WARDE.—That was because the Government were pulling down the price of insurance. The State office is going on to-day, and it seems to have built up a certain fund. Whether that would be sufficient to stand a very heavy fire I do not know. The reason why they have been able to build up that fund may be that they have not had any big fire losses such as have been experienced in Melbourne. But whatever may be the reason for the position which has been arrived at in New Zealand, the report I have quoted shows, at all events, that the Government there are doing the work under the State accident insurance office quite as well as the private companies are doing it, and I think the facts warrant me in saying that the premiums charged are quite as low as those of the private offices, and that their work is quite as good. Under these circumstances it appears a wise thing to have this Government Department. I am only sorry that there is no provisions in the Bill to compel every employer to insure in the Government office. Before the Bill is finally dealt with I think the Government should try to introduce a provision to the effect that this insurance, if not compulsory in the Government office, should be with one of the companies about Melbourne. I know of no other method by which the employés of the smaller men will be certain of getting compensation.

Mr. SNOWBALL.—You could say that the insurance should only be with approved companies doing business here.

Mr. WARDE.—I take it that the men will not have very much difficulty in recovering from a substantial employer. A big business firm will not take any risks. But there are thousands of small contractors carrying on business in all portions of Victoria in various avocations,

and if some of these small men who employ one or two people should have one of their workmen meet with an accident, resulting in death or serious disablement, there would be no likelihood of the dependants or the injured person getting the money this Act professes to provide for them.

Mr. SNOWBALL.—Then let us put in a compulsory clause.

Mr. WARDE.—Surely the Government ought to consider the advisability of making some provision, so that the poorest contractor, if you like, shall be protected against being ruined. The big man will take particular care that he does not run risks of that kind. He will make provision by insurance or by building up a fund within his own business, as some of the large shipping firms do. There are hundreds, if not thousands, of these small employers in Victoria. Suppose an accident happens by which two men are killed, and the employer is called upon to pay £400 in each case to the dependants of the deceased men, it would mean the ruin of the employer, if it happens that he has not insured. Not only that, but those dependants would be left to the cold mercies of charity. I think the clause should be left in the Bill, but the weakness of it appears to be that there is no provision to compel employers to insure, no matter whether they are large employers or small employers.

Mr. BAYLES.—With regard to the proposal to establish a State insurance office, I have inquired amongst the insurance companies, and find that the companies themselves have no objection to it so long as the Government play the game and undertake the risks on equal terms with anyone else. However, I do not mind very much what the companies think about it. The question I am concerned with is whether this intrusion into private enterprise will do any good. We have heard the honorable member for Flemington declaim at great length about the wonderful results of State insurance in New Zealand. I have taken the trouble to get the New Zealand *Year-Book*. I have not the latest returns, and the figures in the *Year-Book* are only brought up to the end of 1911. In that year there were twenty-six insurance companies carrying on business in New Zealand, and the total amount of premiums received by them was £265,000, together with "other receipts," amounting to £6,600. The premiums received by the State Insurance Office in the same year amounted to only £20,700 in 1911, but I find by the last return that in 1912 the total amount of premiums was £23,513.

Mr. TUNNECLIFFE.—Even on those figures the Government office is the latest office, and is doing the most business.

Mr. BAYLES.—No. One company received over £70,000 in premiums and another company £39,000.

Mr. ELMSLIE.—Then nearly half the business of the private companies is done by two companies.

Mr. BAYLES.—Quite so, and it shows what good companies they must be. The premiums received by the Government Insurance Office in New Zealand reached their highest level in 1909, when they amounted to £26,000. They sank in 1911 to £20,700. Now they have taken a turn and have gone up again. I have not the figures showing the relative increase in the case of the private companies. I merely quote these facts to show that after twelve years' business the Government Insurance Office in New Zealand has not got much to show. If it had been such a benefit to the public as has been represented one would have expected it to do a much larger amount of business. Another point I wish to bring out is that if these provisions in the Bill are adopted, and the State Insurance Office is established, the Government will have to establish offices in every city and town throughout the State, and if nothing but accident insurance business is done, the Department must of necessity make a huge loss, because the expense of carrying on all these agencies would be enormous. Honorable members on the Opposition side of the House do not desire that employés of the Government should be sweated. Therefore, the officers engaged in this work must be properly paid. It would be necessary to have an agency practically in every hamlet, especially if we adopt the proposal of the honorable member for Flemington, and make accident insurance compulsory. Then, as the honorable member for Brighton points out, it would be necessary to have inspectors travelling all over the State. This means that a large Department will be created at great expense, and that expense will not be recouped out of premiums, if we are to judge by the results that

have been obtained in New Zealand. There is another point I wish to impress upon the Committee. It has been stated that in New Zealand the establishment of the State Insurance Office brought down the rates. Now, I am informed that only this year the Government of New Zealand asked the representatives of the various accident insurance companies to meet them in order to discuss that question. They did meet, and a tariff has been drawn up with the result that the State Insurance Department and the private companies are now working on a log.

Mr. WARDE.—A very good idea, too.

Mr. BAYLES.—If it can be shown to me that the establishment of a State Insurance Office would bring about any great advantage to the public, my view would be different.

Mr. WARDE.—The very fact that the Government and the companies are meeting together would prevent the formation of a trust among the companies to exploit the public.

Mr. BAYLES.—The old bogey of a trust or combine is trotted out once more, like King Charles' head. No one wishes to put down trusts more than I do, but if there is a trust in accident insurance matters in New Zealand, the Government of New Zealand is guilty of belonging to it. The experience of the Government Fire Insurance Department in New Zealand has been quoted. The ratio of losses in New Zealand is the greatest in the world, bar America.

Mr. TUNNECLIFFE.—You know the reason of that, do you not?

Mr. BAYLES.—Yes. It is because so many of the large buildings are built of wood. Another reason is that the Government have been saddled with a great number of rotten risks. All I want to do is to see that the public are treated fairly, and neither the Chief Secretary nor the Premier, who introduced the Bill, has shown that the companies in the past have treated the public otherwise than fairly with regard to accident insurance. If the public are treated fairly at present, what is the good of starting a State Insurance scheme? It must be admitted that such a Department could not possibly pay for many years to come.

Mr. WARDE.—We do not want it to pay. It will be sufficient if it clears itself.

Mr. BAYLES.—It will not even clear itself. It will be started without capital. The only capital put into it will be the premiums paid by the public. If you are going to start a State insurance office, why not start a State boot factory?

Mr. ELMSLIE.—Hear, hear! Why not?

Mr. BAYLES. —Now we are coming to the real inwardness of the support which honorable members on the Opposition side are giving to these proposals. The glorious results of a semi-Government institution were disclosed here last Thursday. It has taken eight years for the Government and Parliament to discover the rottenness of the Geelong Harbor Trust. We know now what honorable members opposite really want. They want to get Socialism in its true form. They want the Government to be able to tell us what we shall eat at breakfast, and they want to have the Government stamp on everything. I do not quarrel with them for that. That is their conviction, and let them carry it out if they can, but why encumber the Government of this State with an extra department, employing a great many people, and having agencies all over the State? What is the use of that unless we are going to get lower premiums?

Mr. SNOWBALL.—In New Zealand the fire premiums averaged 14s. per £100, as against 9s. 6d. for the whole of Australia.

Mr. BAYLES.—I am dealing now with accident insurance. If I thought there was any substantial benefit to be gained by the establishment of a State accident branch, and that it would result in a material reduction of rates, I would have to consider the question whether it would be a wise thing to adopt. That, however, has not been the result in New Zealand. The accident rates, I understand, are somewhat higher in New Zealand than they are here. I do not make that statement on my own authority, because I have not gone into the figures. It is not right to saddle us with an enormous State Department. I should like to ask the Chief Secretary if the true inwardness of the proposal is not in regard to the contributory clauses under which the Government propose that State insurance should get a preference as compared with outside insurance.

Mr. MURRAY.—It is an honorable and laudable attempt to protect the employer.

Mr. BAYLES.—If these contributory clauses were not in the Bill what would be the good of having State insurance, and even if they are retained, why should not the private companies be placed in the

same position as the State? I want to hammer home the point as to whether we are going to get any benefit from the formation of a huge Government Department.

Mr. MURRAY.—We are.

Mr BAYLES.—Is the honorable gentleman speaking with the voice of a prophet, or of a man who knows something? If we are to have State insurance we want to be quite sure that it is going to be carried on on business lines. We do not want to have disclosures in a few years' time showing that the State Insurance Department is in a state of impecuniosity. If we have such a Department we should get balance-sheets on the same lines as those issued by private companies, and the officers should be subject to the penalties under the Companies Act. The balance-sheets should be audited by outside accountants. Then we will know whether the Department is doing the business in a proper and profitable manner.

Mr. McCUTCHEON.—I should like to see the whole of the proposals for Government insurance struck out. At any rate, I intend to vote against them because I do not regard them as advisable. I was particularly struck with this view of the case yesterday after hearing the Premier inform the House that the administrative work of the State and of the various institutions growing up under it was getting so heavy and extensive that the Government could not see its way to take on further administrative work, and would have to call in outside assistance for that purpose. It struck me that the best way to avoid some of that work would be to let some of these things alone. I do not see where the necessity comes in for the Government taking up this business. The history of this Government, and to some extent of the previous Government, though not so much, has been one of continual aggression upon private business and private enterprise. I do not think the history of Government enterprises generally is such as to encourage honorable members to approve of them. Let me remind honorable members of what came before them the other day in connexion with the Government Printing Office. I made no critical comment at the time, and merely gave some information. There we have a record of fifty years of practically piling up unprofitable work under unprofitable conditions. That is one Government enterprise. The honorable member for Toorak has told us of another quasi-Government enterprise that was launched with great promise, but which has not been successful.

Mr. MURRAY.—What was that?

Mr. McCUTCHEON.—The Geelong Harbor Trust. Then, I do not think that our closer settlement and irrigation enterprises have been such successes as to justify the Government in embarking on insurance business.

Mr. MURRAY.—Closer settlement will never be successful until we have complete powers for compulsory resumption.

Mr. McCUTCHEON.—Perhaps it will not be, and maybe compulsory resumption will come.

Mr. MURRAY.—Have we not had a few large private failures in this country? In 1893 certain institutions came tumbling down, and they would not have picked themselves up if the State had not come to their assistance.

Mr. McCUTCHEON.—The State guaranteed their notes, and that was all. If the State had taken them in hand sooner very great loss to many persons, and to the State, would not have resulted. We have not had any guarantee from the past management of the State in business matters that it will make a success of insurance. I observe that the Post Office is going to be placed by the Federal Government under a Commission of three men. That is necessary if we are going to save money and get something like discipline. There may be different opinions on these matters, but in regard to the Post Office the opinion of the present Federal Government, which contains many good business men, is in favour of putting the institution under a Board or Commission. These things are quite suggestive enough to us to make us careful before starting another Government institution. I think the Government have too much on their hands to enable them to discharge their duties properly. There are many complaints about the discharge of these duties, but instead of making the Government cautious the effect seems to be to cause them to rush in to take up the charities, insurance, and things of that sort, and to run the whole show. I am opposed to accident insurance being taken in hand by the State at all. I object to the contributory proposal, but perhaps I had better leave that to the last. In the meantime, the general subject of the Government taking up

accident insurance is before us, and I will deal with that matter now. I just wish to read an extract from the last issue of the *Australasian Insurance and Banking Record*. It contains information as to the experience of the British insurance companies in this respect—

> The *Times* of the 21st June referred to the employers' liability business in the following terms:—"At the moment an immense amount of work is falling on insurance companies in connexion with the renewals of employers' liability business, including domestic servant insurance, as from 1st July—the date on which the different Workmen's Compensation Acts have come into force. The rates are now on a basis which the offices believe will leave them some margin of profit, but the market for the business is smaller than it was even two or three years ago. Some composite offices have resolutely determined to have as little to do with the business as they possibly can, for various decisions of the courts in favour of the workmen, the necessity of consulting the National Health Commissioners under the Insurance Act, and the extreme difficulty of preventing malingering have all tended to increase the difficulty of conducting a complicated business. One curious effect of the unfavorable experience has been that in some cases non-tariff offices are quoting higher rates than those which work according to tariffs,

That is instructive after hearing the honorable member for Toorak.

> for, judging individual risks on their merit, they have not hesitated to quote high, and sometimes prohibitive, rates on businesses which have proved prolific in claims, while making concessions to firms whose claim ratio has been light. The difference in the experience of various firms undertaking the same kind of work is very marked indeed. But on the whole the rates during the past year or two have still tended upward, and new business is now more difficult to get written."

That is a bird's-eye view of the condition of affairs in Great Britain. There they have a very large number of competing offices, many of which are represented here. Those offices have a tariff amongst themselves, and no doubt the offices have a tariff here. The extract shows that such business had better be left to those who understand it, and are subject to such competition as we know exists, rather than that the Government should take it up. I think the Premier the other day, in referring to the honorable member for Gunbower, used the expression, "diseased activity." Now, I think we might fairly describe this proposal of the Government as a sample of diseased activity. I am afraid that the members of the Cabinet, owing to the air they breathe in the Government offices and through associating so much together, are contracting this disease. It will pass from one to another like the small-pox in Sydney.

Mr. MURRAY.—Do you think it would be a good thing to vaccinate them with virus from your corner?

Mr. McCUTCHEON.—Yes.

Mr. MURRAY.—Then we shall have to call in a doctor.

Mr. McCUTCHEON.—Vaccination with the virus of carefulness and investigation would prevent the Government from undertaking things of this kind. I am giving reasons why I think the Government should let such matters alone.

Mr. MURRAY.—You are giving very strong reasons.

Mr. McCUTCHEON.—I think I am giving pretty fair reasons. The points which I notice in connexion with this proposal are several. One is that such trifling deductions as are proposed are not sufficient, in my opinion, to justify the Government in bringing in the exceptional proposal which they have made.

The ACTING CHAIRMAN (Mr. OUTTRIM).—Is the honorable member discussing clause 34?

Mr. McCUTCHEON.—I am discussing the scheme. If we adopt the scheme the insurance would be different under this State from what it is under the Federal Government. When the Federal Government employs any workmen, or has any contractor working for it, all the workmen are insured at the expense of the industry. Under this proposal that is not so. Therefore, if this scheme is adopted we will have employés working under it while the workmen employed by the Federal Government are working under another scheme. I do not think that point was carefully considered by the Government. The whole of these remarks of mine come under clause 28, which says that a State accident insurance office shall be constituted, and I am discussing what the office will have to do. From that point of view I submit that I am in order in mentioning these points. I also object to the proposal that the State should find one-sixth of the payments.

Mr. MURRAY.—As the Chairman has already pointed out, that is not in this clause.

Mr. McCUTCHEON.—How far are we able to discuss the scheme under this clause?

The ACTING CHAIRMAN (Mr. OUTTRIM).—The honorable member must

confine himself to clause 28. On several occasions he has been referring to clause 34. It may be difficult for him to do so, but at the same time the honorable member must keep to clause 28.

Mr. McCUTCHEON.—It is very hard indeed. In connexion with the management of the State insurance office there is another matter to be considered. The honorable member for Toorak has alluded to the question of getting business. There will be a great difficulty in carrying on the Government insurance office not only in connexion with the getting of business, but also in settling the claims. How will the claims in respect to accidents up country be settled? I am doubtful whether the Government considered all these points before they brought in the Bill. I know that it is easy to say with a wave of the hand that an insurance office shall be established. It reminds me of the opera of The Mikado. According to the Prime Minister, when His Majesty said, "Let a thing be done," it was as good as done—it was done; but had that been so, then, by his own order, the Mikado would have lost the heir to his throne. It is easy to lay down schemes, but it is another thing to know whether they have been completely gone into. I wonder how all the details of this insurance business are to be carried out. It is proposed to enter into competition with a number of highly trained and efficient men who have behind them experience gained from the very inception of insurance. How a Government institution is going to carry out insurance effectively and economically in the circumstances I cannot tell.

Mr. MURRAY.—There are a good many connected with insurance companies who did not have much experience when they began.

Mr. McCUTCHEON.—Those connected with insurance companies are working under some of the cutest minds in business circles.

Mr. MURRAY.—Are you speaking of those in the office, or do you refer to the canvassers?

Mr. McCUTCHEON.—The canvassers have only to get the business. It is one thing to get business and another thing to carry it out under the best conditions. I would remind the Chief Secretary that we were both in England a couple of years ago.

Mr. MURRAY.—Don't mention everything.

Mr. McCUTCHEON.—It would take too long to mention everything, and it is not desirable.

Mr. MURRAY.—The remembrance entirely alters the expression of your face.

Mr. McCUTCHEON.—I should think so, and the remembrance is very enjoyable.

Mr. MURRAY.—We will carry that with us to the grave.

Mr. McCUTCHEON.—Yes. While I was in England I had an interview with a manager of a big insurance company which is represented here. In my judgment, he was a man fit to manage almost any business in the world, or anything he had reasonable time to get a grasp of. He was only one of a number of men who have an extensive knowledge of finance and insurance business, and who from their offices in London or Liverpool are able to direct the carrying on of business here in a most successful manner.

Mr. MURRAY.—Is there any chance of getting him out to run our show?

Mr. McCUTCHEON.—That is one of the most sensible suggestions I have heard yet, and it is worthy of the Chief Secretary. If the Government could get an able and well recognised insurance man to manage the show, then, I think, there would not be the same objection——

Mr. MURRAY.—Withdraw your objections then; we have already got him.

Mr. McCUTCHEON.—I want to know where the Government can get such a man for a small insurance scheme like this. What I object to is the piling on to the Government of extra work and additional schemes. The Premier told the House yesterday that the Government were already overburdened with administration, and that services of various kinds were increasing so fast that they could not deal with them unless they established Boards.

Mr. WATT.—I referred to Governments throughout Australia.

Mr. McCUTCHEON.—I understood that the Premier spoke of his own Government, because he was bringing in a Bill to relieve the Inspector of Charities and our Government.

Mr. WATT.—I was then dealing with the question of delegating power to outside organizations.

Mr. M. K. MCKENZIE (*Upper Goulburn*).—I think we all thought that it had special reference here.

Mr. WATT.—It did, in a way.

Mr. McCUTCHEON.—I am not trying to twist what the Premier said. From that point of view I say that the Government have quite enough to do to manage the country well without undertaking any other scheme, such as is proposed in this Bill. The Federal Government have already one plan of insurance of accidents to its workmen, and it is proposed that we should have another, which I do not think is desirable. The Chairman has reminded me that I must not deal with other clauses, so I will leave my remarks respecting them until they are reached, but the whole scheme does not recommend itself to me for the reasons which I have stated. I fail to see that the Government have given any reason whatever for proposing this scheme. The only reason that they can adduce is that where they are making compulsory payments for accidents, and the insurance companies have to be brought in to take the place of the employers, they want to see that there is not a combination among the companies to defeat their object by charging rates that are too high. On that point I differ from them. I have already conveyed the experience of the London companies in that respect. I am satisfied that no plan of that kind will succeed in connexion with insurance in this country, because, if it is attempted, it will immediately cause fresh companies to enter the field of insurance here. If the rates are placed on such a scale as to show large or undue profits to the companies it will lead to other companies coming in and competing, not merely within our own State, but outside it. There are an enormous number of insurance companies that are not represented here. They are always trying to get an opening for business in this city. The rates charged by insurance companies are well known, and if they are too high then, as surely as water flows down a hill, so will insurance companies, as the result of competition, find their own level here. I believe from figures shown to me that the average profit on this class of business in the Old Country for some years past has been about 2 per cent., and if that is the kind of thing that has been going on under well-managed and highly-capitalized companies such as exist there, I fail to see the prospect of profit and success here. I am entirely opposed to the scheme of the Government. I do not think it is necessary. I think that the companies at present in existence can carry on all the business, and do it all under proper supervision and care, and for those reasons I shall vote against the clause.

The committee divided on the clause—

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|---|---|---|---|
| Ayes | ... | ... | 44 |
| Noes | ... | ... | 4 |
| Majority for the clause ... | | | 40 |

AYES.

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| Mr. Angus | Mr. McLachlan |
| ,, Baird | ,, McLeod |
| ,, Barnes | ,, Membrey |
| ,, A. A. Billson | ,, Menzies |
| ,, J. W. Billson | ,, Murray |
| ,, E. H. Cameron | ,, Oman |
| ,, J. Cameron | ,, Outtrim |
| ,, Campbell | Sir Alexander Peacock |
| ,, Chatham | Mr. Pennington |
| ,, Cotter | ,, Plain |
| ,, Downward | ,, Rogers |
| ,, Elmslie | ,, Sangster |
| ,, Farthing | ,, Smith |
| ,, Graham | ,, Solly |
| ,, Hogan | ,, Thomson |
| ,, Hutchinson | ,, Tunnecliffe |
| ,, Jewell | ,, Warde |
| ,, Keast | ,, Watt |
| ,, Langdon | ,, Webber. |
| ,, Lawson | |
| ,, Lemmon | *Tellers:* |
| ,, McGregor | Mr. Carlisle |
| ,, H. McKenzie | ,, Livingston. |

NOES.

| | |
|---|---|
| Mr. McCutcheon | *Tellers:* |
| ,, M. K. McKenzie. | Mr. Bayles |
| | ,, Snowball. |

Clauses 29, 30, and 31 were agreed to.

Clause 32—

The Insurance Commissioner shall in the month of August in each year prepare and transmit to the Minister a balance-sheet and statement of accounts of the State Accident Insurance Office for the preceding financial year, and a copy of such balance-sheet and statement shall be laid before each House of Parliament as soon as practicable.

Mr. BAYLES.—We now come to the question of the annual balance-sheet.

Mr. TUNNECLIFFE.—You are "hot stuff" on balance-sheets.

Mr. BAYLES.—I am "hot stuff" on balance-sheets, as the honorable member says. I would like an amendment to be inserted to provide that the balance-sheet and statement of accounts shall be in such form as is usually followed by accident insurance companies carrying on business in this State.

Mr. WATT.—You want a true commercial balance-sheet?

Mr. BAYLES.—Yes, and I want that to be stipulated in the Bill. As the Premier knows, a mere statement of receipts and expenditure has no practical bearing upon the prosperity of an accident insurance company. There must be a certain amount put aside for reserves to meet outstanding liabilities, such as policies running at the end of the financial year. The New Zealand Insurance Department, so far as I can see from the papers I have got, does not publish such a balance-sheet. If that is not done the public will not have a fair idea as to whether the taxpayer is paying for the insurance, or whether the insurers are paying. I am sure the Premier will see no objection to my request. He does not want to place before the public anything that is not absolutely fair. He wants the public to know exactly what this State Department is doing, and whether it is a financial success, or otherwise. If he will promise to move an amendment later on I will not press the matter any further.

Mr. WATT (Premier).—The suggestion made by the honorable member for Toorak, that this insurance fund should present an annual commercial balance-sheet satisfactory to this House is a perfectly sound one. For many years, as a private member, I urged a number of reforms in the keeping of our accounts, some of which I have been able to effect. I have been working steadily along to try and get particularly the trading departments of the State, to put themselves on all fours in connexion with their accounts with trading companies outside. I will take an opportunity before the final stages of the Bill are dealt with of consulting with the Auditor-General, so as to have suitable words introduced into this Bill before it disappears from the House.

The clause was agreed to.

Clause 33—

Nothing in this Act shall render it obligatory for an employer to obtain either from the Insurance Commissioner or from any Company a policy of insurance or indemnity in respect to his liability to pay compensation to any worker or workers.

Mr. TUNNECLIFFE.—I think the proposal in this clause has not been given the fullest amount of consideration in this Chamber on previous occasions when the Bill has been before us. In spite of the difference of opinion which exists even amongst some members of my own party, I am still of opinion that some system of compulsory insurance ought to be enforced. It seems to me absolutely essential, if we intend to guarantee to the employé or the dependants of the employé some sort of compensation in the case of his death or permanent injury, that compulsory insurance should be enforced upon all those who employ labour. If insurance is not made compulsory the well-to-do employers in a large way of business will have insurance schemes of their own, or will guarantee their employés against accident through some private company, or through the State Insurance Department. But the small employer will in every case prefer to take the risk, knowing that the risk in his case is a comparatively small one. If he is a man of straw, with no means behind him, it is of very little moment to him if anybody is permanently injured or killed in his employment, because he knows that nothing can be obtained in Court except the barren verdict. Then there are quite a number of cases of men carrying on business, while their estates are in the names of their wives or other people, and in such cases the employé would be unable to secure any compensation. It appears that the State should take the responsibility of insisting on every employer insuring his employés against accident or loss of any kind resulting in connexion with their employment. If that compulsory provision was included in the Bill, every employé could go to work with a full consciousness that, should accident occur, provision would be made for those dependent upon him. If this amendment is not made, it would be safe to say that considerably over half of those engaged in industrial occupations will be debarred from the benefits they should receive under this Act. There are a number of small employers who have not the means to meet a liability of this kind, and they will neglect to carry out the provisions of insurance, and, in consequence of this neglect, their employés will not be protected. I do not say that these employers are heartless or desire to shirk their responsibilities, but there is a certain neglectfulness amongst a great many people in the community in regard to these matters, such as fire insurance and various other forms of insurance. A great many people are willing to carry the risks themselves; and, when disaster overtakes them,

they are brought almost to the verge of ruin. I contend that a compulsory clause is essential to effect the carrying out of any insurance scheme such as this, and I would desire the Government to take this matter into their earnest consideration. With a view of impressing this idea more upon the Committee, I will move that this clause be eliminated from the Bill, if I am in order in doing so.

The CHAIRMAN. — The honorable member can vote against the clause when the question is put that the clause stand part of the Bill. He cannot move its omission.

Mr. TUNNECLIFFE.—I want honorable members to realize what an awkward position they place the average employé in if they allow it to be optional for the employer to insure or carry the risk himself. The employé is then at the mercy of carelessness, of lack of judgment on the part of his employer. I think that in fully 50 per cent. of the cases that will come within the purview of the Court, the employer will not be able to meet the claims against him as the result of accidents, and the people to whom compensation should be paid will be left stranded. I hope that honorable members will record their votes for the omission of this clause, so that we may have the principle affirmed at a later stage that it should be obligatory on all employers to insure against accident or disaster.

Mr. MACKEY.—I have already spoken in this House advocating that insurance should be compulsory. I think that is the one way really of making this Bill effective, and of not imposing undue hardship on employers who, through neglect, would otherwise not take out a policy. One way, I think, of carrying out an Act of this kind in a country such as this is to make it obligatory on the employer to take out an insurance policy. I trust the Government will give their fullest consideration to the matter of making insurance by an employer compulsory.

Mr. WATT.—It appears to be a very debatable feature of the Bill.

Mr. MACKEY.—I think it will be found that the whole Chamber is in favour of making the insurance compulsory.

Mr. WATT.—I do not think that can be said, inasmuch as the arguments against it have not yet been presented.

Mr. MACKEY.—The honorable gentleman will find that there are no arguments against it. I have already spoken on the evils that will result, especially in the remote districts, where a small employer will not realize that this law is in operation until an accident has happened to a casual workman who is assisting him in his business. The casual workman will get such compensation as the law allows, but at the expense of the ruin of the employer.

Mr. TUNNECLIFFE.—There is no guarantee that the man will get it.

Mr. MACKEY.—No, and what he does get may cause ruin to the employer. With the consent of the Government, I will test the feeling of the Committee on this question by moving an amendment in this clause. I move—

> That the words "nothing in this Act shall render it" be omitted, with the view of substituting the words "it shall be".

If this amendment is made, the clause will read, "It shall be obligatory for an employer" to obtain a policy of insurance. I submit this in all friendliness, because I do not think that the Government hold views very strongly adverse to what I am proposing. I understand from the Premier, by what he said, that he is rather favorable to this idea.

Mr. SNOWBALL.—I have great pleasure in supporting the amendment. I think this is really one of the central points of the whole scheme. It can never be said that this scheme is an effective protection to the workman if the employer neglects to take advantage of the benefits of the insurance provisions. I think that the clause might be altered with advantage somewhat more than is suggested. We might say that the insurance should be with an "approved company." Let the Government exercise some sort of supervision or care over the companies which do this kind of business, as is done in connexion with life insurance, banking, and executor company business, and other businesses of that kind involving heavy financial responsibilities. I think that companies which do accident business should submit their constitution and financial position to the Government for approval, so that the public may be protected. I understand that the honorable member for Gippsland West is willing to alter his amendment so as to include what I suggest. I think it will be apparent that it is essential, in order

to make the Bill effective, that some provision of this kind should be inserted, and if the Government will not accept the amendment, I hope they will frame one themselves to carry out the object in view. We may insert a clause which may be difficult to carry out in actual working. I conceive that it may be difficult for employers in distant places to get a policy to cover them in respect of the labour they are employing from time to time, but it seems to me that that difficulty could be overcome. A settler cannot post a letter unless he purchases a postage stamp, and there is no reason why he should not have the same facilities for purchasing an insurance coupon covering him in respect of the labour he employs. Every employer has a pretty good idea of what labour he will employ in connexion with his ordinary avocation. I understand that in Western Australia and New Zealand the matter is got over without any serious difficulty. A householder buys a 4s. 6d. or 5s. insurance ticket, which covers him from all liability in regard to the domestic servants he employs. The same principle would apply here. The Committee feels that it would be a fearful responsibility to place on an individual, in the case of an accident to his employé, to make him individually responsible, and the risk is, therefore, scattered over a large number of employers under the provisions of this Bill, so that the responsibility shall be easily borne. The only way to insure that distribution of risk is by a system of insurance. I have very great pleasure in supporting the proposal, and I hope the Government will see their way to adopt it. Of course, it is essential that the clause should be amplified in some way. For instance, it will be necessary to provide some punishment for a person who neglects to comply with its provisions. I should imagine that a fine would meet the case.

Mr. TUNNECLIFFE.—Make it so substantial a fine that they will prefer to insure.

Mr. SNOWBALL.—Yes; but I hope the penalty will not be too severe.

Mr. BAYLES.—I am with the principle of the amendment. I think it would be a good thing to have compulsory insurance, but while the principle is a good one, how are we to enforce it? Is the honorable member for Brighton willing to create another class of criminals?

Mr. WARDE.—If a man is fined, he does not become a criminal.

Mr. BAYLES. — Every one is a criminal who is guilty of contravening an Act of Parliament.

Mr. J. W. BILLSON (*Fitzroy*).—Did not you yourself make a new set of criminals under the "Joy Rides Act" which you passed?

Mr. BAYLES.—In that case the people offending are committing an offence against some one else's property. Those employers who do not insure will say that they are willing to take the risk of accident on their own shoulders. I do not see how compulsory insurance can be enforced in the case of many casual employers. For instance, a farmer in the back-blocks may take on a man for a week. How is he going to insure him? He does not know how long the work will last. Is he going to insure that man for one week, or must he insure him for a whole year?

Mr. SNOWBALL.—One cannot conceive of a farmer employing a man for only one week in the year.

Mr. BAYLES.—The man may be a temporary hand, who is taken on in the place of some one who is sick. That man will have to be insured, otherwise the employer, if this amendment is carried, will be committing an offence.

Mr. WARDE.—This amendment does not say so.

Mr. BAYLES.—It makes it obligatory on the employer to insure his men.

Mr. WARDE.—Not to insure some particular man.

Mr. BAYLES.—The employer has to insure all the men he employs. I notice that, according to the list of premiums that has been furnished to us, the cost of accident insurance in the case of labourers is 1 per cent. on the twelve months' wages. Therefore, if a man is getting 8s. a day, he would get about £120 a year, and it would cost his employer a little over a sovereign to insure him. Suppose a man were employed for one week only, the employer would have to pay a fifty-second part of £1.

Mr. TUNNECLIFFE.—That is cheap enough, is it not?

Mr. BAYLES.—That would be about 6d. If the employer did not pay that amount, he would be liable to a fine. The enormous number of insurance policies that would have to be taken out under such a provision as this would

startle the public, and the expense would be very great. In Queensland the system adopted by my firm is that we arrange with the insurance company to give us cover over all the men we employ. Then, at the end of twelve months, we give them our wages-sheet, the number of men employed, and the occupations in which they are employed, and the company give us a running cover for the whole period.

Mr. WATT.—That is the way it will be generally done here.

Mr. BAYLES.—That is all right for large employers, but what about a farmer employing only two or three hands?

Mr. TUNNECLIFFE.—He can easily get cover for them. I know of a grocer who insures for one man only.

Mr. BAYLES.—He is in a town, I suppose. It is very difficult in small places in the country. Suppose a small contractor is digging a drain, and employs two or three men. Every one of those men would have to be insured.

Mr. WARDE.—He will merely take out a policy based on the wages paid during the year.

Mr. BAYLES.—That is all right for a man who is carrying on business continuously. It does not meet the case of a man who is carrying out a small contract. That man, according to the present proposal, must have a policy covering every one of his men, and then he must declare what work those men are engaged on. How are you going to find out whether those statements are correct?

Mr. WATT.—The insurance companies would soon invent a system of general cover which would meet the case. The case of a man who may take on an odd employé for a week or two is a more difficult one to meet, but I do not think the difficulty is insuperable.

Progress was then reported.

## ESTIMATE OF EXPENDITURE.

Mr. WATT (Treasurer) presented a message from His Excellency the Governor transmitting an Estimate of Expenditure for the months of September, October, and November, in the year 1913-14, and recommending that an appropriation be made from the Consolidated Revenue accordingly.

## VOTES ON ACCOUNT.

The House, having resolved itself into Committee of Supply,

Mr. WATT (Treasurer) moved—

That a sum not exceeding £1,827,952 be granted to His Majesty on account for or towards defraying the following services for the year 1913-14, viz. :—

Legislative Council—Salaries and Ordinary expenditure, £288. Legislative Assembly—Salaries and Ordinary Expenditure, £2,423. Parliamentary Standing Committee—Salaries and Ordinary Expenditure, £216. Refreshment Rooms—Salaries and Ordinary Expenditure, £418. The Library—Salaries and Ordinary Expenditure, £215. The Library, State Parliament House—Salaries and Ordinary Expenditure, £373. Victorian Parliamentary Debates—Salaries and Ordinary Expenditure, £1,073. Chief Secretary's Office—Salaries and Ordinary Expenditure, £3,621; Pensions, &c., £3,863; Grants, £1,500. Board for the Protection of Aborigines—Salaries and Ordinary Expenditure, £1,012. Explosives—Salaries and Ordinary Expenditure, £1,082. Inspection of Factories and Shops—Salaries and Ordinary Expenditure, £7,299. Fisheries and Game—Salaries and Ordinary Expenditure, £937. Government Shorthand Writer—Salaries and Ordinary Expenditure, £333. The Governor's Office—Ordinary Expenditure, £131. Herbarium—Salaries and Ordinary Expenditure, £271. Inebriates Institution—Salaries and Ordinary Expenditure, £865. Marine Board—Salaries and Ordinary Expenditure, £1,106; Mercantile Marine—Salaries and Ordinary Expenditure, £168. Observatory—Salaries and Ordinary Expenditure, £1,106. Premier's Office—Salaries and Ordinary Expenditure, £664. Training Ship—Salaries and Ordinary Expenditure, £2,567. Agent-General—Staff and Office, £1,250. Audit Office—Salaries and Ordinary Expenditure, £3,118. Government Statist—Salaries and Ordinary Expenditure, £5,123. Hospitals for the Insane—Salaries and Ordinary Expenditure, £47,900. Neglected Children, &c.—Salaries and Ordinary Expenditure, £30,726. Penal and Gaols—Salaries and Ordinary Expenditure, £13,218. Police—Salaries and Ordinary Expenditure, £88,945. Public Library, &c.—Salaries and Ordinary Expenditure, £5,912; Works and Buildings, £3,000. Public Service Commissioner—Salaries and Ordinary Expenditure, £705. Education—Salaries and Ordinary Expenditure, £240,993; Pensions, &c., £294; Works and Buildings, £3,000; Endowments and Grants, £13,251. Supreme Court—Salaries and Ordinary Expenditure, £977. Law Officers—Salaries and Ordinary Expenditure, £4,244; Pensions, &c., £53. Crown Solicitor—Salaries and Ordinary Expenditure, £2,041. Prothonotary—Salaries and Ordinary Expenditure, £447. Master-in-Equity, &c.—Salaries and Ordinary Expenditure, £898. Registrar-General, &c.—Salaries and Ordinary Expenditure, £10,284. Sheriff—Salaries and Ordinary Expenditure, £3,281. Comptroller of Stamps, &c.—Salaries and Ordinary Expenditure, £1,292. County Courts, &c.—Salaries and Ordinary Expenditure, £6,083. Police Magistrates, &c.—Salaries and Ordinary Expenditure, £4,250. Clerks of Courts—Salaries, £7,536. Coroners—Salaries and Ordinary Expenditure,

£1,015. Treasury—Salaries and Ordinary Expenditure, £6,507; Transport, &c., £1,750; Unforeseen Expenditure, £1,000; Allowances to Railway Department, £4,000; Grants, £16,000; Pensions, &c., £160; Exceptional, £20. Income Tax—Salaries and Ordinary Expenditure, £3,416. Land Tax—Salaries and Ordinary Expenditure, £13,987. Death Duties Branch—Salaries and Ordinary Expenditure, £214. Curator—Salaries and Ordinary Expenditure, £830. Government Printer—Salaries and Ordinary Expenditure, £26,600; Exceptional Expenditure, £1,050; Advertising, £450. Survey, &c., Crown Lands—Salaries and Ordinary Expenditure, £54,144. Public Parks, &c.—Salaries and Ordinary Expenditure, £231. Botanic, &c., Gardens—Salaries and Ordinary Expenditure, £2,384. Extirpation of Rabbits, &c.—Salaries and Ordinary Expenditure, £10,178. Works and Buildings, £400. Public Works—Salaries and Ordinary Expenditure, £9,716. Ports and Harbors—Salaries and Ordinary Expenditure, £24,019; Exceptional Expenditure, £2,000. Public Works—Works and Buildings, £27,855; Road Works and Bridges, £3,944; Endowments and Grants—Municipalities, &c., £250. Mines—Salaries and Ordinary Expenditure, £6,768; Furtherance of Mining Industry, £7,100; Coal Mines, &c., Act 2240, £13; Pensions, &c., £10; Exceptional Expenditure, £4,300. State Forests—Salaries and Ordinary Expenditure, £17,275. State Rivers and Water Supply Commission, £26,575. Agriculture, Administrative—Salaries and Ordinary Expenditure, £2,001. Agriculture—Salaries and Ordinary Expenditure, £15,043. Stock and Dairy—Salaries and Ordinary Expenditure, £4,975; Export Development—Salaries and Ordinary Expenditure, £7,732. Public Health—Salaries and Ordinary Expenditure, £12,308; Endowments and Grants, £250. Railways—Working Expenses, &c., £930,000; Pensions, £3,750; Railway Construction Branch, £1,380. State Coal Mine, £46,000. Total, £1,827,952.

He said—This schedule gives the items and departments for which the Supply is to be voted. The amount mentioned will cover the estimated requirements for the months of September, October, and November—in other words, it is a provision for three months. As usual, the Departments were specifically instructed that the demands should not include any absolutely new votes, and I am instructed by the Accounts Department of the Treasury that this instruction has been observed. I never think it advisable to make a long introduction in proposing a measure for temporary Supply, because it is generally advisable to hear the views of honorable members with regard to specific items which are included in the amounts. I will endeavour to provide any information at my disposal in answer to any inquiries which honorable members may make in regard to any item in this schedule. There is, however, one matter which I think I ought to refer to at this early stage. Honorable members will have noticed an announcement in the press that we are likely to lose the services of Mr. Elwood Mead in this State. That was a premature announcement, as far as the Government was concerned. Precisely how the press got the information I am not able to say, but I am bound to tell the Committee exactly what took place, and what the feelings of the Government are with respect to the matter. I may say that the Cabinet has not yet had an opportunity of considering the question that has been raised, but the announcement was made to me, confidentially, by Mr. Elwood Mead some two or three days ago. Mr. Mead informed me, and the Minister in charge of his Department, that an offer had come to him from the University of California which he considered very tempting, and very congenial. He felt that it was just the kind of work to which he could devote himself without the slightest care or anxiety in his native country, and while he was extremely grateful and appreciative of the consideration that had been extended to him by successive Governments, and by the public bodies and the community of Victoria generally, he still felt the call, and he asked the Government to consider the matter at their leisure, and tell him what their views were about it. Now, I think the loss of Mr. Elwood Mead at this stage would be a very severe blow to us as a Government, and to Victoria as a community. I did not hesitate to tell Mr. Mead that, but, of course, there are considerations that arise which are superior to such a fact as this. You cannot chain a man, whoever he may be, and endeavour to drive him along a track which is not so acceptable to him as another path which is presented for his consideration. I am not without hope, however, that we may yet be able to frame a proposition by which the services of Mr. Elwood Mead may be retained in Australia, and I will tell the Committee quite frankly what I mean by that. It has been plain to all of us, I think, who have watched the growth of the work of the State Rivers and Water Supply Commission, that Mr. Elwood Mead has felt the heavy responsibility of the administrative part very much indeed. I think his mind and his experience are both of such a type perhaps that he ought to be freed from a good deal of the care and responsibility that might sit lightly on other shoulders, and that is probably

why he feels disposed to devote himself to the research and propaganda work which the offer that has been made to him from the University of California presents to him. Now, I took the opportunity—this may be regarded by the Premier of New South Wales as perhaps an improper disclosure, but I really must make it to the Committee—to tell Mr. Holman at our recent conference, the news that had come to me, and how I felt that the two Governments of Australia which are particularly interested in the development of water service and irrigation, ought to try and unite in making an offer to Mr. Mead which would keep him here for the service of those two Governments, as our consultative officer and expert on all the water problems of New South Wales and Victoria. It seemed to me that if we could do that—if we could carry on the work of the State Rivers and Water Supply Commission, that is, the administrative part of it, while still having the services of the most expert brain, probably in the world, at our disposal with regard to all the big problems which would present themselves for consideration—that would be an object that it would be most desirable to achieve. I have not consulted Mr. Mead as to whether that will finally determine his mind, but I am going to do what I can, with the full concurrence of my colleagues, to see if that offer cannot be established in the hope that his services will be retained for Australia. I express great regret that the announcement has come to us, because the career he has had with us has won for him the most extraordinary power in the community, in a way wholly unexpected when we brought him here. He has won confidence amongst all parties, irrespective of political view and irrespective of town or country, and that is particularly valuable for this particular type of evangelical work on land and water that seems most essential now. I hope the Committee will pass the Supply Bill to-night, because there is a very strong desire on the part of honorable members on both sides of the House that we should adjourn over to-morrow in consequence of the municipal elections. For about forty years without a break, until last year, the House has adjourned over that day to allow country members especially to record their votes. Last year, under great pressure, I secured the approval of the House to sit on that day, but I do not think very much work was done. There is a general feeling that if we pass this Bill to-night the House will be justified in adjourning over to-morrow, so that honorable members representing country constituencies may leave by the early trains to-morrow.

Mr. WEBBER.—I wish to draw the attention of the Minister of Railways to a matter concerning his Department. I have received complaints for some months from the residents of Richmond and Collingwood, and also from people residing in East Melbourne, who patronize the railway commonly known as the Collingwood line. They complain that there is no indicator showing the destination of the trains. At Clifton Hill, and, I believe, also at Victoria Park, there are indicators. There are three lines branching off the main line at Clifton Hill, and running to nine different termini. The residents cannot say where the train is bound for unless they seek the advice of a porter, which is often both inconvenient to the porter and the traveller. At West Richmond in particular the trouble is very acute. The train leaves a tunnel before entering that station, and people waiting on the platform are not able to see the board on the front of the engine on account of the platform being semicircular in shape. It is very difficult, even at other stations, for passengers arriving at the last moment, when the train is entering the station, to read the name on the board in front of the engine. Sometimes there is no board, and sometimes the board conveys incorrect information. I feel sure that if this matter is brought under their notice, the Commissioners will only be too willing to erect indicators at all the stations.

Mr. A. A. BILLSON (*Ovens*—Minister of Railways).—I think I may give the assurance that as soon as the Commissioners' attention is drawn to the matter referred to by the honorable member they will remedy the trouble. I shall see that the matter is brought under their notice to-morrow.

Mr. LEMMON.—I wish to make some remarks in connexion with the subject-matter of a deputation I had the honour of introducing to the Treasurer a few days ago. At present, unfortunately, due to the administration of the Melbourne Harbor Trust Commissioners, there is grave

dissatisfaction amongst the employés. These employés, for the first time in the history of the Trust, have formed a trade union. The men felt that the administration of the present Commissioners was such as to give them grave concern, and to justify their coming together in an organization. I desire to bring this matter before the Treasurer, with the view of urging him to make a reasonable representation to the Commissioners. I know the honorable gentleman laid down a certain principle in regard to waiting on the Commissioners concerning the men's grievances. I totally dissent from the view he has expressed. At the same time, that view will not debar him from making representations to the Commissioners with the object of endeavouring to remove the grievances, so that the industrial peace that is now being threatened may be continued. Honorable members are concerned to some extent in this matter, because last session we passed a law giving certain advantages to the employés. I venture to say that members on both sides of the House desire to see that law faithfully and fairly observed. The Harbor Trust Act states—

> Provided also that no workman or labourer employed by the Commissioners shall be required to work more than eight hours each day, except in cases of accident or emergency, and in all such cases the overtime shall be paid for as follows:—
>
> Time and a quarter for the first two hours;
> Time and a half for any period in excess of two hours;
> Double time for all Sundays and holidays.

There is not the slightest doubt that that law is not being observed by the Commissioners at the present time. I may refer to the case of the firemen employed on the hopper barges *Batman*, *Fawkner*, *Piggott*, *William Strong*, and *Edward Northcote*. These men come under the law that requires them to work for only 48 hours a week, and yet on every fifth night they have to put in 14½ hours as watchmen in the employ of the Trust, which brings the number of hours up to 62½ for the week, whilst they receive not one penny for the overtime. Their pay is based on the 48 hours' work, and for the 14½ hours extra work they receive not one penny. The amendment made last session was an amendment of the principal Act, and honorable members incorporated that amendment in the Act. Therefore, I should like to ask them if in passing that law they ever dreamt that a man would be called upon to work for 48 hours and then to do watchmen's duty for 14½ hours without any extra remuneration. No member would indorse such a proposition. There are other men, working on the *Bourke* and the *Wills*, who are only required to work 48 hours a week, but still every third night they have to watch for 14½ hours aboard, for which they receive nothing. Every eleventh week they have to put in at the end of the week another 18½ hours, which means 81 hours for the week. That is not carrying out the law. Furthermore, it is on record in the Trust's office that to some extent there was trouble with the employés who were, under the old Trust, desirous of being paid for their overtime. The Trust took counsel's opinion on the matter, and that opinion was that the men should be paid for these hours. That information was given to me by one of the Commissioners of the old Trust. As proof of that the Trust devised a plan whereby the men were only going to be called upon to work the hours specified by the law. That seems to indicate that counsel for the old Trust was of opinion that the employment of these men at watchmen's work was a breach of the law and should be put a stop to or paid for in accordance with the rates specified. One peculiar excuse that the Chairman of the Trust offers in connexion with this matter is stated as follows:—

> The claims of the men for payment for residence aboard are based on the fact that from October last till the old Trust went out of existence certain men were paid for remaining on the Trust's plant during week ends. The Chief Commissioner states that no authority is given in the Trust's regulations for such payment, and, although it was made, it is a precedent which the present Commissioners refuse to follow.

Surely the Trust's regulations should conform with the law. Any regulation drafted should be consistent with the law. There is a very easy way of getting over the difficulty, namely, by altering the regulations and making them conform with the law. Further, he states:—

> The conditions of service in the Trust specifically provided for residence aboard in turn by members of the crew of each vessel.

Mr. WATT.—What are you quoting from?

Mr. LEMMON.—From the *Age* of the 8th inst. He states that it is the conditions of service, but surely the Trust are

responsible for the conditions of service. If they ask the men to comply with something foreign to an Act of Parliament the Commissioners alone are to blame, and they should early amend the conditions of service. If it is true, as I know it is, that the Commissioners' counsel held the view that working the men these hours was not conforming with the law, surely it would be reasonable for the Premier to get the opinion of the Crown law advisers upon the point. I venture to say that their opinion would agree with the view expressed by the counsel of the Trust. One of the most unfortunate phases of this matter, which seems to rather reflect on the uprightness of the Commissioners, was a method which they adopted apparently to defeat the law. Section 23 of last year's Act provides—

> Where any work has to be performed by a workman or labourer in the employ either of the Commissioners or any contractor having a contract with the Commissioners, if such workman or labourer is paid in accordance with the prices or rates fixed in the Determination of any Special Board under the Factories and Shops Acts or any award made by the Commonwealth Court of Conciliation and Arbitration for the class of work performed by such workman or labourer, it shall be deemed a sufficient compliance with the provisions of either of the two last preceding sections.

Now, one of the preceding sections alluded to is section 22, which states—

> Any workman or labourer in the employ of the Commissioners shall be paid not less than the recognised standard rate of wages.

That is to say, Parliament practically interpreted what it meant by a standard rate of wages. We said to the Commissioners that if they paid the wages stipulated under the factories law, or provided in an award of the Commonwealth Arbitration Court, they would be complying with the desire of Parliament. Under the determination of the Wages Board for watchmen the minimum number of hours before the extra rate for overtime comes into operation is 72 per week. The determination of the Wages Board for engine-drivers and firemen provides for 48 hours per week. By a stroke of the pen the Commissioners call their firemen watchmen, and say that they can legally work them 72 hours per week without being called upon to pay extra rates for overtime.

Mr. WATT.—You say that firemen are wrongly classified as watchmen.

Mr. LEMMON.—Yes, that is what the men object to. A tradesman who has some mechanical skill strongly objects to being regarded as a labourer. That sort of thing is calculated to cause trouble and unrest among the employés of the Trust. That is one of the means adopted for getting over that law. Would the Chief Inspector of Factories for a moment tolerate that sort of thing? Would the honorable member for St. Kilda, for instance, say to his compositors, who are supposed to get, say, £3 15s. per week, or something of that sort, "I will call you labourers, and pay you accordingly?"

Mr. MCCUTCHEON.—I would have to leave the business.

Mr. LEMMON.—Yes. That is practically what has been done by the Harbor Trust, and I say it is a deliberate breach of the law.

Mr. KEAST.—Are the Commissioners willing to alter it?

Mr. LEMMON.—If the honorable member for Dandenong will say a word it may save a lot of trouble. We do not want to see trouble with the Harbor Trust employés. The matter is in the hands of the Industrial Disputes Committee, which has prevented a number of strikes and locks-out. This community ought to recognise the work which that committee is performing in the best interests of the State.

Mr. WATT.—Do you want us to knight its members?

Mr. LEMMON.—No; but I do not want the Premier to speak of them in a reflecting way.

Mr. WATT.—I did not do so. I acknowledged the wisdom of their work.

Mr. LEMMON.—The honorable gentleman assumed an attitude which did not seem to be complimentary to them at the deputation The attitude adopted by the Trust Commissioners would never be tolerated if they were private employers. I quoted from the Act to show that in order to pay a recognised standard wage the Commissioners must pay a wage set out either in an award of the Arbitration Court or a determination of a Wages Board.

Mr. WATT.—Not necessarily, but if they do either that is sufficient compliance.

Mr. LEMMON.—If they do less then they are breaking the law. Does the honorable gentleman accept that?

Mr. WATT.—Not offhand.

Mr. LEMMON.—Then what is the use of the law? No doubt the honorable gentleman has got a lawyer to see if there is a loop-hole of escape.

Mr. WATT.—I have not consulted any one.

Mr. LEMMON.—What we intended was, that they should pay a standard wage, according to either an Arbitration Court award or a Wages Board determination. If the honorable member for St. Kilda looked into the matter he might make representations which would cause the Harbor Trust Commissioners to obey the law of the land.

Mr. WATT.—Why incite my good loyal supporters by stirring them up in that way?

Mr. LEMMON.—There is no better-informed man on the Ministerial side of the House than the honorable member for St. Kilda, and he rendered great service to the Government when he agreed with the honorable member for Collingwood in connexion with the apprenticeship question. I told the Premier that he should congratulate himself, and also beware when such a thing was possible.

Mr. WATT.—Since then I have been sleeping in my boots with my spurs on.

Mr. LEMMON.—A bit of a Joe Cook. In the case of the hoist engine-drivers there is a Wages Board determination fixing their rate of pay at 10s. 6d. per day. Up till April the Trust, which was appointed, I think, in January, only paid those men 9s. 6d. per day, and from April to the present time they have given them 10s. per day They are still paying them 6d. per day less than is provided in the determination. In connexion with the coaling plant the men had a determination fixing 10s. 6d. as the daily wage. Up till April the Trust paid them 9s. 4d., and now they are paying them 10s., so that they are giving 3s. per week less than the private employer has to pay. Until April the Trust paid the winch engine-drivers 9s. 4d. per day, although their wage was fixed by the Wages Board determination at 10s. 6d. per day. Therefore, the Trust is paying 1s. 2d. less than the private employer has to pay.

Mr. WATT.—Is it for the same class of work?

Mr. LEMMON.—Yes. The engine-drivers on the tug boats and hopper barges come under the award of the Arbitration Court, which increased their wages by from 2s. 6d. to 9s. per week. It took five months before the Trust complied with that award, and when they did they gave no back pay. That is not a fair thing for the working man. If an employer breaks the factories law he is asked to pay up what he failed to give his employés, and if he does then no prosecution follows. Surely the same practice should apply to the Harbor Trust Commissioners. I hope that the Premier will go into the matter, and make representations to the Commissioners. Members of the House should not be made to look like a lot of humbugs. We passed an Act, and we believed that it would be carried out. Surely it is the duty of the Government to see that it is properly complied with. I sincerely hope that the men will not be called upon to work such long hours. They do not wish to work more than 48 hours per week. We want to give work to a large number of the unemployed who are in the city at the present time, and we do not desire that men should work more than 48 hours weekly, whether they are employed by the Government or private employers. I also hope that the Commissioners will be made to obey the law of the land in connexion with the wages which they pay.

Mr. ROGERS.—I desire to support the honorable member for Williamstown, and to refer specially to another section of the employés. For a long time they have been practically on the verge of a strike, owing to the conditions which have prevailed since the present Commissioners took charge. I have particulars of a number of hard cases in connexion with overtime. There is the case of one employé who received no wages for overtime at all, and was only paid a small wage for his 48 hours' work. His name is Olsen. I find that on the 11th and 12th of April he worked 13½ hours overtime; on the 17th to the 18th, 14½ hours; on the 23rd and 24th, 14½ hours; on the 26th, 27th, and 28th, 43¾ hours; 29th to 30th, 14½ hours. That makes a total of 100½ hours overtime for which that employé received no payment whatever.

Mr. WARDE.—Was he a married man?

Mr. ROGERS.—I should not think so.

Mr. WARDE.—I think he would have been arrested for wife desertion.

Mr. ROGERS.—The old Trust went into this matter thoroughly after a good deal of agitation by the employés, and agreed to a certain proposition. When the present Commissioners took charge the employés were being paid for this

work for which this employé gets nothing under the new conditions.

Mr. WATT.—When did they agree to the new procedure?

Mr. ROGERS.—On the 17th May, 1912, a report was made by the Inspector of Dredging and Transport, at the request of the Chairman of the old Trust. One of the recommendations to which the Trust agreed was—

> The requirements as regards watchmen would be a seaman during the day, and a seaman and fireman watchman at night, the seaman to be from the crew of one of the vessels. Day watching to be paid at ordinary rates, and night watchmen at 7s. 6d. per night.

That recommendation was adopted by the old Commissioners, and, for a time, that rate was paid, but immediately the new Commissioners took office they decided not to pay for any overtime at all. Fancy an employer asking his men to work until noon on Saturday at his ordinary work, and then to immediately proceed to a barge to remain there until Monday morning without any extra payment at all. Then on Monday morning he has to go straight on to his work. It is disgraceful, and it is no wonder that these men have been dissatisfied. Even now when an employé knocks off at twelve o'clock on Saturday he is sent immediately to one of the barges to stop there until Monday morning

Mr. WARDE.—He has to go to where the barge is anchored and pay his own travelling expenses.

Mr. ROGERS.—Yes, he has to pay his own travelling expenses.

Mr. WATT.—The barges are generally in the river.

Mr. ROGERS.—Mr. Holden says that this time worked is only residence abroad, and should not as such be paid for. Take the following instance of residence aboard: An employé of the Trust finished work at twelve o'clock on Saturday, and he was then supposed to keep watch for the week-end on a barge that was moored near Queen's-bridge, but he was sent down to Williamstown. For this he did not receive any payment, and had actually to pay his own fare.

Mr. McCUTCHEON.—Do the Trust let the men live on the barges rent free?

Mr. ROGERS.—Would the honorable member like to live on a barge rent free? The Act lays it down that the men shall not be worked for more than forty-eight hours per week, but after the men do their forty-eight hours they are sent on to the barges from noon on Saturday until Monday morning, and the Trust refuses even to pay their train fares. I have given an instance of a man who worked 100 hours overtime in one month and received no payment. The employés of the Melbourne Harbor Trust do not want to work any overtime, particularly under the present conditions. The Act provides that they shall not work more than forty-eight hours per week. The Premier should look into this matter. If it is necessary for the Commissioners to have men on watch on these barges, surely it is only right that they should employ watchmen and pay them. The employés do not want the work, and they do not want overtime money. They are satisfied to work forty-eight hours per week. If the Commissioners are not following out the provision in the Act with regard to the forty-eight hours per week, I want the Premier to compel them to do so. We know the dissatisfaction that exists in regard to the wages paid, and we have seen what has appeared in the papers week after week. I believe that the men have a large number of grievances. Take the case of the coal men. Under the Wages Board, or Arbitration Court award, men are getting 10s. per day to put coal into the barges. When an employé of the Trust does the very same work he is only paid 8s. 4d. per day. No wonder dissatisfaction exists. I desire the Premier to look into that matter, and see if he cannot have the anomaly rectified. The old Trust allowed the employés a certain amount of money—generally speaking it was from 4d. to 6d. per day—for travelling to their work. The new Trust has decided not to give any travelling expenses at all.

Mr. WATT.—Is not that right? You have got off the track now. The other case seemed good.

Mr. ROGERS.—I think this is a good case.

Mr. WATT.—Because the tired old Trust did this it does not follow that it was a good thing.

Mr. ROGERS.—The old Trust did make this allowance.

Mr. WATT.—And did a lot of other things just before they went out of existence.

Mr. ROGERS.—There was very little dissatisfaction from the employés' point of view. Wages have not been increased since the new Trust came into existence.

Mr. WATT.—There have been a number of increases.

Mr. ROGERS.—And there have been a very large number of dismissals.

Mr. WATT.—I do not know about that.

Mr. ROGERS.—I know it. Knowing the condition of things that prevails to-day, unless the Government takes some action, I say that there is going to be trouble. We know very well that Mr. Holden and Mr. Boyd have made up their minds to put their foot down, but it has appeared in the press that they are quite willing to meet any of the employés. I have two or three letters here showing that employés have asked for interviews, and have been refused.

Mr. WATT.—I will be glad to have copies of them.

Mr. ROGERS.—Mr. Johnson, of 13 Sturt-street, Newmarket, wrote to the Commissioners, asking for an interview, and he received the following reply:—

19th June, 1913.

Sir,—In reply to your letter of the 12th inst., I have to inform you that same has been given consideration by the Commissioners, but that they have decided to adhere to their previous decision. G. H. HOLDEN.

Mr. WATT.—Did the employé ask for an interview?

Mr. ROGERS.—Yes.

Mr. WATT.—That is an answer to his representations.

Mr. ROGERS.—That is the answer to a letter sent by an employé to the Commissioners asking for an interview, so that he might put his case before them.

Mr. WATT.—The essential part is the application the man had written.

Mr. ROGERS.—I have not been able to get the letter from Mr. Holden which the employé wrote, but I know that that man had had some trouble, and that it appeared in the press that the Commissioners were willing to meet the employés themselves, but that they would not meet the union secretary or the president of the union. Here is a case of an employé asking for an interview and being refused. Here is another case. A man in charge of a motor-boat, who had been in the service of the Trust for ten years, was receiving £2 11s. per week, with overtime to be paid for at current rates. That was under the old Trust. Immediately the new Commissioners came in they reduced his wages to £2 10s. per week, and stopped the overtime money, though the man has to work overtime. On protesting to the Commissioners, he was practically told that he could leave if he was not satisfied. I hope the Premier will give the matters I have mentioned consideration. If men are being paid lower than the standard rates, and are being worked 100 hours per month overtime, or fifty hours, or twenty hours per month overtime, for which they are receiving nothing, it is the duty of the Government to make representations to the Trust and stop that state of affairs. If the Premier were to interview Mr. Holden, it would, I think, bring matters to a head. The Premier should interview Mr. Holden, and go into the question of overtime and the fact that the standard rate of wages is not being paid. I believe, as a result of that, a good deal of the dissatisfaction would disappear.

Mr. WATT (Treasurer).—The matter referred to by the honorable member for Williamstown and the honorable member for Melbourne was brought under my notice some time ago by a deputation introduced by the honorable member for Williamstown to me as Treasurer, in whose Department all Harbor Trust matters rest.

Mr. COTTER.—He said you were quite rude to him.

Mr. WATT.—I was not rude; I was sudden. I do not think the honorable member for Williamstown really understands the difference between roughness of that kind and celerity. I was very busy that day. On this occasion I was rather amused, because the honorable member says that the doctrine of non-intervention, which I then established to my own complete satisfaction, has not satisfied him. Let us look at what that means. I said first of all that this Melbourne Harbor Trust had been handed the harbor to manage. Under the principal Act and the Act that was passed last session, the reconstituted body gets its power and authority to do certain things. This particular deputation which waited on me expected me to understand all the details of the manifold complaints which they desired to place before me, and to start managing the harbor myself, as the Minister to whom the Trust is responsible. I declined to do so. I declared that I had not the knowledge and fitness for the work. I said that Parliament had given to five men the duty of managing this business, and that Parliament expected them to do so. I said that, when you had responsible Commissioners, and when

you had handed over certain things to their control, they would naturally resent the Minister interfering with the details of their administration, and that they might be expected to hand in their resignations if the Minister was constantly meddling with their affairs about which he knew nothing. Surely that part of the doctrine of non-intervention is right.

Mr. WARDE.—I could not imagine their doing that, after the trouble they went to to get there.

Mr. WATT.—I would ask the honorable member, with whom I have to travel home to night—and the sooner the better—to be very serious about this matter. This is the first part of the statement for non-intervention. The Government are not entitled, on individual complaints, to be constantly going into the offices of a body which has been entrusted by Parliament with large powers. The other part of the doctrine of non-intervention is that the unions had no right to go into the Trust's office as unions. The responsible officers of the unions had no right to demand admittance to the chairman's room for the purpose of getting certain grievances dealt with. It is perfectly true, because I sought this information from the Chairman when the matter was brought to my notice, that the Commissioners have said, and they hold to the position, that whenever their employés have grievances they will welcome their employés in the office of the Trust, where the grievances will be examined and dealt with. Instead of doing that, the men in these unions apparently went to this body which the honorable member for Williamstown has dignified with such high praise—the industrial disputes committee of the Trades Hall Council.

Mr. SOLLY.—A noble body of men.

Mr. WATT.—Noble and valiant men in the cause of the workers.

Mr. LEMMON.—The honorable member for Carlton is a member. He is a peaceful man.

Mr. WATT.—That takes a little of the sting out of my remarks. A body could not be altogether useless if the honorable member for Carlton is a member of it. But this particular body that had gained control of these grievances told me at the deputation that they would not allow the employés to go to the Commissioners and ventilate their grievances before them. They said they would bring the matter up on the floor of the House. I thought that meant the Trades Hall Council. Instead of that, they meant this minor and insignificant body.

Mr. LEMMON.—They say that there is not much difference between the Trades Hall and this House.

Mr. WATT.—There is no difference except in brains. Looking at the matter fairly and squarely, we must say that the Commissioners are quite right. They have tackled a very difficult proposition. They are superseding the old Commission. There is a transition period between the old and the new bodies, and this is what took place at the end of the old *régime*. The old Commissioners, knowing that they were to disappear and be buried under the *débris* of the old Act, made the conditions very light for a number of their employés before they disappeared.

An HONORABLE MEMBER.—That is what this Parliament did before Federation.

Mr. WATT.—Exactly. Look at what occurred on that occasion under section 19, by which large concessions were made in wages. We have placed five men in charge of the Harbor Trust, and yet honorable members want me to interfere with the Trust's affairs from stem to stern, and from centre to circumference.

Mr. LEMMON.—The honorable gentleman I think is unfair to the old Commissioners.

Mr. WATT.—I do not want to make reflections. Some of the members of the old body were personal friends of mine.

Mr. TUNNECLIFFE.—What about overtime without pay?

Mr. WATT.—One story is good until another is told. This is a very wealthy trust. It is getting enormous revenues. It has been doing its work more or less successfully in the past, and I believe that the real work of port improvement and maintenance is going to be bettered by the new Commission. I am sure that Parliament takes the view that such a body should not sweat its employés. There is plenty of money to deal fairly with the employés of the Trust, but the question is, "Who is to judge of what is fair?" Honorable members cannot do that from their own individual knowledge. The honorable member for Melbourne may, in his brief leisure time, have an opportunity of investigating one particular case or another, but it cannot be expected that all honorable members should know the facts of each of these matters. The law in the

principal Act and in Act No. 2449 is mandatory and explicit. A statement has been made to me by two honorable members that certain sections of those Acts are being violated. As Minister in charge of the Harbor Trust, it is my duty to take action. I am not entitled to listen to the tittle-tattle of the streets, nor to some prattle at deputations, because it is not all truth that is stated at deputations or anywhere else. But now that two honorable members have directed attention to specific instances of what they believe to be infractions of the law, I will bring the matter under the notice of the Commissioners, and will have the complaints investigated. But honorable members must not ask me to muddle into these things, and to express an opinion on them at deputations. The law of this Parliament must be observed by its subordinate bodies, and I shall take the earliest opportunity of asking the Commissioners to investigate these matters, and furnish a report on the statements which have been made in this Committee.

Mr. McLACHLAN. — I want to bring under the notice of the Minister of Lands a piece of land in my constituency which formerly had an aborigines' mission station on it. It comprises 2,000 odd acres, 800 acres of which, some time ago, were thrown open for selection iu the ordinary way. There were about 100 applicants for the land, and four families were settled upon it. I understand they are doing well. I believe there are 1,400 acres of the land still remaining. This area at present has been set aside for agricultural college purposes, and is vested in the Council of Agricultural Education. Apparently there has been no effort to utilize the land for the purposes for which it was set apart. There have been many anxious inquiries by residents in the district, who desire a piece of this land, as to whether it will be thrown open for selection in the ordinary way. The land is in parts fairly good from an agricultural stand-point; the balance is fit for grazing purposes. The part remaining would settle at least seven or eight families. The desire of the Government, as far as I know, is to settle people on the land, and especially on land which can be obtained cheaply. This land would not be thrown open under closer settlement conditions, but under ordinary selection conditions. In every case of that kind, particularly where the land is situated close to a town and is accessible, it is usually rushed by people who desire to secure a piece of decent land.

Mr. SMITH.—I desire to bring under the notice of the Minister of Mines a question in connexion with the item of £7,100 in furtherance of the mining industry. When the Supplementary Estimates were before us recently, I intended to have said something in regard to the vote of £5,800 to the Long Tunnel Company. I presume that vote was an item of this description. The condition under which that sum was granted was somewhat peculiar. The Long Tunnel Company, which, I suppose, has been the most prosperous mining company in Victoria, had suddenly to be wound up. Many of the old shareholders, because the expenses had overtaken the income, decided to forfeit their interests and wind the company up. They succeeded. Some of the residents at Walhalla, recognising the great blow that would be to the locality, determined to try to carry on. With that object in view, they approached the Ministry for the purpose of securing assistance, and I understand that the Government entered into a bond to contribute £10,000 towards prospecting the mine and doing certain work as laid out by the Government Geologist, Mr. Herman. While I have no objection to what was done by the Government, seeing that the position was unique and the expenditure meant a great deal to Walhalla, I have for a long time been of opinion that this particular system of granting money to mining companies is on a wrong basis altogether. When the Bill providing for advances to mines was before the House last session, I tried to persuade the then Minister of Mines, Mr. McBride, to consider a scheme whereby the Government might take some interest in the mines other than obtaining a lien over the property or the machinery as a security for the money advanced. According to the annual report of the Mines Department, a sum of £400,000 has been expended in the furtherance of the mining industry over a number of years. This money has been utilized in various ways, such as providing plant, assisting prospectors, and boring for coal or gold and other minerals. The return from the companies which received these advances has been about £40,000, or 10 per cent. of the whole amount. At first sight it would seem that the Mines Department

made a bad bargain. But that is not so. The expenditure of that money has entailed the expenditure of another £400,000, and the result has been the employment of a large number of men, who have been receiving a fair rate of wages, in the various ramifications of the mining industry. The proposition I have put forward again and again in discussion with Ministers privately, particularly with Mr. McBride, was that the Government, when putting money into a mine, should take up a corresponding interest in the mine.

Mr. WATT.—A share interest?

Mr. SMITH.—Yes, become shareholders. I believe that the late Minister of Mines was regarded as the greatest Socialist his party has produced, as is shown by his establishment of a State coal mine, yet he did not entertain my proposition. I want to point out the results which have accrued in two instances where mining companies have been assisted by Government grants. They were mentioned in the Upper House a few weeks ago by Mr. Hicks. The first is a mine at Eaglehawk, called the South New Moon. Somewhere about 1889 or 1890 it obtained a grant of £600 on the £1 for £1 basis. The shares at that time were worth only 2d. each, so that if the Government had received an equivalent in shares for the money they put into the mine they would have received 24,000 shares out of the total register of 32,000. I do not say that the Government should try to obtain anything like that number of shares, because we should deal reasonably with existing shareholders. Suppose that in that particular case the Government had obtained half the shares, it would have been entitled to half the dividends which were subsequently paid, and those dividends amounted to no less than £496,000.

Mr. MCCUTCHEON.—Does the honorable member suggest that the Government should take up contributing shares or paid-up shares?

Mr. SMITH.—The Government should receive shares equivalent to the amount they contribute.

Mr. MCCUTCHEON.—Suppose calls were made instead of dividends being declared, would the Government have to pay them?

Mr. SMITH.—No. The Government could allow their shares to be forfeited like any other shareholder, unless they chose to make still further advances. In this particular case, I believe that over £6,000 has been paid in dividends since the date of the return from which I have been quoting, making in round numbers half a million of money paid in dividends by a mine which would scarcely have been developed but for the fact that the Government came to the assistance of the company at a critical moment. The next door company also applied for a Government grant and received £648, and the result in that case was that they afterwards received in dividends £353,000. It will be seen that if the Government had taken a one-half interest in those two mines, they would have received as a return for their investment the sum of £425,000, which would have been a decent nucleus of a prospecting fund, and instead of getting dribs and drabs as has been the case for some time past, a magnificent fund would have been available for the development of mining ventures on something like an adequate scale. I hope the Minister will take my suggestion into consideration with regard to future grants. As the matter now stands, nearly the whole of the money that has been advanced has absolutely gone so far as the Department is concerned. According to the returns, I think the Government have received back only about 10 per cent. of the money that has been advanced for the development of mining. If what I suggest were done, I am satisfied that a great impetus would be given to mining, and we would bring back the confidence in the industry that is so lacking to-day. It would be an evidence that the Government realized its responsibility, and was prepared to assist the industry in something like practical fashion.

Mr. COTTER.—I desire to bring under the notice of the Minister of Lands a matter in connexion with workers in the Botanical Gardens. When the first classification scheme of the Public Service Commissioner came out there were six men who were classified as second-class gardeners. When the revised classification took place these men were deprived of that status, because the curator could not recommend them as gardeners. Prior to the time of the present curator, when Mr. Guilfoyle took on young fellows to work in the gardens, he gave them two years or two years and a half in the nursery. The consequence was that when they reached manhood, and a vacancy occured

in the nursery, they had the necessary training to qualify them for the position. At present there is a vacancy in the gardens for a second-class gardener, and as the curator asserts that there is no man in the gardens fit to take the position, he has to go outside to get the necessary assistance. On a former occasion, I brought a similar case under the notice of the Minister, and a promise was made that in the event of a vacancy occurring every effort would be made to appoint one of the present employés instead of going outside. I hope the Minister will now take the question fully into consideration. The statement of the curator that there is no man in the gardens competent to take this position is really a reflection on himself. If the men at present employed have not received proper training in the nursery to enable them to become second-class gardeners, there is something wrong. The extraordinary thing is that the men who are applying to-day to be made second-class gardeners are doing the actual work for which it is said that second-class gardeners are required, yet they are graded only as labourers.

Mr. JEWELL.—There is a matter I wish to bring under the notice of the Minister of Labour. Some two or three weeks ago I asked the honorable gentleman if he could arrange for the appointment of a Wages Board for those engaged in the making of horse shoes by machinery. A little later on he replied that he did not think it was necessary to do so, because of the fact that the average rate of wage in that industry was £2 15s. a week. Since then I have obtained further evidence which shows that in arriving at that average, the employers included a manager at £5 a week, a clerk at £4, and a foreman at £3. As a matter of fact, in one factory the furnace-man is receiving £3 7s. 6d., while in another factory the furnace-man is receiving £2 5s. A labourer, 42 years of age, in one factory receives £2 2s. 6d., while in another factory a furnace assistant, 23 years of age, is receiving £1 12s. 6d.; another, 22 years of age, is receiving £1 12s. 9d., and a labourer is receiving the same amount. In another case a furnace assistant is receiving £1 12s. I believe there are four factories in this industry. Two of the employers want a Wages Board, but the other two are opposed to it. The whole of the employés wish to have a Board appointed. They feel that they are not fairly treated in the different factories. In some of the factories more men than boys are engaged, while in other factories there are more boys than men. Whether it is the employers in the latter factories who do not want a Wages Board I am unable to say, but apparently there is something in that idea. The average wage for twenty-nine adults works out at £2 6s. 10d., or 8s. 2d. less than was stated by the Minister of Labour some weeks ago. For similar work in the implement makers' trade the average wage is £2 14s. 2d. I hope the Minister will go into the matter again, and if he does so I am sure he will recognise that as a matter of justice a Wages Board should be appointed in the horse-shoe industry.

Mr. LEMMON.—In supporting the request of the honorable member for Brunswick I desire to say that when the men in this industry heard of the decision given by the Minister of Labour they took the matter in hand by going direct to all the employés in the factories and gathering information first hand. The result was to reveal the fact, as the honorable member has stated, that there is a big difference in the average wage as reported to the Minister, and the actual average wage paid in the industry at the present time. There are several elements in this case which should appeal to the Minister. In the first place, a much higher average wage is paid for similar work in the implement-making trade. Next, some of the employers themselves want a Wages Board. Those who do not want a Wages Board are conspicuous for the number of boys they employ. Thirdly, one employer is paying higher wages than another, and, fourthly, one of the principles always contended for is that all the employers in these industries should start fair by paying the same wages. Therefore, we think that we can appeal to the Minister with some degree of hope that he will see the wisdom of reconsidering the judgment he has given in order to relieve the employers and give satisfaction to the employés by appointing a special Board.

Sir ALEXANDER PEACOCK (Minister of Labour).—I have to thank both honorable members who have spoken on the question of a Wages Board for the makers of horse-shoes for the information they have given me. Of course on the previous occasion I dealt only with the facts as they were given to me. I will go into the whole matter again in conference

with those honorable members, and I have no doubt that the statements they have made will be borne out by the further inquiries I intend to make officially.

The motion was agreed to, and the resolution was reported to the House and adopted.

## WAYS AND MEANS.

The House having gone into Committee of Ways and Means—

Mr. WATT (Treasurer) moved—

That towards making good the Supply granted to His Majesty for the service of the year 1913-14, the sum of £1,827,952 be granted out of the Consolidated Revenue of Victoria.

The motion was agreed to, and the resolution was reported to the House.

## CONSOLIDATED REVENUE BILL (No. 3).

The resolution, passed in Committee of Ways and Means, was considered and adopted.

Authority having been given to Mr. Watt (Treasurer), and Sir Alexander Peacock (Minister of Public Instruction), to introduce a Bill to carry out the resolution,

Mr. WATT (Treasurer) brought up a Bill "To apply out of the Consolidated Revenue the sum of £1,827,952 to the service of the year 1913-14," and moved that it be read a first time.

The motion was agreed to.

The Bill was then read a first and second time, and committed.

Clause 1 (Issue and application of £1,827,952),

Mr. SOLLY.—I desire to refer to a statement which was made by the Premier with regard to the Melbourne Harbor Trust Commissioners that I think ought not to go unchallenged. The Premier stated that he believed the Melbourne Harbor Trust Commissioners are perfectly justified in refusing to see union officials on any question in connexion with grievances of the men employed by the Trust. Now I would like to ask the honorable gentleman, does he think that the time of the Melbourne Harbor Trust Commissioners should be taken up by hearing every individual grievance which may be felt by the men employed by the Trust, and does the Premier think that a gentleman like the Chairman of the Trust (Mr. Holden), with all his great brains and capacity, a gentleman who receives £1,500 a year, should have his time occupied purely and simply in listening to the whole of the grievances which these men may have from time to time in connexion with their work? To my mind, that is a monstrous proposition. It would simply mean waste of the time of the Chairman of the Trust, and of the time of the Commissioners—time which could be better employed by them in useful work. I certainly believe that the Chairman of the Harbor Trust ought to adopt the ordinary course which is adopted by every business firm, not only in Melbourne, but in all parts of the world—that is, to recognise union officials for the purpose of chatting over the grievances of the workmen, and settling the disputes that arise without the men having to lose any of their time, and without the time of the heads of the firm being too greatly occupied by dealing with individual grievances. That is the policy which has been laid down and adopted by big firms in Melbourne and other parts of the world where industry is carried on to any large extent, namely, to listen to the officials of the union, who have the grievances of the men tabulated, and thus to settle the matter as quickly as possible. The Railways Commissioners follow the same course as the Harbor Trust Commissioners in this matter. They will not listen to the official of the Railways Union, and the result is that the men have to bring forward their individual grievances. I suppose there are some 20,000 or 30,000 men in the employment of the Railway Department—I do not know exactly what the figures are—and I presume that a very large percentage of those men have individual grievances in their various departments. The same statement applies so far as the Harbor Trust Commissioners are concerned. I suppose that a percentage of the Harbor Trust men will always have some grievances—something for the Commissioners to adjust from time to time—and I ask is it reasonable to expect, when Wages Board conditions do not cover the cases of these men, that each single individual workman who has a grievance must knock off work, go to the Harbor Trust offices and demand to see the Chairman of the Commissioners? I really cannot understand such an unbusinesslike attitude being taken up by the Chairman of the Harbor Trust, nor can I understand the Premier backing him up in that view. I would point out that the Chairman of the Harbor Trust has treated some of the

workmen rather differently in this matter from the way in which he has treated others, and he has also treated some of the unions differently from the attitude he has adopted towards other unions. For example, there was a dispute which took place amongst the coopers on the wharf. Two men were discharged because they had something in their lockers which they could not, perhaps, justify having there.

Mr. WATT.—Something which they could not account for?

Mr. SOLLY.—The matter was brought before the notice of the Industrial Disputes Committee of the Trades Hall. And let me here assure the Premier that that Industrial Disputes Committee has prevented a number of strikes that would have taken place in Melbourne during the last eighteen months but for their intervention. They have done excellent work in that respect, and I say this, although I am a member of that committee myself. We found this position of affairs existing—that strikes were taking place, some of them over pettifogging grievances which could have been settled in an hour or two's conversation with the employers. The Trades Hall Council were determined to stop that kind of thing, if possible, and, therefore, they appointed an Industrial Disputes Committee to investigate every dispute, and they insisted upon every union reporting its disputes to that committee before it could get any support from the council. That, in my opinion, was a proper, business-like course to take. Now, this report was sent in from the Coopers' Union for the Industrial Disputes Committee to investigate and report on, in order, if possible, to prevent a strike taking place, or any other industrial workers being involved, because, as honorable members know, sometimes a gigantic strike follows as the consequence of some small body of men coming out. An interview was granted by Mr. Holden with the Industrial Disputes Committee and with the secretary of the Coopers' Union, and the matter in dispute was settled—perhaps not altogether to the satisfaction of the union, but still it was settled. One of the men was reinstated, and the other discharged. But, on the other hand, what course did Mr. Holden take with regard to the Certificated Engine-drivers' Association? He refused to meet the officials of that organization, and he also refused to meet the Industrial Disputes Committee in regard to the matter. Thus he has taken up a different attitude with regard to one union from what he has adopted with regard to others, and he has also adopted a different attitude with regard to the Industrial Disputes Committee on two separate occasions. I would again ask the Premier if he thinks it is a reasonable proposition that Mr. Holden, who has the whole of the port business of Melbourne to look after, should have his time taken up day after day and week after week with the grievances of the workmen who are employed by the Harbor Trust Commissioners? I consider it is quite unreasonable. There is only one business-like mode of settling these difficulties, and that is for the union themselves, when they hear of a grievance, to investigate it, and when they are sure of their ground and are satisfied that the grievance is of a genuine character, to be able to go straight along to the Chairman of the Harbor Trust Commissioners and to chat over the matter with him and his fellow Commissioners. I think that is the only way in which matters of this kind can be settled satisfactorily and without waste of time. I feel sure that unless the Harbor Trust Commissioners are prepared to deal with these matters in a business-like way there is bound to be trouble. I have made this statement because there seems to be some misapprehension with regard to the position of the Industrial Disputes Committee. I may say that that committee are there for the purpose of preventing strikes, for the purpose of preventing any big industrial upheaval, and, as I have already said, I believe we are doing excellent work in that direction, and to my mind it is a pity that employers do not look at the matter from that point of view.

Mr. ELMSLIE.—I should like to supplement the remarks made by the honorable member for Carlton. As an old unionist, and one who has occupied an official position in a union for many years—as one who has never been in a strike during thirty years' association with unionism—I think I can claim to recognise the value of unions. To my mind, it is a huge mistake for either the Railways Commissioners or the Harbor Trust Commissioners to refuse to receive union officials. People outside, who do not know much about unionism, are apt to think that unions are for the purpose of fomenting grievances, but if honorable members were members of a union they

would know that for one grievance that sees the light of day publicly there are at least twenty that are "turned down" by the union itself. I may mention that since I have been acting as leader of the Opposition, I have had to adopt the principle of doing my work as far as possible through the various unions, and as the result of this, instead of being pestered every hour or two with some little grievance or other, I have a guarantee that there must be some substantial grievance if a case is taken up by the union. Let me elaborate the point made by the honorable member for Carlton as to the waste of time caused by the Commissioners in attending to these personal grievances. A man has a personal grievance, which apparently is a little thing, but he is denied the right of representing his trouble to the proper authorities, and the grievance goes on growing until in his eyes it assumes large dimensions. I may say that the union officials are in nearly all cases sensible and able men, and, after all, their position and their success rest on the fact that they can carry on the unions without industrial disturbances and strikes. It is all moonshine to say that these men foment strikes. If I am a workman, and cannot get any one to voice my grievances, I have to go to my superior officer, and ask for time off. Probably he refuses it, but if I get time off I lose time. When I go to the Commissioners' office the Chairman may not be there, and I may have to wait for two or three hours. In this way a man may lose not only hours, but days, and I know of a case in which a man lost four days in trying to see the Chairman. I think it is time that men in such responsible positions recognised that the unions are not a mushroom growth. They are here to stay. They can look back on years of good work accomplished. Many men believe to-day that every effort should be made in the direction of righting their wrongs through their unions. They are one of the permanent institutions of this country, and are just as permanently established as this Parliament is. The sooner that public officials recognise this, and try to act in a reasonable way, the better it will be for this community, because these huge undertakings will be more smoothly and more profitably carried on. What I am going to say now I do not wish to be taken in the nature of a threat. With a great deal of inner knowledge we have been interviewing these men for months, and if something is not done I am afraid of the consequences. If the stoppage of the trade of the port could be averted by the Commissioners giving the union officials an opportunity of interviewing them now and again it would be a great thing. Dignity is a humbug. We want to have our business carried on in a business-like way.

Mr. WATT.—Dignity is a very valuable asset which I do not claim to possess.

Mr. ELMSLIE.—I admit that there is a valuable kind of dignity, but very often people who are arrogant claim that they are dignified. The position taken up by the Trust borders on arrogance. Owing to the fact that the Railways Commissioners will not see the union officials, members on this (the Opposition) side of the House, and a good many also on the other side of the House, are worried day after day to go and see the Commissioners. Why should the time of members of Parliament be taken up in this way when it could be better spent in studying legislation? Why should we have to spend so much of our time in running down to the offices of the Railways Commissioners to deal with the men's grievances? It is not the duty of a member of Parliament, but still it is the only channel the men have. They know that, and we know it too. Private individuals recognise this difficulty. They get a better understanding with their employés, and many troubles are averted. I urge upon the Premier the view so ably put forward by the honorable member for Carlton.

The clause was agreed to, as were also clause 2 and the preamble.

The Bill was reported to the House without amendment, and the report was adopted.

On the motion of Mr. WATT (Treasurer) the Bill was then read a third time.

## THE MUNICIPAL ELECTIONS.

Mr. WATT (Premier).—I desire, by leave, to move—

That the House at its rising adjourn until Tuesday next.

I do this to keep faith with the House, so that honorable members representing country constituencies may be able to reach their homes, and record their votes at the annual municipal elections to-morrow.

The motion was agreed to.

## ADJOURNMENT.

### Mr. Elwood Mead.

Mr. WATT (Premier) moved—

That the House do now adjourn.

Mr. M. K. McKENZIE (*Upper Goulburn*).—I understand that the Premier referred early this evening to the possibility of Mr. Mead's leaving the State. I was not present at the time, and I have not the advantage of knowing what the Premier said. As one interested in the question of irrigation, I may say that Mr. Mead has proved himself to be a great irrigation engineer. I know of nothing of more importance to the country at present than that we should keep such a man at the head of the Department. I have not agreed with everything that Mr. Mead has done, for I have differed with him in regard to the question of water supply and also in regard to the application of the water. Still, Mr. Mead has a world-wide reputation, and he occupies a position here second to no man in the State. I hope that the Premier, in dealing with this matter, will keep that aspect in view, and will not allow any trifling consideration to stand in the way of retaining Mr. Mead's services.

Mr. McLEOD.—I think it is of the greatest importance that we should have a competent man in charge of our large irrigation works. I speak as one who has taken exception occasionally to what has been done in connexion with irrigation, but I may say that I have never taken exception to Mr. Mead's action. He should not have been called upon to deal with individual cases as he has been. That was a waste of energy and talent that should have been employed elsewhere. Mr. Mead should never have been engaged in working out details such as he has been doing. Any remarks I made or any remarks made by honorable members in this (the Government) corner have not been made against Mr. Mead, whom we all hold in high esteem, and whom we regard as a highly-competent irrigation engineer. I trust that an effort will be made to retain his services as advising engineer to the two States, and that it will culminate in something that will prove advantageous. We know that the success or the failure of irrigation here means millions of pounds to this State. Therefore, no sacrifice in reason can be too great to insure satisfactory administration by a man who knows his work. I feel satisfied that the House will give the Ministry the freest hand possible in endeavouring to retain Mr. Mead. The offers made to him by his native country are very tempting, and must appeal to him as they would to any one, for the training of students will be a more congenial task for Mr. Mead. At the same time he is here, and we have entered on very large undertakings. We have spent a great deal of money on irrigation, and there is large expenditure in view. If we fail in carrying out our irrigation schemes it will be disastrous to the State. No sacrifice in reason, therefore, will be too great to retain Mr. Mead's services, for he is a man in whom all of us have the fullest confidence.

Mr. ELMSLIE.—Might I, without pledging myself to any action that the Government may take, say that I feel that some special efforts should be made to endeavour to retain Mr. Mead in the Department he has presided over for so long? On several occasions, when speaking on irrigation and questions of that kind, I have stated in the House that Mr. Mead was not fairly treated. Too much of his time has been taken up in little details. He is a man of generous disposition, and if he knew he could render any assistance to a settler he spared no pains in doing it. It was no trouble to him, for instance, to go to Rochester, and return the same day. He would go, perhaps, to deal with some little trouble of grading or seeding, or as to where fruit trees should be planted. I have never met a public officer or any other man who showed such enthusiasm in his work, and was so self-sacrificing in trying to make irrigation a success. I have not the slightest doubt of the ultimate success of our irrigation scheme. We have made mistakes, and no doubt we will make more, but I have not the slightest doubt that if we follow on the lines initiated our irrigation system in the course of a few years will be a credit to Mr. Mead and all associated with it.

Mr. ANGUS.—Like some other honorable members who have spoken, I think that too much detailed work has been put on Mr. Mead. At times we may have criticised him, but I believe with other honorable members that in the interest of this State and of New South Wales an effort should be made to retain Mr. Mead's services, to take charge of

the larger concerns. If so, great good may be done. I believe we shall be going in for storage on the Upper Murray. There are weirs to be constructed in the interests of both States. If some suitable arrangement could be made to keep Mr. Mead, to relieve him of some of the details, and allow him to devote his attention to the construction of the larger schemes that are necessary to dovetail in with the details of the schemes in course of progress, great good would be done to both States. I have no hesitation in saying that I believe too much has been put on the shoulders of the Water Supply Commissioners. I believe the Chairman is capable of carrying out the big things which we require. We require storage, not only on our own rivers, but in conjunction with the sister State. No one can accomplish this work as well as Mr. Mead.

Mr. WATT (Premier).—I am sure it is very gratifying to the Government, and will be equally so to Mr. Mead, to hear the high encomiums passed on his career amongst us. The view appears to prevail that he is a man of very great and exceptional talent, who has devoted himself to the work for which we brought him here with a singleness of purpose admired by every one in the community. I just rose to express a feeling of gratification, and to assure the House that no effort will be wanting on the part of the Government to retain the services of Mr. Mead for Victoria and Australia.

The motion was agreed to.

The House adjourned at half-past nine o'clock until Tuesday, September 2.

# LEGISLATIVE COUNCIL

*Tuesday, September 2, 1913.*

The PRESIDENT took the chair at ten minutes to five o'clock p.m., and read the prayer.

## ASSENT TO BILLS.

The Hon. J. D. BROWN (Attorney-General) presented a message from His Excellency the Lieutenant-Governor intimating that, on September 2, His Excellency gave his assent to the Royal Agricultural Show Day Bill, the Consolidated Revenue Bill (No. 2), and the Sheep Dipping Act 1909 Amendment Bill.

## CONSOLIDATED REVENUE BILL (No. 3).

This Bill was received from the Legislative Assembly, and, on the motion of the Hon. J. D. BROWN (Attorney-General), was read a first time.

## CONSUMPTIVES HOSPITAL AT CHELTENHAM.

The Hon. D. E. McBRYDE asked the Acting Minister of Public Works—

If it is the intention of the Government to have wind-screens erected at the Consumptives Hospital at Cheltenham, and if so, when?

The Hon. W. A. ADAMSON (Acting Minister of Public Works).—In answer to the honorable member's question, I have to state that it is the intention of the Health Department to have wind-screens erected at the Consumptive Hospital, Cheltenham, known as the Heatherton Sanatorium. Plans and specifications have been prepared by the Public Works Department, and are at present under the consideration of the Health Department.

## LAND FOR WORKMEN'S HOMES.

The Hon. D. MELVILLE asked the Attorney-General—

What amount of money has been made available by the Honorable the Treasurer for the purchase of land for workmen's homes?

He said the honorable gentleman would see by the newspapers the reason of this question. An awful state of affairs had been disclosed in connexion with overcrowding and the scarcity of houses. This was a very serious condition in view of the possibility of the introduction of small-pox, and an enormous amount of expenditure would have to be incurred by the State if the disease came here.

The PRESIDENT.—I think the honorable member must simply ask the question.

The Hon. J. D. BROWN (Attorney-General).—I have here a return showing

the amount made available by the Treasurer:—

CLOSER SETTLEMENT.

Return showing the amount of money made available by the Honorable the Treasurer for the purchase of land for workmen's homes:—

| Estate. | Amount. |
|---|---|
| Brunswick ... ... | £2,643 19 9 |
| Cadman's ... ... | 844 9 4 |
| Dal Campbell ... ... | 2,357 10 0 |
| Footscray ... ... | 2,486 6 4 |
| Pender's Grove ... ... | 23,292 7 0 |
| Phœnix ... ... | 967 10 0 |
| Ballarat North ... ... | 1,432 5 0 |
| Thornbury ... ... | 5,000 0 0 |
| | 39,024 7 5 |
| Clerks' Homes. | |
| Glen Huntly ... ... | 7,037 10 5 |
| Tooronga ... ... | 17,500 0 0 |
| | 24,537 10 5 |
| Total | ...*£63,561 17 10 |

In addition, Crown land to the value of £5,788 has been set apart for workmen's homes.

*Of the above amounts there were charged—

| | |
|---|---|
| To Loan Act 1962 ... | £52,285 16 6 |
| To Surplus Revenue Act 1904, Item 28 ... | 6,276 1 4 |
| To Surplus. Revenue Act 1945, Item 22 ... | 5,000 0 0 |
| | £63,561 17 10 |

The Hon. D. MELVILLE.—Is all that available?

The Hon. J. D. BROWN.—I think it is all spent.

The Hon. D. MELVILLE.—I wanted to know if any money was available.

## SCAFFOLDING ACCIDENTS.

The Hon. H. F. RICHARDSON said he desired to give notice that he would, the next day, ask the Attorney-General the following question:—

If he will obtain, for the information of this House, a return showing the number of fatal and serious accidents that have happened through defective scaffolding during the past five years, and how many of such accidents have happened in shires; also what he estimates will be the cost of carrying out the provisions of the Scaffolding Inspection Act if passed into law?

The Hon. J. D. BROWN (Attorney-General).—I have anticipated the honorable member's desire for information. I am getting that information supplied for my own purposes when addressing myself to the question of the Scaffolding Inspection Bill.

The Hon. H. F. RICHARDSON.—All these questions?

The Hon. J. D. BROWN.—Yes.

## SECONDHAND DEALERS BILL.

The House went into Committee for the further consideration of this Bill.

Consideration was resumed of the following new clause proposed by Mr. Beckett—

Every person applying for a licence under this Act or a renewal thereof shall pay to the Clerk of Petty Sessions a fee of 10s.

The Hon. R. BECKETT said that by leave he would withdraw his new clause in favour of one on similar lines that would be proposed by the Attorney-General.

The new clause was withdrawn.

The Hon. J. D. BROWN (Attorney-General) proposed the following new clause—

Every person to whom a secondhand dealers' licence is granted shall pay the sum of £1 for every such licence, and for every renewal of such licence the sum of 10s., and no such licence or renewal of licence shall be of any force or effect whatsoever until the sum so fixed has been paid to the clerk of the Court at which such licence has been granted or renewed.

The Hon. W. J. EVANS said he would like to know the reason for fixing the licence fee at £1.

The Hon. J. D. BROWN.—That is the fee fixed under the Marine Stores and Old Metals Act.

The Hon. W. J. EVANS said that marine stores were usually run by people in a large way of business, while there were a large number of people who augmented their income by keeping a secondhand shop. A great many of these people were poor, but honest, and it seemed to him that £1 was an excessive amount to charge for a licence. There was no analogy between secondhand dealers and the proprietors of marine stores.

The Hon. J. D. BROWN.—There are a number of small people who run marine stores.

The Hon. W. J. EVANS said as a rule the dealers in marine stores carried on a wholesale business.

The clause was agreed to.

The Bill was reported to the House with further amendments.

The Hon. J. D. BROWN (Attorney-General) moved—

That the Bill be recommitted for the further consideration of paragraph (*b*) of clause 22.

The Hon. R. BECKETT said he objected to this matter being further considered. When the Bill was under consideration in Committee on the last occa-

sion, honorable members carefully discussed the amendment, which was carried in clause 22. The effect of it was that a person under twenty-one years of age might have transactions with a secondhand dealer if that person was accompanied by some one over twenty-one years of age. He (Mr. Beckett) considered that the decision arrived at by the Committee should not be departed from.

The Hon. J. D. BROWN.—There was only a bare quorum at the time.

The Hon. R. BECKETT said that he did not know that the House to-night was very much larger. Under the clause as it originally stood, a secondhand dealer was subject to very severe penalties if he bought any article coming under the schedule from a person under twenty-one years of age. It was well known that persons under that age frequently possessed a number of articles which came within the prohibition, and in order to prevent the absolute impediment which would stand in the way of such a person selling or exchanging those secondhand goods, it was decided that if a person over twenty-one accompanied the person who was under twenty-one, it would be a sufficient guarantee that the transaction was an honest and straightforward one. Therefore he (Mr. Beckett) hoped that the Bill would not be recommitted on that clause.

The Hon. J. D. BROWN.—If it is not recommitted the matter may have to be put right in another place.

The motion was negatived.

The amendments made in the Bill in Committee were considered and adopted.

On the motion of the Hon. J. D. BROWN (Attorney-General) the Bill was then read a third time, and passed.

## BAILIWICKS BILL.

The Hon. J. D. BROWN (Attorney-General) moved the second reading of this Bill. He said this was a little Bill the object of which was to overcome a difficulty which existed in a few places in Victoria with regard to the boundaries of bailiwicks. At present a justice of the peace had power to deal with certain matters within 5 miles of the borders of his bailiwick, but not beyond that limit. In practice, this limitation was often found inconvenient. Take the township of Avoca, for instance. It was found that many people living within, say, 6 miles of Avoca were obliged to go to Landsborough, which was, perhaps, 20 miles away from their residences, in order to transact petty sessions business. This meant that many small litigants were put to considerable expense. It was proposed in this Bill to extend the distance from 5 miles to 10 miles. There were several districts in the State where this alteration would be found beneficial.

The Hon. A. O. SACHSE expressed the opinion that the Bill was on right lines. He knew of country districts where justices of the peace resided at long distances from one another, and a good deal of difficulty existed to-day. The position of the people in the Avoca district to whom the Attorney-General had referred was nothing like so bad as that of many people in mountainous districts. He thought it would be a good thing if even greater elasticity than the Bill proposed were allowed with regard to the bailiwicks in these remote districts. In his opinion, the Bill should pass, but he would also like to see an amendment introduced to carry out still further the object which the Attorney-General had in view.

The Hon. R. BECKETT said the Bill was certainly good, as far as it went, but the time had arrived when we might have a very much more drastic reform in regard to these matters. The division of the State of Victoria into bailiwicks might probably, years ago, have appeared to be a reasonable way of partitioning up the various tracts of country. To a certain extent, it was borrowed from the county divisions of the Old Country. But now that there were easy means of access throughout the whole of the State, and the whole of Victoria might be considered as a well-settled community, he ventured to say that this division into bailiwicks was not needed at all, but that the whole State should be regarded as one district. That was the case with regard to the sheriff. At one time there was a separate sheriff for each bailiwick. There were five or six sheriffs, and each one had his limited jurisdiction, and was not allowed to deal with any writs that related to any property outside of his bailiwick. The result was that if a man had goods in two bailiwicks, two separate writs had to be passed on to two different sheriffs. Some years ago that was altered, and there was now one sheriff for the whole of Victoria. It seemed to him that a similar provision should be adopted with regard to the jurisdiction of justices under the Justices

Act, because as the law stood now a justice was compelled, so far as his judicial work was concerned, to keep within the boundaries of his bailiwick, and he (Mr. Beckett) ventured to say that there were very few justices who could define what were the boundaries of their bailiwicks. He did not think there were many justices in the central bailiwick who could say definitely whether certain townships were in the central bailiwick or not; and yet it made a considerable amount of difference in regard to the issuing of summonses and other matters. In country districts it must be still more difficult to know exactly where the boundaries were. The only person who could guide a justice would be a clerk of courts, and a justice had not always a clerk of courts at his right hand. At first there was an amendment of the Act to provide that the jurisdiction of justices might extend for 1 mile outside of the bailiwick for which they were appointed. Then the distance was altered to 5 miles, and now it was proposed to make it 10 miles. He thought we ought now to look upon Victoria as one complete whole, and that we ought, in the interests of the convenience of the administration of justice, to allow any justice to act in any part of Victoria, any summons to be issued in any part of Victoria, and any Court to deal with a complaint that arose near to it, although it might be more than 10 miles over the boundary of the bailiwick.

The motion was agreed to.

The Bill was then read a second time, and committed.

Clause 1 was agreed to.

Clause 2—(Amendment of section 43 of Act No. 1142).

The Hon. J. D. BROWN (Attorney-General) said he proposed to ask the Committee to omit the clause, and to insert the following clause in lieu thereof—

> Notwithstanding anything in any Act, section 43 of the Supreme Court Act 1890 as amended by section 7 of the Supreme Court Act 1891, and also section 2 of the Supreme Court Act Explanation Act 1895 shall (so far only as relates to causes of action and offences over which a justice or justices or a Court of petty sessions has or have jurisdiction and to any information proceeding application conviction order adjudication commitment or determination of whatsoever kind to by or before any justice or justices or Court of petty sessions) be read and construed as if, from the commencement of this Act, in section 43 of the Supreme Court Act 1890 as amended by section 7 of the Supreme Court Act 1891, for the words "five miles" there were substituted the words "ten miles."

He wished to call the attention of honorable members to the fact that all he desired to do was to afford greater facilities to people who used the Courts of petty sessions in connexion with disputes, or who were summoned before Courts of petty sessions. We did not want to cause these people any additional expense, and it was an item of additional expense if a man had to travel 17 or 18 miles instead of 4 or 5 miles. He quite agreed with what Mr. Beckett said; but he would ask the Committee not to deal with that matter at present, because it involved the consideration of several Acts of Parliament. Under the Local Government Act, every president of a shire, and every mayor of a city, town, or borough, became, by virtue of being elected to his office, a magistrate for the bailiwick, in which such city, town, or borough was situated. Under Mr. Beckett's proposal, the president of a shire, or the mayor of a city, town, or borough, would be a magistrate for the whole of the State. It would also be necessary to alter the law relating to appeals from Courts of petty sessions to general sessions, because it was provided that, in every case of appeal to a Court of general sessions, such appeal should be in the bailiwick wherein the matter had arisen. When the Acts were consolidated it would, perhaps, be convenient to deal with such questions as those raised by Mr. Beckett.

The Hon. R. BECKETT said that he did not feel convinced by the remarks of the Attorney-General, because, after all, the Bill dealt merely in a very partial way with the real difficulty. First of all, the jurisdiction of a justice was extended to 1 mile outside the boundary of the bailiwick for which he was appointed. Then the distance was made 5 miles, and now it was proposed to make it 10 miles, but there would still be cases just over the margin of the 10 miles. He looked upon it as a hideous farce to discuss where the dispute arose when the Court was sitting ready to do its work. The point was, were we still going to keep artificial boundaries which limited the power of justices and Courts of petty sessions? He thought the Committee ought to pass a new clause, as follows:—

> The State of Victoria shall, for the purpose of the Supreme Court Acts and all other Acts, hereafter constitute and be deemed to be one bailiwick.

The Hon. H. F. RICHARDSON said he thought it would be a very dangerous thing to carry such an amendment as that suggested by Mr. Beckett. He (Mr. Richardson) supposed that one of the reasons for subdividing the State into bailiwicks in the early days was to prevent magistrates from one part of Victoria going to stuff a Court in another part. It might be possible for an important case to be held in Geelong, and a number of magistrates from Melbourne to go down there and swamp the local justices. There was a possibility of that kind of thing occurring. That might have been one of the reasons why Victoria was cut up into bailiwicks, and that kind of thing could occur under Mr. Beckett's proposal. The honorable member's proposal also clashed with the Local Government Act, under which presidents and mayors of municipalities were made magistrates for that portion of the bailiwick in which their municipalities were situated. Under Mr. Beckett's proposal, the mayor or president of any municipality would be able, to act as a magistrate in any part of Victoria. The other point, however, was of great importance, and that was that local matters should be dealt with by local magistrates without there being an opportunity of other magistrates coming from other places to adjudicate. He did not know what system was adopted in Great Britain.

The Hon. R. BECKETT.—They have County divisions there.

The Hon. H. F. RICHARDSON said that the example of Great Britain was a good one to follow.

The CHAIRMAN.—The question before honorable members is that clause 2 stand part of the Bill. The Attorney-General intends, if the clause is omitted, to propose another clause to take its place. Mr. Beckett also intends to propose a new clause. Those who are in favour of the Attorney-General's clause or Mr. Beckett's proposal should vote against clause 2.

The clause was struck out.

The Hon. J. D. BROWN (Attorney-General) proposed the following new clause:—

Notwithstanding anything in any Act, section 43 of the Supreme Court Act 1890 as amended by section 7 of the Supreme Court Act 1891, and also section 2 of the Supreme Court Act Explanation Act 1895 shall (so far only as relates to causes of action and offences over which a justice or justices or a Court of petty sessions has or have jurisdiction and to any information proceeding application conviction order adjudication commitment or determination of whatsoever kind to by or before any justice or justices or Court of petty sessions) be read and construed as if, from the commencement of this Act, in section 43 of the Supreme Court Act 1890 as amended by section 7 of the Supreme Court Act 1891, for the words "five miles" there were substituted the words "ten miles."

The Hon. R. BECKETT said that his new clause was—

That the State of Victoria shall, for the purpose of the Supreme Court Acts and all other Acts, hereafter constitute and be deemed to be one bailiwick.

He said the object was to bring about the uniformity he had referred to. He thought that what Mr. Richardson had stated was hardly likely to occur. He was not inclined to regard our justices as men who used their judicial powers in the way stated. There was no difficulty in removing a justice from the Bench if he made use of his position in the way described. The removal of a justice from one bailiwick to another was a matter of course. All that was necessary was to make application to the Attorney-General and the commission was granted. He knew a number of justices who sat on the Bench under transferred commissions. Justices who removed from the country to Melbourne had these transferred commissions granted to them. There was no doubt that there were cases where the Courts were situated so closely to the boundary of the bailiwicks that it was difficult to get justices to sit. One justice belonged to a particular bailiwick, while another had a commission for a bailiwick just across the border, and could not sit in a Court situated within the adjoining bailiwick. It was a scandal. He did not see any virtue in such an artificial boundary. Business had to be postponed because of this fact.

The Hon. W. J. EVANS said that the Attorney-General agreed to the principle of Mr. Beckett's new clause, but said that this was not the opportune time to introduce it. That was one of the honorable gentleman's reasons, and the other was that this proposal would cause an amendment of various Acts. Did Mr. Beckett think it would be necessary to amend these various Acts? Another reason given by the Attorney-General against proposing this amendment of the

law was that it would be better to wait until the various Acts were consolidated. Surely if the amendment were passed now it would form part of the consolidation, and therefore the consolidation would be more complete. He could not see where the danger came in in regard to the bailiwicks. At any rate, he could not see anything like the danger that Mr. Richardson spoke of. He (Mr. Evans) presumed that it was difficult at present to find justices to perform their duties. It was often necessary for people to go about looking for justices to make up a Court.

The Hon. T. BEGGS said Mr. Beckett's amendment seemed to be all right, looking at it in the rough; but members were in the position that they could not form an opinion. It seemed to him that progress should be reported, or that the Attorney-General's proposal should be accepted, as it was perfectly harmless.

The Hon. D. MELVILLE said that he was a justice in the Central Bailiwick. He could not see how justices in the various bailiwicks would know their boundaries when the area was regulated by miles. He thought the bailiwicks might be extended, and that there should be an alteration all round. The whole thing should be dealt with at once. In the meantime, progress should be reported in order that a proper definition of the various bailiwicks could be brought forward.

The Hon. D. E. McBRYDE.—What is the area of the bailiwick?

The Hon. R. BECKETT.—It varies considerably.

The Hon. D. MELVILLE said it would be better to make an extension of 20 miles than 10, for 10 miles was nothing in the far bush.

The Hon. T. H. PAYNE said, on the face of it Mr. Beckett's proposal seemed to be good common sense, but honorable members did not know how far-reaching it was. Therefore, he thought it would be unwise to accept such an amendment until——

The CHAIRMAN.—The Attorney-General has moved for the insertion of a new clause. I understand that another honorable member desires to also move a new clause; but the Committee must first of all vote for or against that proposed by the Attorney-General.

The Hon. D. E. McBRYDE said he hardly understood what the area of a bailiwick was.

The Hon. J. D. BROWN.—Victoria is divided into five bailiwicks—the Midland, the Central, the Eastern, the Western, and the Southern.

The Hon. D. E. McBRYDE said he presumed that they varied in size.

The Hon. J. D. BROWN.—Yes, and we are not altering them at all.

The Hon. J. Y. McDONALD said he thought the Attorney-General's suggestion that Mr. Beckett's proposal should be further inquired into was a good one. It was necessary to ascertain whether it would clash with some of our Acts.

The Hon. R. BECKETT said he was willing to accept the assurance of the Attorney-General that he would look into the matter.

The new clause was agreed to.

The Hon. R. BECKETT said he would have liked to extend the distance from 10 to 15 miles.

The CHAIRMAN.—The clause has been agreed to, but there is nothing to prevent the honorable member moving for a recommittal of the Bill on the report stage.

The Hon. R. BECKETT said, first of all the distance was 1 mile. Then it was increased to 5 miles. Now it was proposed to make it 10 miles. Why not make it 15, 20, or 30 miles? There was no special magic in 10 miles.

The CHAIRMAN.—I cannot allow the discussion to continue. There is nothing before the Chair at present.

The Bill was reported with an amendment, and the amendment was considered and adopted.

On the motion of the Hon. J. D. BROWN (Attorney-General) the Bill was then read a third time, and passed.

## BALLARAT LAND BILL.

The Hon. J. D. BROWN (Attorney-General) moved the second reading of this Bill. He said that the measure would give legal sanction to an exchange of lands between the Old Colonists' Association and the City Council of Ballarat. The facts were as follows:—

The Old Colonists' Association had been put in possession by the Government of blocks of land totalling over eight acres in extent, at Alfredton. These blocks were in a very favorable position with regard to the area available for the purpose of erecting municipal abattoirs, and, as possession of the blocks meant a much better building proposition in regard to abattoirs than could otherwise have been the case, the council asked the Old Colonists' Association to

let it have the land at Alfredton, undertaking to supply, in exchange, a corresponding amount of land in a suitable locality. The Old Colonists' Association agreed to the transfer of the land at Alfredton to the municipality for the purpose of erecting municipal abattoirs. At a point nearly a mile north of the Alfredton site, the council has a piece of ground known as Perry Park. It is so far west of the city as to be of comparatively little use to the citizens. The Old Colonists' Association, however, considered that a strip of this park would meet their requirements of land for the erection of cottages for old and indigent pioneers assisted by the Association. It therefore asked the council for a strip of ten acres of the southern portion of the reserve known as Perry Park. The council considers this would be a fair exchange for the land at Alfredton, and it is wishful to transfer ten acres of Perry Park to the Old Colonists' Association for its charitable purposes.

As the association contemplated the building of cottages they would like to be put in possession of the ground for the purpose as early as possible. All parties concerned—the council, the association, and the Government—were agreeable to the exchange.

The motion was agreed to.

The Bill was then read a second time, and committed.

Clause 1—Short title,

The Hon. J. Y. McDONALD said the Bill seemed likely to prove of service to Ballarat. The City Council would pass on certain land to the Old Colonists' Association, which would transfer to the council an area considered to be equivalent in value. As a matter of fact, the area to be handed over by the council was about 1½ acres larger than that which the association was to get. As the exchange had the approval of every one concerned no injustice would be done.

The clause was agreed to, as were the remaining clauses and schedule.

The Bill was reported without amendment, and the report was adopted.

On the motion of the Hon. J. D. BROWN (Attorney-General) the Bill was then read a third time, and passed.

## SUPREME COURT ACTS AMENDMENT BILL.

The House went into Committee for the further consideration of this Bill.

Consideration was resumed of clause 5, which was as follows:—

From the date of such registration as aforesaid such certificate shall become and be a record of the Court, and shall have the same force and effect in all respects as a judgment of such Court, and the like proceedings may be had and taken on such certificate as if the judgment had been a judgment originally obtained in such Court on the date of such registration.

The Hon. J. D. BROWN (Attorney-General) moved—

That the following words be added to the clause—"and interest shall be payable thereunder at the rate and from the date set out therein."

The Hon. R. BECKETT said he would like to understand what date was intended in the amendment. It would mean the date of the judgment.

The Hon. J. D. BROWN.—Registration, is it not?

The Hon. R. BECKETT said a judgment of the Supreme Court never stated on the face of it the rate of interest for the future. He was speaking of the ordinary common law judgment. The rate of interest was fixed by the Supreme Court Act, and you found what the rate was under the rules of the Supreme Court Act. The amendment should be made to provide that from the date of the judgment interest should be payable at the rate fixed by the rules of the Supreme Court.

The Hon. J. D. BROWN.—I have no objection to those words being added.

The Hon. R. BECKETT moved—

That the amendment be amended by the omission of the words "set out therein," and the substitution of the words "of the said judgment at the rate fixed by the rules of the Supreme Court."

The amendment of the amendment was agreed to, and the amendment as amended was adopted.

The clause, as amended, was agreed to.

Clause 6—

No certificate of any such judgment shall be registered as aforesaid (except within twelve months after the date of such judgment) unless leave in that behalf has first been obtained from the Court or a Judge thereof.

The Hon. R. BECKETT said this clause meant that within twelve months a judgment could be recorded in our Court without the leave of a Victorian Judge. He moved—

That the words "except within twelve months after the date of such judgment" be omitted.

If this amendment was adopted it would be necessary in every case to get the leave of our Judge here. He thought that would commend itself to honorable members. It should not be possible to bring a judgment from another part of the world and within twelve months of that judgment enter it up in our Court without getting leave from our Court itself. If we were going to make a foreign process of this kind available against citizens

of Victoria, it should be made necessary to get the Judge to make an order to that effect. He could not quite understand why this exception was made.

The Hon. J. D. BROWN.—That is following the Commonwealth Act.

The Hon. R. BECKETT said a judgment might be a very unjust one. It might have been obtained behind the Victorian citizen's back, and he might never have heard of it, and yet it could be recorded at any time within twelve months.

The Hon. J. D. BROWN.—No execution would issue.

The Hon. R. BECKETT said intolerable harm would be done to a business man if a judgment of this kind was entered up in the Supreme Court, because it would be circulated in the trade lists.

The Hon. J. D. BROWN.—It has been done during the last twelve years under the Commonwealth Act.

The Hon. R. BECKETT said that this Act would be far more stringent against the colonial debtor than the Commonwealth Act would be. Our citizens were bound to give heed to the procedure of the Commonwealth Court, but when it came to a Court in England, or Ireland, or Canada, why should a citizen of Victoria be made subject to that Court without being heard? The clause dealt with judgments obtained in other parts of the British dominions outside of Australia. The judgment might be obtained in England or Scotland, or parts of Asia under British rule, or North America. The clause dealt with what was a fundamental principle in jurisprudence. A citizen of Victoria could not be dragged to those places to defend his rights, and the fact that he did not go there should not tell against him. It might be said that this clause only provided for judgment being entered up against a man, but to enter up judgment against a man in trade was a very serious matter. If his amendment was adopted a Victorian would have the opportunity of showing that the judgment was an unjust one, obtained in his absence, and that he had a good defence to it. The law laid down by the highest Courts was that any jurisdiction outside Australia was foreign, and that Australian citizens owed no allegiance to it whatever. In no case should one of these judgments obtained under a foreign jurisdiction be entered up against a Victorian citizen until the leave of a Victorian Judge had been obtained.

The Hon. J. D. BROWN (Attorney-General) said he would like to remind honorable members of the origin of this Bill. It was recommended by a recent Colonial Conference, held in London, and at which all the British self-governing dominions were represented. The desire was to assist the British people in the different dominions to collect debts against debtors. This law was passed for no purpose except to deal with fraudulent people who wished to escape the payment of their debts. Surely honorable members would desire to offer proper facilities to a man in England to collect a debt owing to him by a man in Victoria, just as they would give facilities to a business man here to collect a debt in England, or in Canada. The arrangement proposed by this Bill was to be reciprocal.

The Hon. R. BECKETT.—Has any other country yet passed this law?

The Hon. J. D. BROWN said he did not know, but the other countries which were referred to had all agreed to pass it. Under the Commonwealth Act, immediately judgment was obtained in one State it could be registered in the Court of another State. Under this Bill, it was proposed that execution was not to be allowed to issue with regard to a foreign judgment until the defendant had had an opportunity of defending the case. He had gone into the matter very carefully since the Bill was last before the Committee, and he thought he had embodied in the amendment that had been circulated the practical opinion of those honorable members who had previously criticised the measure. If the twelve months' limitation were struck out, an opportunity would be given to the debtor of getting rid of his assets. Under the Commonwealth Act, there was a similar provision with regard to the judgments of other States.

The Hon. R. BECKETT.—They are different from foreign judgments.

The Hon. J. D. BROWN said he would like to know what the difference was.

The Hon. R. BECKETT.—There is all the difference in the world. It is a question of jurisdiction, not of distance.

The Hon. J. D. BROWN said he thought that twelve months was quite long enough to allow the matter to be held over. He failed to see how any difficulty could arise. In his opinion, the Bill, if

amended as he proposed, would absolutely do away with any danger of injustice being done.

The Hon. R. BECKETT said he was afraid that he had not made his position clear. It was most essential to bear in mind the jurisdiction to which a citizen was subject, and to which he must be loyal, and a jurisdiction to which he owed no allegiance whatever. One result of Federation was that the citizens of Australia were bound by the decisions of the State Courts in any part of the Commonwealth, and it had always been the rule of the State Courts that if a judgment had been given for a certain length of time, and no action was taken upon it, the plaintiff could not proceed to execution without getting the leave of the Judge. That, however, had nothing whatever to do with the clause now before the Committee. This Bill dealt with judgments entered up by foreign Courts in outside jurisdictions. It was proposed that those judgments might be brought into our Courts within twelve months, and be registered there. In his opinion, that was a tyrannical way of treating the citizens of Victoria. A Victorian citizen against whom proceedings were brought in England, might very well refuse to fight the case in England on account of the expense or the inconvenience of doing so, yet the Attorney-General said that after the plaintiff had obtained judgment in England he could have it entered up against the defendant in Victoria, so long as he came here within twelve months.

The Hon. J. D. BROWN.—The goods of the defendant could not be touched under the judgment until he has an opportunity of defending the case.

The Hon. R. BECKETT said he wanted the defendant to be protected before the execution stage was reached. It was claimed by jurists throughout the world that a citizen was only to be amenable to the Courts of his own country. Therefore, he (Mr. Beckett) said that if any creditor came here with a foreign judgment in his hand, he should not be allowed to enter it up against one of our people until the leave of a Judge had been obtained. The Judge could then say whether the judgment was a good one or not. This question of jurisdiction came before the Court of King's Bench in England a few years ago, and was fully thrashed out. It was a case from Western Australia. There were two partners who had a certain quantity of land in that State which they worked as a partnership. One of the partners lived in England. Disputes arose in the partnership, and the Western Australian partner issued a writ in that State against the other partner, but the latter said, "What have I to do with a judgment of the Court of Western Australia?" Then the Western Australian partner went to England, and attempted to enforce the judgment there. He could not get any Judge to do it straight off, and he had to bring an action on the judgment. The whole case then came before the Court of King's Bench, which held that the judgment was bad from top to bottom so far as the English Courts were concerned, and that an Englishman had no right to have a judgment entered against him in Western Australia in his absence. He (Mr. Beckett) claimed that a judgment from another country should not be enforced in Victoria until it had first of all obtained the approval of one of our own Judges.

The Hon. A. ROBINSON said he thought the attitude taken up by Mr. Beckett was a right one. The point which seemed to him of the greatest weight was that if a judgment was recorded and registered against a man here, it was a serious blot against his credit. The effect of Mr. Beckett's amendment would be that no such blot could be placed upon that man unless, and until, the leave of a Judge had been obtained. That appeared to be necessary, because in the original proceedings the Victorian citizen might not have had an opportunity of representing his case at all. If the slap-dash method of doing business that was provided for in the Bill became law, a man's business and credit might be ruined without his having any real opportunity of defending himself. He hoped honorable members would support the amendment, because it was in the interests of every citizen carrying on business in the State of Victoria, as well as of those who were carrying on business in the other States.

The Hon. J. D. BROWN (Attorney-General) said that it would probably save the time of the House, and lead to a satisfactory solution of the technical difficulties, if the Bill were referred to a Select Committee. He would, therefore, ask that progress be reported.

Progress was then reported.

The Hon. J. D. BROWN (Attorney-General) moved—

That the Bill be referred to a Select Committee consisting of the Hons. R. Beckett, Frank Clarke, W. S. Manifold, A. Robinson, and the mover.

The motion was agreed to.

## WILLAURA LAND BILL.

The Hon. J. D. BROWN (Attorney-General) moved the second reading of this Bill. He said the object of the Bill was to revoke the permanent reservation of a piece of land on the Hopkins River which had been a watering reserve. At present, the road leading to this reserve had to be kept open. In 1911 the council of the Shire of Ararat was enabled, by an Act that was then passed, to purchase from certain councillors a road in lieu of the road to the reserve. That purchase was made, and now the shire council desired to close the original road, which was no longer of any use; the reservation had never been used as a watering reserve. He had plans showing the new road, and also the road that it was proposed to close if the reservation was revoked.

The motion was agreed to.

The Bill was then read a second time, and committed.

Clause 1 was agreed to.

On clause 2—(Revocation of permanent reservation),

The Hon. J. D. BROWN (Attorney-General) said the land was a permanent reservation, and the area was very small, as shown by the plan which was on the table.

The clause was agreed to, as was also the schedule.

The Bill was reported without amendment, and the report was adopted.

On the motion of the Hon. J. D. BROWN (Attorney-General) the Bill was then read a third time and passed.

## FRUIT AND VEGETABLES PACKING AND SALE BILL.

The Hon. W. A. ADAMSON (Honorary Minister) moved the second reading of this Bill. He said the Bill had been twice before this Chamber on previous occasions. Honorable members would recollect that last year it was submitted by Mr Edgar, and was brought forward very late in the session. The second reading was passed, but the Bill was not finally dealt with in Committee when the session closed. It had been passed three times by another place, and he trusted that this House would pass the Bill in all its stages to-night, so that it might come into operation as soon as possible. The purpose was to regulate the sale of fruit and vegetables either in cases or other packages put up by the grower. It would deal with a long-felt grievance on the part of the honest grower and trader with regard to the topping of fruit and vegetables. The expression "topping" was applied to a practice that he believed was very common, and it meant the placing at the top of the package a sample that was very much superior to the bulk. He did not think that the honest producer had anything to fear or anything to lose from the enactment of such a measure. He knew that in the province of which he had the honour to be one of the representatives there were some of the principal fruit-growing districts of the State. The growers there had established a splendid reputation, not only in regard to the quality, but in regard to the grading and packing of their fruit. The result was that they effected sales on the grade marked on the packages without any examination on the part of the buyer. Those were the lines on which it ought to be possible for all growers to conduct their business. So far as he was aware, there was no opposition to this Bill from any section of the trade. The Minister of Agriculture had informed him that the growers had been urging him for years past to introduce such a Bill. He would convey to honorable members the attitude of the retail trade by reading a letter which was addressed to the Minister of Agriculture on the 3rd of May last by the secretary of the Melbourne and Suburban Retail Fruiterers' Association. The following was the letter:—

To Mr. G. Graham, Minister of Agriculture.

Sir,—I am instructed to write asking you if it is again your intention to reintroduce the fruit packing Bill. The topping of fruit and vegetables is carried on without any restriction. Complaints are just as numerous as they were some time ago, if not worse. Legislation is urgently required to stop the artful practice of topping. I am further requested to inform you that the members of the above association are desirous of the same Bill being reintroduced and passed through both Chambers and becoming law at your very earliest. For the benefit of the fruit trade this Bill should have been in operation years ago, it being one of the fairest measures ever brought before Parliament. We appeal to you, and to whoever has charge of

the Bill in the Upper Chamber, to put it to a vote. If so, we feel certain it will pass.

This morning he received by post a copy of the newspaper called *Public Opinion*. He did not think members should pay too much attention to newspaper extracts, but this paper contained a letter bearing the official stamp of the secretary of the Melbourne and Suburban Retail Fruiterers' Association, and he would therefore read part of it. The letter dealt with the Victoria Market, and in referring to fruit, contained the following—

Imagine a depôt where thousands of cases, one half fruit, the other half rubbish, are sold without being inspected in any way. There is something badly needed at our market. When you have experienced the artful practices adopted by many of "toppers" of fruit, &c., one is soon convinced that reform is necessary to put some of the abuses in order.

Let us take a man new to the business. He goes to the market with a few pounds in his pocket, makes his purchases. Arriving home, he makes a start to put them in the window. After removing about three layers of the top fruit he comes to the rubbish, and the further he goes down the worse the fruit becomes. This man came into the business expecting to make a living for his wife and family. Result, he leaves it in disgust. Go to any fruiterer who has been in the business and really understands it, and ask his opinion. He will tell you that the market seems to be a place of take-down.

The topping of fruit is up to a very fine point nowadays. Imagine what a time the retailer would have if he gave the public tomatoes and fruit of the quality under the first few layers. The Bill to prevent the topping of fruit should have been passed by Parliament years ago.

To use an Americanism, that was as strong as bear's soup. Legislation similar to this was on the statute-book in Canada and also America, which were both large fruit-growing countries. In this Bill the object was obtained by a simpler and more direct means than in Canada, where they set up an elaborate system of fruit standards, and also dealt only with fruit in cases. This Bill went further than that. The whole substance, practically, of the Bill was in clause 3, which provided that—

(1) No person shall sell—

(*a*) the whole or any pary of any lot of fruit or vegetables; or

(*b*) any fruit or vegetables contained in a package,

unless the outer layer or shown surface of the fruit or vegetables contained in such lot or package is so arranged or packed that it is a true indication of the fair average quality of the whole of the fruit or vegetables.

(2) No person shall sell any fruit or vegetables contained in any package which also contains any foreign substance in a greater proportion than is indicated by the outer layer or shown surface of such fruit or vegetables.

(3) Any person who sells any fruit or vegetables in contravention of this section shall for every such offence be liable to a penalty not exceeding Five pounds for a first offence and of not less than One pound or more than Ten pounds for every subsequent offence.

The rest of the Bill was simply machinery. The Government were only asking Parliament to extend to the fruit trade the same protection as was extended to the sellers of other articles of food. Under the Health Act we had a number of inspectors continually going throughout the length and breadth of Victoria taking samples of food for analysis. If adulteration was found the persons responsible were subjected to prosecution. Honorable members were aware of the vast amount of good done under the Milk and Dairy Supervision Act by inspectors taking samples of milk. Samples could be taken on the farm and from a sealed can on the railway station, or the cart in the street. The consequence was that the adulteration of milk was not carried on to anything like the extent of years ago. There was another Act more analogous to this Bill, and that was the Act dealing with the adulteration of chaff. He was speaking from personal knowledge when he said that that Act had been of tremendous advantage to the public. If it were not for that Act the public would be subjected to a system of wholesale swindling. He did not think there was any commodity in connexion with which the public were formerly so much swindled. That Act had altered all that, and the trade was now on a different basis altogether. The merchants were now as pure as ice and as chaste as snow. He mentioned this to emphasize the fact that he thought the public were entitled to the same protection in regard to fruit as other commodities. He trusted that the Bill would be speedily taken into Committee and put through all its stages.

The Hon. H. F. RICHARDSON said he was one of the members who spoke in opposition to the Bill which was introduced last session. That measure reached the Council at the end of the session, and if carried in the form in which it then was it would have done serious injury to the fruit-growing industry, and it would have been most unfair to the agents. Speaking on behalf of fruit-growers and the agents who handled the great bulk of the fruit and vegetables produced in Victoria, he had

then pointed that out. He acknowledged that in the form in which the Bill now arrived from another place, some of the objections raised by fruit-growers had been met. Speaking personally, as well as on behalf of the growers, he could say that they were anxious that the public should be protected against unjust dealing in connexion with fruit and vegetables. In the interests of the industry, it was absolutely necessary to stop that unjust dealing. In this matter he spoke with more experience than any other honorable member of the House possessed. Hundreds of thousands of cases of fruit had passed through his rooms. He handled practically all the fruit from the Geelong district. Last year, 53,000 cases of fruit went through his rooms. As far as the Geelong district was concerned, dishonest dealing was not carried on to any extent.

The Hon. W. J. EVANS. — A model place.

The Hon. H. F. RICHARDSON said the dishonest dealing which took place in the metropolitan market was principally on the part of the dealers. The producers were not responsible for it. The request for this legislation came from the Melbourne shopkeepers. There was just cause for the request that legislation should be passed to deal with the unfair handling of fruit and vegetables in the metropolitan area. The article on the subject which appeared in *Public Opinion*, and which was referred to by Mr. Adamson, was one-sided. The Legislative Council was blamed for not carrying the measure last year. The Minister in charge of the Bill elsewhere referred to the scandalous action of the Council.

The PRESIDENT.—Was that this session?

The Hon. H. F. RICHARDSON said it was last session, when the Minister spoke of the scandalous action of the Council in not carrying the Bill.

The PRESIDENT. — How could the Minister in another place refer last session to the Council throwing out the Bill?

The Hon. H. F. RICHARDSON said the Bill certainly came up at the very end of the session, and honorable members saw that there was every reason why it should not be rushed through, as it would not act justly. Clause 3 had been referred to as the important clause of this measure. That clause provided that the outer layer or shown surface of the fruit or vegetables contained in any package should be so arranged or packed that it was a true indication of "the fair average quality" of the whole of the fruit or vegetables. The words "fair average quality" were not in the clause last year. Their insertion met the wishes of the Victorian Fruit-growers' Association and the Fruit-growers' Association of Geelong. There was one danger which he did not know how they would avoid. Potatoes grown in the chocolate soil of Ballarat district were sent to Geelong, and if an inspector cut the bottom of a bag dirt would fall out. Unless the potatoes were washed soil would adhere to them. A pound of soil might fall out when the inspector cut the bag, and the seller would be liable to prosecution.

The Hon. F. BRAWN.—That soil in Ballarat is too valuable to send to Geelong.

The Hon. H. F. RICHARDSON said on some occasions Ballarat people had sent down bags of potatoes containing a good many pounds of dirt. Those were the people who should be prosecuted. If the measure was strictly carried out, however, a man might be unjustly prosecuted, because naturally soil which had adhered to the potatoes would be shaken down to the bottom of the bag. However, the insertion of the words "fair average quality" met the wishes of the fruit-growers. Sub-clause (3) of clause 3 provided that any person who sold fruit or vegetables in contravention of the clause should be liable to a penalty not exceeding £5 for a first offence, and of not less than £1, or more than £10, for every subsequent offence. That would deal most unjustly with the agents. If this clause were carried in that form, he did not know whether any agent would be prepared to sell fruit or vegetables, because he would be liable to be prosecuted for selling fruit of the packing of which he knew nothing.

The Hon. W. A. ADAMSON.—Clause 8 deals with that.

The Hon. H. F. RICHARDSON said clause 8 which exempted an agent selling on commission was also a provision which had been recently inserted in the Bill. All the same, clause 3 should be altered, and the addition of the following proviso had been suggested:—

Provided that when an auctioneer or agent sells on commission only on account of the owner or vendor, and who at the time of complaint

supplies to the inspector the name and address of the vendor or owner, proceedings shall be taken only against such vendor.

Of course, that was now partly covered by clause 8. The fruit-growers would also have liked a Board appointed. It seemed to him that proposal would be somewhat unworkable. The provision that no proceedings would be taken without the authority of the Minister practically met the request of the association. He wished to emphasize the fact that the fruit-growers in their own interests desired that the public should be protected from the unjust dealings of hawkers and dealers. Somehow the feeling had got abroad that the fruit-growers were attempting to block legislation such as this. They were doing nothing of the kind. They did not want to see fruit with a packed "topping" sold. Fruit was shown in shop windows, but the purchaser who went inside was not given exactly the same quality. However, all shopkeepers and all barrowmen were not dishonest.

The Hon. J. D. BROWN.—This Bill will not affect the honest man.

The Hon. H. F. RICHARDSON said it would not, and if reasonable amendments were made he was quite prepared to support the measure. If the Bill was strictly enforced it might do serious injury to the potato industry however, and if many more obstructions were placed in their way a great many persons would give up potato growing altogether. In the hands of reasonable inspectors the measure was workable, but in the hands of others it would give a lot of trouble to the growers. What the fruit-growers were frightened about was that unreasonable inspectors would intervene, and do serious injury to an industry that was very difficult to run. As Mr. Evans knew, no great profit was to be made out of fruit-growing. A high wind or a bad frost might come along and spoil a whole crop. No industry required more protection than fruit-growing. There had been a good deal of dishonesty in connexion with the disposal of fruit, but he did not think the grower was to blame for that, but rather the dealer. If one went to the Victoria Market, one would see that the great bulk of the stuff there was sold by dealers, and in many cases the fruit before being sold was held by dealers for days, so that it was not in the best condition. What legislation was required in connexion with this subject was chiefly legislation in regard to the dealers. For his part, he would heartily support any legislation that would deal with the matter so that the people would be honestly treated, and therefore he would give his hearty support to this Bill.

The Hon. W. L. R. CLARKE said that the opposition which was offered to this Bill on the last occasion when it was before the House was largely from the primary producers—the men who grew the fruit. They considered that they ought not to have any further restrictions placed upon them than could be possibly avoided. Naturally, the fruit-grower did not want a lot of inspectors coming to his orchard day after day. A considerable amount of harm was done to the fruit by having to exhibit it every time an inspector came, and injury was also done to the fruit if it had to be unpacked on the way to market to be shown to an inspector. There was a feeling that the army of inspectors who were being sent about the country for different purposes formed a great tax on the time of the producers, as well as a great expense to the State. He believed there were some eighty inspectors of potatoes, and they found it very hard to put in their time, so that often one inspector followed up another. This kind of thing the country people felt as a great imposition upon them, and it was one of the things which rendered potato-growing and fruit-growing somewhat unattractive. It might be said that the country people ought to get used to the perpetual visitations of these inspectors; but, in his opinion, we ought in this country to do everything we possibly could to render both fruit-growing and potato-growing as attractive as possible. Instead of putting restrictions and restraints on the primary producer, we should encourage him by giving him all the help we possibly could, instead of hampering and embarassing him. He (Mr. Clarke) did not think that in a Bill of this kind, the sole object of which was to regulate the sale of fruit, there should be inserted a number of restraints and restrictions on the growing of fruit and the sending of it to market. The aim of the Government in such legislation should really be principally to secure the good quality of the fruit which was exposed in the shop windows. If the Bill dealt with that question, he thought the chief object would be attained.

The Hon. A. HICKS remarked that when the Bill was before the House on the last occasion he was not much in love with it, nor were the people in his district who went in for fruit-growing. The principal provision which they did not like was that in clause 9, empowering the Governor in Council to make regulations for the purpose of carrying out the provisions of the measure. Some fruit-growers in his district the other day invited him to tell them what the regulations would be, but he had to inform them that he did not know. The framing of the regulations would be in the hands of the Minister and the Director of Agriculture. Clause 9 provided—

(1) The Governor in Council may make regulations not inconsistent with this Act with respect to any matters whatsoever necessary or expedient for the purpose of carrying out or giving effect to the provisions of this Act and may by such regulations prescribe penalties for the breach of any regulation not exceeding for a first offence One pound and not exceeding for any subsequent offence Ten pounds.

It seemed to him that this was giving a great deal of power to the Government. It was usually understood that the Governor in Council meant the Minister of the Department concerned, and it seemed to him that the clause gave too much power altogether to one man.

The Hon. J. D. BROWN.—Look at sub-clause (2).

The Hon. A. HICKS said that no doubt sub-clause (2) provided that all such regulations should be published in the *Government Gazette*, and should be laid before both Houses of Parliament within fourteen days after the making thereof, and that a copy of any proposed regulations should be posted to each member of Parliament at least twenty-one days before they were approved of by the Governor in Council; but he would ask, although papers of this kind were sent to honorable members, how many ever read them? It was well known that they were scarcely ever opened, and were thrown into the waste-paper basket. He considered that clause 9 was a most dangerous clause as it stood, and it ought to be altered. Fruit-growing was a very big industry in Victoria. The value of the fruit placed on the market last year was £558,604.

An HONORABLE MEMBER.—What about Geelong?

The Hon. A. HICKS said that from the Port of Geelong there were 200,000 cases sent away in one year. Last year they sent 60,000 cases to England and Europe, and the remainder was sold here or in the other States. The area under orchards last year was 55,769 acres, and the number of persons engaged in fruit-growing for public sale was 5,955. These figures showed that the industry was a large one, and one which nothing should be done to cripple. On the contrary, everything possible should be done to encourage fruit-growing and fruit consumption. The chief danger he saw in the Bill was clause 9, although some of the other provisions appeared to him to give rather too much power to the inspectors. However, he realized that something must be done in this matter. It was well known that when a person went into a shop to buy fruit he was frequently deceived. The best fruit was put in front, and the bad fruit put behind, and frequently when persons thought they were buying the best fruit they subsequently found that they had not received it. In his opinion, a person who bought fruit, whether in a shop or from a barrowman, ought to get what he expected and what he paid for; but that was frequently not the case now. He felt that if this Bill became law, as he hoped it would, it would be in the interests of the fruit-grower as well as the consumer. The honest grower would get better prices for his fruit, whereas now an honest grower who sent good fruit to the market had to take just the same price as men got for poor or even bad fruit. As he felt that the Bill would do a great deal of good, he would support it on this occasion.

The motion was agreed to.

The Bill was then read a second time, and committed.

Clause 1 was agreed to.

Clause 2—

In this Act unless inconsistent with the context or subject-matter—

"Foreign substance" includes any earthy matter stones sand or gravel.

"Fruit" means apples apricots bananas blackberries cherries currants figs gooseberries cape-gooseberries grapes loquats lemons mangoes nectarines oranges passion fruit peaches pears persimmons pine-apples plums quinces raspberries strawberries tomatoes or any fruit whether fresh or dried declared by the Governor in Council by notice published in the *Government Gazette* to be "fruit" within the meaning of this Act.

"Inspector" means any inspector appointed under the Vegetation Diseases Act 1896.

"Lot" means any quantity of loose fruit or vegetables other than that contained in packages.

"Owner" includes consignee consignor part-owner or agent for the owner.

"Package" means any box case sack or receptacle used or capable of being used or intended to be used for containing fruit or vegetables.

"Place" includes orchard vessel railway station wharf pier jetty warehouse market stall shop shop-window store factory yard shed barrow or any vehicle stand or premises whatever.

"Quality" includes variety size and soundness.

"Sell" includes barter or exchange; and also includes agreeing to sell or offering or exposing for sale or having in possession for sale or sending forwarding or delivering for or on sale or causing suffering or attempting any of such acts or things; and "sale" has a corresponding interpretation.

"Soundness" means freedom from damage or decay and from any abnormal condition of or in fruit or vegetables whether consisting of the presence of or caused by or due to the operations development growth or decay of any insect or fungus; and also in relation to fruit means freedom from the condition known as "Bitter Pit."

"Vegetables" means potatoes and onions or any other vegetables declared by the Governor in Council by notice published in the *Government Gazette* to be "vegetables" within the meaning of this Act.

"Vendor" means any person who sells any fruit or vegetable.

The Hon. W. L. R. CLARKE remarked that he saw that a "place" under this Bill included an orchard. Did that mean that an inspector was able to visit an orchard at any time and inspect all the fruit? Would the inspector be able to go into the cool store, where the fruit was packed, and have the fruit hauled out and examined in any way he liked?

The Hon. A. HICKS.—The inspector can do that now.

The Hon. W. L. R. CLARKE said one lot of inspectors could do that. Another lot of inspectors might be appointed, and come along and do what he had stated. It was very important that there should not be over-legislation in this matter. A poor fruit-grower had a great deal to contend with at present, and should not have the apprehension of this before him.

The Hon. A. McLELLAN said he would point out that an inspector under this Bill meant any inspector appointed under the Vegetation Diseases Act. He took it that the inspectors doing the work under this Act would be the same as those doing the work under the other Act.

The Hon. T. H. PAYNE remarked that there was no reason why a fruit-grower should not sell fruit in the orchard, leaving out the agent altogether, and, therefore, it would be necessary that fruit should be inspected in the orchard.

The Hon. W. J. EVANS stated that at present inspectors visited orchards at certain times of the year and gave valuable information to men who were starting fruit-growing. A large amount of fruit was packed in the orchard and sent away from there. It was, therefore, necessary that the inspector should have reasonable access to the orchard.

The Hon. W. A. ADAMSON (Honorary Minister) stated that there was no doubt than an inspector under this Bill could inspect fruit in the orchard. The fruit-grower would only be in the same position as the dairyman in that respect, as an inspector under the Milk and Dairy Supervision Act could inspect a dairy. Without this provision he did not think the Bill would be effective.

The Hon. W. L. R. CLARKE said he presumed the Minister did not mean that there would be any additional inspection to what took place at present.

The Hon. W. A. ADAMSON (Honorary Minister) said that any inspector appointed under the Vegetation Diseases Act would be an inspector under this Bill. He could not say whether any special inspectors would be appointed. Probably the inspectors now in the Department would be able to carry out the provisions of the Bill.

The Hon. W. J. EVANS said he would like to know whether the Minister could give any reason why bitter pit was included under this Bill. Bitter pit was a disease that it was impossible to eradicate or prevent. He believed that at present the Commonwealth and the State had combined to pay a gentleman £1,000 to find a remedy for bitter pit. The disease came first as a small speck on the apple. You might pick fruit, and pack it, and leave it for a month, and then find, to your surprise, that bitter pit had started. He did not think it right to penalize any one for a disease the fruit-grower might not know to exist in connexion with his fruit, and, in the second place, for a disease for which there was no known remedy. He moved—

That the words "and also in relation to fruit means freedom from the condition known as 'Bitter Pit'" be omitted.

The Hon. H. F. RICHARDSON stated that he would support Mr. Evans' amendment. It seemed unfair, in face of the fact that no remedy for bitter pit had been secured by the Department of Agriculture, that the fruit-grower should be penalized when bitter pit was found in his fruit. It was quite right that the public should be protected from fruit that was affected with codlin moth, or with some disease, but the case was different where fruit was attacked with bitter pit. For having fruit in this condition a person would be liable to be fined £10.

The Hon. A. HICKS said that he would ask if fruit affected with bitter pit was condemned at present. Was it allowed to be sold now?

The Hon. W. J. EVANS.—No.

The Hon. A. HICKS said he had an idea that fruit affected with bitter pit was allowed to be publicly sold.

The Hon. A. McLELLAN said he would like to know why there was a definition of "soundness" in the Bill. This was a Bill to regulate the packing of fruit. Why should there be any necessity to define "soundness"?

The Hon. W. A. ADAMSON (Honorary Minister) said that at the moment he could not give the information honorable members had asked for with reference to bitter pit. These provisions were brought up by the Assistant Director of Agriculture. If honorable members would pass the clause, he would, if necessary, recommit it.

The Hon. W. J. EVANS said he would suggest that the Minister allow the amendment to be adopted, and then the honorable gentleman might obtain further information. If it was afterwards thought advisable to re-insert the words which were struck out, the Committee would, no doubt, go back on what it had done.

The Hon. R. BECKETT said he noticed that an elaborate definition was given of "soundness," but that word did not occur once throughout the rest of the Bill.

The Hon. W. A. ADAMSON.—It may be necessary to use it in the regulations.

The Hon. R. BECKETT said that no penalty was provided for selling fruit that was not sound. The definition was extraneous to the Bill.

The Hon. J. D. BROWN (Attorney-General) said that the definition of "soundness" was put in by design. Mr. Beckett was quite wrong when he said that the word did not appear elsewhere in the Bill. It appeared in the definition of "quality," which stated—"'Quality' includes variety, size, and soundness."

The Hon. R. B. REES said that clause 9 gave power to the Governor in Council to make regulations not inconsistent with this Act. Then it was provided in subclause (4)—

> If any person disobeys or fails to comply with any direction given by an inspector pursuant to the provisions of this section such person shall for every such offence be liable to a penalty not exceeding Ten pounds.

The inspector could go to an orchard and tell the grower, "Your fruit is not sound; you must destroy it." If the grower did not obey the inspector immediately, he was liable to a penalty not exceeding £10. He (Mr. Rees) would draw attention to what was constantly taking place in this direction. Under the present law a constituent of his, a little while ago, was fined, and the minimum penalty, he thought, was £5. This man happened to have some vegetables which had been in the shop over the week-end, and at 8 o'clock on Monday morning an inspector went into the shop and condemned these vegetables as unsound, with the result that the man was fined £5. The whole proceedings were so outrageous that even the Attorney-General was good enough to reduce the fine to 10s. If the definition of "soundness" was left in the Bill, he did not know what might arise. In his opinion, our producers were going to have a very bad time in the future. Even now, it was difficult to get people to stay on the land. Our closer settlement schemes were really being burst up by various restrictions, and it was now proposed to put further restrictions upon the producers. Inspectors were to be sent with increased powers into our orchards, our shops, and our markets. For goodness sake let us try and mitigate these restrictions in some way or other. The present Ministry were not only extending the Factories Act to the country districts, and thus embarrassing the producers in every possible way, but they were bringing in legislation of the kind now before the Committee. It was probably useless to oppose the Bill as a whole, but he would support any honorable member in trying to knock out some of these restrictions.

The Hon. H. F. RICHARDSON said he would ask the Honorary Minister whether the reason for the disease of

bitter pit being specially mentioned in this clause was that the departmental officers did not know whether it was an insect or a fungus?

The Hon. W. A. ADAMSON (Honorary Minister) said he was unable to answer the houorable member's question, but no doubt there was some very good reason for mentioning that particular disease. He would ask the Committee to pass the clause, and then, before the Bill went through, he would ascertain the reason why that particular disease was mentioned. If necessary, he would have the clause recommitted.

The Hon. W. J. EVANS said the Committee might agree to his amendment, and then the Minister could ask later on for the clause to be recommitted if he thought the amendment was a wrong one. A number of Doncaster growers had waited npon him with regard to the matter. It sometimes happened that fruit which was picked without the slightest sign of bitter pit developed that disease within a fortnight's time. Some of the finest apples that were exported developed bitter pit on the voyage Home, and resulted in a loss to the exporter. When a disease could not be defined, and when it could not be discerned, why should it be embodied in a clause like this? The Commonwealth Government and the State Government were jointly paying an expert to endeavour to find out what bitter pit was, and the remedy for it. It was not enough for the Minister to tell the Committee that Dr. Cameron wanted to have those words in the Bill. If no better reason could be advanced against it, the amendment should be adopted.

The Hon. A. HICKS said that if the Honorary Minister could not tell the Committee what bitter pit was, neither could Mr. Evans give any reason why the words should be struck out.

The Hon. W. J. EVANS.—Yes, I can.

The Hon. A. HICKS said the honorable member had not done so. Seeing that honorable members knew so little about the matter, it would, perhaps, be better if the clause were postponed, although, personally, he would not vote to strike it out.

The Hon. A. McLELLAN said it was not often Mr. Evans and he differed or voted on opposite sides, but on this occasion, if the matter came to a vote, he was afraid that they would do so. He admitted that he did not understand at first what was meaut by the definition of "soundness," but he thought he did now. He did not see why a person should be allowed to pack apples affected with bitter pit in the centre of the case and place good fruit on the outside. He understood that there was a doubt as to whether bitter pit in apples would constitute unsoundness, but the definition was put in in order to make the matter clear. He was going to support the clause as it stood, so that there might be no dispute as to whether apples affected by bitter pit were unsound or not.

The amendment was agreed to, and the clause, as amended, was adopted.

Clause 3—(Surface fruit to be indication of the quality of the fruit in whole package).

The Hon. D. MELVILLE said he agreed that it was right that fruit should be subject to inspection, as the fruit industry was a most valuable one, and fruit-growers, notwithstanding the high price of labour, in some cases netted a profit of £100 per acre, but why were vegetables, which were practically valueless to-day, dealt with? At present, potatoes were worth only about 25s. per ton in this State, and why should there be all this twaddle about there being a little bit of dirt in the bottom of a bag? Under the Bill, carrots, turnips, and all vegetables grown in an ordinary kitchen garden would be subject to inspection. By-and-by, every human being would be under inspection of some sort. Apparently a man could not grow a bundle of carrots to give to a horse without an inspector being called in.

The Hon. R. B. REES.—There is no country in the world where there is so much inspection.

The Hon. D. MELVILLE said the following was an extract from the *Journal of the Royal Society of Arts* for August last—

> In the British Colonies and California, where tropical and sub-tropical conditions prevail, notwithstanding the dear labour, the industry of fruit-growing has proved so profitable that hundreds of thousands of acres are now yielding a golden harvest annually, averaging at the rate of more than £100 per acre, and no trouble is ever experienced in disposing of the produce; indeed, as the yield increases the demand grows in a corresponding manner, the export to the English and foreign markets having assumed vast proportions.

Why should the important industry of fruit growing be bundled up with vegetable growing at all? Why should we have inspectors spending their time examining potatoes worth 25s. a ton? He had potatoes offered to him at that price to-day. Why was the Government always coming down with proposals for the inspection of things? The Minister of Agriculture had told him personally that he was so worried by the inspectors that he destroyed the whole of the apple orchard he had in the Goulburn Valley, from which he used to send samples of fruit to Lord Hopetoun and others, and put the land back under wheat. In another case, an Irishman said to the inspector, "If you come next week I will show you a better method than yours." The inspector accordingly visited the place in the following week, and the owner of the land ordered his men to get their axes and cut down the fruit trees. Apparently all the Chinamen and other people engaged in vegetable growing were to be put under inspection, and honorable members would subsequently be given notice that the carrots grown by certain men were not up to the standard. Their names would be duly published in the *Government Gazette*, and the Honorary Minister (Mr. Adamson) would be laughed at by all the cultivators. The honorable gentleman had signalized his appointment to the Ministry by introducing the Bill, which would excite a lot of adverse comment, but he need not mind, as the Attorney-General was behind him, and the Bill would go through.

The Hon. H. F. RICHARDSON said he would like to know whether, if an inspector cut the bottom of a bag of potatoes and some soil fell out of the place where the cut was made, that would be taken as being the surface of the bag?

The Hon. W. A. ADAMSON (Honorary Minister) said he took it that an inspector, if he was a man of any common sense at all, would not prosecute because there was a little earth at the bottom of a bag of potatoes. In cases where a good many pounds of earth were put in bags on purpose, prosecutions would follow.

The Hon. H. F. RICHARDSON.—Is the surface of the bag the place where the cut is made?

The Hon. W. A. ADAMSON said the "shown surface" really meant the top of the bag or package.

The Hon. R. B. REES.—The "shown surface" is where the cut is made.

The clause was agreed to.

Clause 4, providing *inter alia*—

For the purpose of ascertaining whether the provisions of this Act are being complied with an inspector may at any time—

(*a*) enter or inspect any place whatever and open any package and examine any fruit or vegetables in or on such place;

(*b*) examine any fruit or vegetables or package containing fruit or vegetables being conveyed through the public streets or roads for sale or being sold in any street or road;

(*c*) take samples of or seize the whole or any part of any such fruit or vegetables or of any package thereof.

The Hon. R. BECKETT said the clause dealt with matters of very considerable importance, and in sub-clause (2) inspectors were given very considerable powers. It was provided that an inspector might enter any place whatever. That meant that he might go into any orchard, shop, warehouse, market, store, or factory, and he could "open any package and examine any fruit or vegetables." It appeared to him that the fruit-growers had just cause for complaint against this provision. Many of the growers went to a great deal of expense in putting their fruit together in a good marketable condition, and in making it as presentable as possible. A large portion of their outlay went in putting up their fruit, and in paying packers to put it up in proper shape. Under the clause, an inspector would be able to capsize the whole of the work, open up the boxes or cases, tip out all the fruit, and leave it to the owner or the man in charge to put it together in the best way he could. It should be provided that if the owner or the man in charge of the fruit was present, the inspector should first ask him to open the package for the inspector to look into it. He moved—

That the following words be added to sub-clause (2):—"But if the owner or the person for the time being in charge be present the inspector shall first call upon him to open such package."

The Hon. H. F. RICHARDSON said he supported the contention of Mr. Beckett. This was a clause in the Bill that the fruit-growers were very anxious about. They contended, in regard to soft fruits like peaches, that an inspector might open up the case roughly, and do serious damage to the fruit. Some inspectors would, no doubt, act carefully, but others might do just the reverse. The

proposal was that the owner was to be called upon to open the case. He would open it on the side or the top, and less damage would be done in that way than if the case were roughly opened by an inspector. The Minister should accept the amendment.

The Hon. W. A. ADAMSON (Honorary Minister) said he was not very apprehensive that what had been indicated would arise. He did not suppose that the inspectors would act in an arbitrary way. At the same time, he did not know of any objection to the amendment.

The Hon. A. HICKS said the amendment might mean the employment of more inspectors. The owner of a package might be engaged for a time and keep the inspector waiting.

The amendment was agreed to.

The Hon. W. L. R. CLARKE moved—

That the words "being conveyed through the public streets or roads for sale or" in paragraph (*b*) be struck out.

He said that as the paragraph read an inspector would be able to stand at the corner of the street and stop every market cart as it came in loaded. He would be able to call upon the man in charge to take down the load and show it to him. It might be a load of peaches, and, of course, damage would be done to the fruit by such action. This was a provision that the growers were particularly frightened of. It would serve no good purpose. He had had a good many communications from fruit-growers and their associations requesting this amendment to be made.

The Hon. J. McWHAE said he thought there was a great deal in Mr. Clarke's contention. This paragraph might well be deleted. He had not much faith in the inspectors. He (Mr. McWhae) had had a valuable walnut orchard of 15 acres, and an inspector insisted on the trees being cut down, so that the growth of many years was lost through the action of an incompetent man. A great deal of injury might be done by incompetent inspectors under this proposal, which, at the same time, would do no good.

The Hon. W. A. ADAMSON (Honorary Minister) said this provision was framed to deal with fruit and vegetables conveyed through the public streets. He could not imagine any inspector being such an arrant ass as to stop a man in the street to do such a thing as Mr. Clarke had described. That man would be removed in twenty-four hours. The fruit would be inspected at the markets, and on the barrows in the streets. He could not accept the amendment.

The Hon. H. F. RICHARDSON said this clause would give power to an inspector to stop a market gardener in the street, coming from Brighton, for instance. There was power to inspect in the markets, and surely it was not necessary to stop a man conveying his load through the streets. It was not necessary that an inspector should be empowered to get on the load, and go through it. That might be all right with common-sense men; but there were plenty of inspectors who were not gifted with common sense. Some of the dairy inspectors were driving men off the land. During the scare in connexion with Irish blight in potatoes, many foolish things were done by inspectors. There were men who would take advantage of this provision to bring fruit-growers to Court. It was such proposals that frightened the producers, who needed the protection of Parliament. He felt that Mr. Clarke's contention was right. It was necessary to protect the public from the stuff sold in the streets. It was strange that so much was said about the fruit sold in the markets, and so little about the fruit sold in the streets, where dust was blown on to it.

The Hon. A. HICKS said he could not see how the barrowmen could be dealt with if the amendment were carried. These men went from street to street selling their fruit. There was a good deal in what Mr. Richardson had said about the carts going to the markets, and an officious inspector doing what was not right in bailing them up.

The Hon. W. J. EVANS said that those who knew anything about orchards knew that a large number of windfalls that were not fit to place on the market were disposed of. They found their way into places that he would not mention. The inspector should be able to deal with them in the orchard, or in the factory, otherwise they would go into consumption as they did now. He did not think there was any likelihood of the inspectors abusing their position. Most of the market gardeners started from home in the very early hours of the morning, when the inspectors were not likely to be so active as at other times. There should be some

means of getting at people who disposed of fruit that was only fit for pigs.

The Hon. R. BECKETT said he certainly thought some amendment should be made. Fruit which had been packed and was being taken through the streets for shipment outside of the State might be stopped. If an inspector saw a waggon laden with fruit he could stop it, and order the cases to be pulled down, even although the man in charge explained that he was taking them to the wharf to be shipped to a customer in Sydney. An immense quantity of fruit was shipped to Sydney. He did not think the provision was meant to cover such cases. If the fruit was to be sold in barrows in the streets here, the inspector should have the fullest power.

The Hon. A. A. AUSTIN said, to overcome the difficulty, he would suggest that the words "in such streets or roads" should be inserted after the word "sale" in paragraph (*b*).

The Hon. W. L. R. CLARKE said he would ask leave to withdraw his amendment in favour of that suggested by Mr. Austin.

The amendment was withdrawn.

The Hon. A. A. AUSTIN moved—

That in paragraph (*b*) the words "in such streets or roads" be inserted after the word "sale."

The Hon. W. A. ADAMSON (Honorary Minister) said he would accept the amendment.

The amendment was agreed to, and the clause as amended was adopted, as were clauses 5 to 8.

Clause 9—Regulations.

The Hon. H. F. RICHARDSON said he would like to know what control Parliament would have over the regulations. Regulations which might make the measure most severe on the producers might be passed, and Parliament would have practically no say in the matter. They seemed to be handing over to the Governor in Council more power than they were putting into Acts of Parliament.

The Hon. W. A. ADAMSON (Honorary Minister) said this regulation clause was in the usual form.

The Hon. R. BECKETT said sub-clause (1) provided—

The Governor in Council may make regulations not inconsistent with this Act with respect to any matters whatsoever necessary or expedient for the purpose of carrying out or giving effect to the provisions of this Act and may by such regulations prescribe penalties for the breach of any regulation not exceeding for a first offence One pound and not exceeding for any subsequent offence Ten pounds.

Now, the penalty there provided was the same as in clauses 4 and 5. It really put the regulations on just as high a plane as the provisions of the Bill. He moved—

That "Five pounds" be substituted for "Ten pounds."

The amendment was agreed to, and the clause as amended was adopted.

The Bill was reported with amendments.

The House adjourned at three minutes to ten o'clock.

# LEGISLATIVE ASSEMBLY.

*Tuesday, September 2, 1913.*

The SPEAKER took the chair at twenty-four minutes to four o'clock p.m.

## ASSENT TO BILLS.

Mr. WATT (Premier) presented a message from His Excellency the Lieutenant-Governor, intimating that, at the Government Offices, on September 2, His Excellency gave his assent to the Royal Agricultural Show Day Bill, the Consolidated Revenue Bill (No. 2), and the Sheep Dipping Act 1909 Amendment Bill.

## PUBLIC ACCOUNTS COMMITTEE.

Mr. MEMBREY brought up a report from the Committee of Public Accounts.

The report was ordered to lie on the table, and be printed.

## *RONALD* V. *HARPER.*

Mr. JEWELL (in the absence of Mr. HANNAH) asked the Premier (for the Attorney-General)—

1. If it is a fact that in the case of *Ronald* v. *Harper*, No. 448, 1908, a witness named the Rev. P. J. Murdoch was ordered into custody of the Sheriff by the presiding Judge, Mr. Justice Hodges, for contempt of Court, such contempt consisting of the Rev. P. J. Murdoch's refusal to produce to the Court a letter-press copy of a letter addressed to the Honorable Robert Harper, M.P., by the Rev. P. J. Murdoch, and that, notwithstanding this committal for contempt of Court, and a subsequent promise to produce it, the letter-press copy of this letter has never been produced to the Court, and that in this respect the power and authority of a Court of Justice in this State has been flouted?

2. Is it consistent with good government that Courts of Justice should be flouted in this way?

Mr. WATT (Premier).—The Attorney-General has furnished me with the following information:—

In the case of *Ronald* v. *Harper,* No. 448, 1908, the Rev. P. J. Murdoch, a witness for the plaintiff, refused to produce a copy letter-book which was supposed to contain a copy of a letter addressed by Mr. Murdoch to the defendant, the Hon. Robert Harper, and in consequence of such refusal was committed by the presiding Judge to the custody of the Sheriff.

The Crown Solicitor, as a result of inquiry, informs me that as a matter of fact the said copy letter-book did not contain a copy of the said letter. Mr. Murdoch was able from memory to give to the Court the substance of the said letter, and all the information desired by Mr. Ronald's counsel, and he was therefore released from custody.

2. The power and authority of the Court was not in any way flouted.

## DAIRY SUPERVISORS.

Mr. CRAVEN (in the absence of Mr. ARGYLE) asked the Premier—

1. Why the dairy supervisors were not included in the recent re-classification of the Public Service?

2. What was the original objection to bringing these men under the Public Service Act?

3. If he will have this matter inquired into, with a view to making these men permanent officers?

Mr. WATT (Premier).—These questions may be answered as follows:—It was expressly determined by Act of Parliament (Act No. 2011, section 9) that the supervisors under the Milk and Dairy Supervision Act were not to be subject to the Public Service Acts, but that each supervisor was to be appointed under a specific contract for one year, and to be eligible for re-appointment from time to time.

## RAILWAY DEPARTMENT.

### COMMISSIONERS' ANNUAL REPORT.

Mr. ELMSLIE asked the Minister of Railways—

When the report of the Railways Commissioners for the financial year ended 30th June, 1913, will be made available for members of the House?

Mr. A. A. BILLSON (*Ovens*—Minister of Railways).—It is anticipated that the report will be ready for presentation to Parliament about the 25th inst.

## STATE COAL MINE.

### SUPPLY OF COAL TO THE PUBLIC.

Mr. KEAST asked the Minister of Railways—

If he is aware that the coal produced at the State coal mine is unobtainable by householders in the Gippsland district; if so, will he take steps to enable the people to secure the coal locally, instead of forcing them to purchase elsewhere?

He said—I should like to point out that most of the coal from the State coal mine comes through my electorate, and that the people there are unable to get any of it, and have to come to Melbourne to buy their coal and take it back. It would be a good thing, in the interest of the country, if they could purchase coal from the State coal mine.

The SPEAKER.—An honorable member cannot make a speech when asking a question.

Mr. A. A. BILLSON (*Ovens*—Minister of Railways).—The answer furnished by the Railways Commissioners to the honorable member's question is as follows:—

At the present time there is no authority under the law for the sale to the public of coal produced at the State coal mine (other than slack coal), but apart from that fact the whole of the output of large coal from the mine is required for railway purposes, and the Commissioners are averse to the sale of large coal to the general public until such time as the supply from the State coal mine exceeds the requirements of the Department.

## PETITION.

A petition was presented by Mr. GRAY from settlers on the Merbein Irrigation Settlement, praying that a Select Committee should be appointed to inquire into the management of the affairs of that settlement.

## IMPORTED GOODS FOR STATE DEPARTMENTS.

Mr. GRAHAM (Minister of Water Supply), pursuant to an order of the House (dated 17th October, 1905), presented a return showing the machinery, goods, and material manufactured or produced outside the Commonwealth purchased for the use of the State Rivers and Water Supply Commission during the financial year 1912-13.

## PUBLIC ACCOUNTS COMMITTEE.

Mr. WATT (Premier) moved—

That Mr. Keast be a member of the Committee of Public Accounts.

He said—This proposal is made to fill the vacancy caused by the resignation of Mr. George Swinburne.

Mr. LEMMON.—Is the honorable member for Dandenong prepared to accept this honour? If he is not, then it is hardly necessary for us to carry the motion.

Mr. KEAST.—Yes, with very great pleasure.

The motion was agreed to.

## WORKERS' COMPENSATION BILL.

The House went into Committee for the further consideration of this Bill.

Discussion was resumed on clause 33—

Nothing in this Act shall render it obligatory for an employer to obtain either from the Insurance Commissioner or from any Company a policy of insurance or indemnity in respect to his liability to pay compensation to any worker or workers,

and on Mr. Mackey's amendment to omit the words "Nothing in this Act shall render it" with the view of substituting the words "It shall be."

Mr. BAYLES.—When progress was reported last week we were discussing the question of compulsory insurance for accidents under this measure. The honorable member for Brighton suggested that certain penalties should be enforced against any person who did not insure. The principle of compulsory insurance appeals very strongly to me, but the difficulties are very great. Before we make a large number of people law-breakers for an offence of this kind, I think we should consider the matter with great caution. For example, a large number of employers employ one or two clerks. Even if you only employ an office boy you would have to be insured. According to Mr. Laughton the rate of insurance for clerks is 4s. per £100. That means 4d. per month, or about 1d. a week. It is proposed that for failing to insure perhaps a temporary clerk in your employment you are to be rendered liable to a substantial fine, because, unless the fine is substantial, there is no use in imposing a fine at all. Then, again, most householders employ domestic help, and, according to the table of rates given by Mr. Laughton, the premium in that case would be 6s. per £100. Every housewife who employs help of any sort, no matter how temporary it may be, would have to insure, or be liable to a penalty under this Act. I understand that the average wages paid for domestic help runs to about 12s. or 14s. a week, and, adding 10s. or 12s. for keep, the total would amount to about £75 a year. The rate of premium for that occupation is 6s. per £100, which would mean about 4s. for £75, or about the same amount that is paid in the case of a clerk. I quite see that it would be a good thing to have compulsory insurance. All the big firms employing a considerable number of hands would insure as a matter of course, and they can do so without difficulty. It is with regard to the small employer that the difficulty would arise, and I do not quite see how the proposal is going to work. One does not want to see a farmer or a housewife put to the expense, and, what is more, the trouble of having to take out insurance or else becoming a law-breaker. Last week, when the Premier asked that progress should be reported, he said that the difficulties in the way of the proposal were great, but he did not think they were insurmountable. That may be so, but I hope the Chief Secretary will consider the matter very carefully before he decides to make these small employers liable to a severe fine.

Mr. MACKEY.—There is nothing in the amendment about a severe fine.

Mr. BAYLES.—No; but what is the use of having a fine at all unless it is a severe one? If the fine is only a small one, the law may be broken. The other point is that the employé of the person who did not insure and had no means would be at a disadvantage. At the same time, the employer would be liable to a penalty for not insuring his employé. Take the case of a person who could well afford to pay. The employé would not be in a worse position owing to his employer not insuring him, but the employer would have to pay a small fine. If we made it compulsory for employers to insure their workmen, why should not children working for their fathers have to be insured? It is provided in clause 2 that "worker" does not include "a member of the employer's family dwelling in his house." If we are going to have compulsory insurance, why should not the children of the employer have the same protection as the ordinary employés? A child may be working for his father and

may be rendered incapable, but the father may be a poor man. Why should not that child have the same right to recover insurance as another employé not dwelling in the employer's house would have? If a son employed by his father lived away from his father's house, he would have to be insured by his father if we carry the amendment, and would be entitled to recover compensation. But if he was living in the father's house he would not be entitled to recover.

Mr. MACKEY.—If an employé is injured at home, not on his employer's business, he gets no compensation. If he is on his employer's business he does.

Mr. BAYLES.—The definition of worker excepts certain people, including "a member of the employer's family dwelling in his house." Therefore, if a member of the employer's family who lived in his house were injured he would not come under the measure. If we have a compulsory insurance clause, I do not see why the children of employers working for their parents should not get the benefit of it.

Mr. MURRAY (Chief Secretary).—It is rather difficult for me to understand what the honorable member for Toorak requires, or what his contention is. In the first place, he appears to think that in the case of domestic servants, where the remuneration is small——

Mr. BAYLES.—I only mentioned those cases as illustrations.

Mr. MURRAY.—The honorable member cited them to illustrate his case. The amount of wages does not affect the principle at all. The view of honorable members who desire to make insurance compulsory is that though a worker might lose his life, or meet with a very serious accident, his employer might have no property or means, and that the employé or his dependants could not get any compensation. That is a very reasonable view to take. There is a great deal in favour of the proposal to make insurance compulsory so as to insure to the dependants, in the event of the breadwinner meeting with an accident, or being killed, that they shall get compensation. That is unanswerable.

Mr. MACKEY.—In addition, it may protect a small employer from ruin.

Mr. MURRAY.—Yes. There would be that risk if insurance were left optional. I suppose the small employers do not understand their businesses so well, and have not their affairs organized in the same way as large employers. No large employer would think of standing a liability that would be a very large one. I could understand a very large employer, with a great number of persons, where there might be only an accident now and again, saying, "It is cheaper for me not to insure; I can meet my obligations in a much less expensive way." It is not the employer so much honorable members have in their mind as those who are employed. I cannot follow the honorable member for Toorak in his allusion to the children of employers employed by their parents. Of course, if they are employed by their parents they are getting their wages, and they are not dependants. They are subsisting upon their own exertions. There is no one dependent upon them. They are looking after themselves, so I do not think it is necessary for the Committee to give that proposition of the honorable member very much consideration. I think, when the honorable member reflects, he will see that the children of employers dwelling in their parents' houses should not be brought within the scope of the Bill.

Mr. BAYLES.—Say they are incapacitated for life.

Mr. MURRAY.—If they were incapacitated for life, it would be the duty of the parents to look after them.

Mr. BAYLES.—The parent might be a poor man.

Mr. MURRAY.—It did not strike me that the parent might be a poor man not able to maintain the children in case of accident. I must confess that that view of the question had not occurred to me.

Mr. MACKEY.—It would involve no hardship to say that the parent must insure the children against that eventuality.

Mr. MURRAY.—I was not here the other evening when the honorable member for Gippsland West moved his amendment. I have all along confessed that it did appeal to me that there should be compulsory insurance if we are going to the fullest extent to protect the workers. Left to themselves, I dare say there are a great many employers who are somewhat careless—especially the smaller ones, to whom I have previously alluded. They might be somewhat indifferent, and say, "We will take the risk." In the event of an employé meeting with an accident it might mean ruin to his employer. The employer might be able to partially meet

the amount for which he would be liable, but not the whole of it. It would ruin the employer, and the worker who was injured would not get the full amount of compensation he is entitled to under the Bill.

Mr. BAYLES.—I wish to explain that I do not offer any objection to the principle of compulsory insurance. With the Chief Secretary, I feel that to make the system of workers' compensation complete there must be compulsory insurance. I was pointing out that there are difficulties which the Premier said were great, but not insurmountable. I wished to see if those difficulties could be surmounted.

Mr. ELMSLIE.—If the amendment is carried, the clause will be incomplete unless some penalty is provided for in the event of an employer breaking the law. I would like to learn from the honorable member for Gippsland West, or the Government, whether they propose to follow the amendment up with a provision imposing a penalty.

Mr. MACKEY.—I take it for granted that if the sense of the Committee is in favour of the amendment the Government will provide the necessary machinery clauses.

Mr. MURRAY.—We would have to do that.

The amendment was agreed to.

Mr. MURRAY (Chief Secretary).—I think the honorable member for Gippsland West has another amendment, namely, the omission of the word "an," and the insertion of the word "every," in the first line of the clause. That would make it read "It shall be obligatory for every employer" instead of "an employer."

Mr. MACKEY.—I move—

That the word "an" before the word "employer" be omitted, and the word "every" be substituted.

The amendment was agreed to, and the clause, as amended, was adopted.

Clause 34—(Apportionment of Accident Insurance Premiums).

Mr. ELMSLIE.—I wish to ask honorable members to vote against this clause, and I shall draw attention to the history of this kind of legislation in Great Britain. The Workers' Compensation Act, as they have it, did not come into existence all at once. It was only after years of experience that they adopted the measure as they have it now. They have had experience of this kind of legislation, and the employers there are bearing the whole burden of insurance. After years of experience, they have still got that principle embodied in the law. In other countries, also, where they have had such experience, we find that there is no agitation for an alteration. If the employing section had found that this provision was bearing unjustly on them, if they were suffering from it, we know very well that there would have been an agitation with the object of having the burden lifted from their shoulders. No honorable member who has spoken in favour of this clause has attempted to say that there has been any agitation in England, on the Continent, or in the Australian States, where they have Workers' Compensation Acts without the contributory principle, for its repeal and for substituting a provision like the one in this Bill. The honorable member for Toorak, who has had experience of the Queensland Act, is quite enthusiastic in his opposition to the compulsory contribution. In the absence of any agitation, in the absence of any indication that the law in other countries is oppressive or unfair to the employer in any direction, I think we should hesitate before bringing about this new departure. The Chief Secretary, in introducing this Bill, said that this was progressive. I have carefully read his speech, and all he appears to have said in this respect was to invite those opposed to the proposal to advance arguments against it. Austria and one or two other countries were mentioned as illustrations of this proposal; but when we inquire into the matter, we find that their provision is not the same in effect as this.

Mr. MURRAY.—They have it in Germany.

Mr. ELMSLIE.—In Germany they provide different benefits altogether. There are many more benefits than we propose. For instance, under the compulsory contribution, they have medical benefits, and things of that kind. As far as I have been able to learn, there is in no country such a bald proposition as we have here to take the contribution from the workmen. There is no precedent for the proposal in this bald manner. I do not think the Chief Secretary, or any honorable member who has spoken has advanced any valid reasons why this provision should be retained in the Bill.

Mr. MURRAY.—What are the reasons why it should not be included?

Mr. ELMSLIE. — I should have thought that when a departure was proposed those who proposed it would have attempted to justify it. That, I claim, has not been done. The honorable member for Gippsland West took a certain view which I shall attempt to answer. It has been argued that this measure should not apply to the producers in the country, because they cannot pass the charge on. Other industries, especially the manufacturing industries, have an opportunity of passing the charge on to the consumer. That opportunity, it is argued, cannot be availed of by the agriculturist. While that may be partially true, we ought to take into consideration what the State has done for the producers, and what it is doing. Our producers are looked after just as well as the producers in Queensland, New South Wales, or any other part of Australia, and a good deal better than the farmers in Great Britain. We say that the great bulk of our produce is exported. The British farmer, with whom we compete, is called upon to pay his contribution; and I think he has made no protest up to the present time. Even on the same terms our producer would be beating him. I would not be anxious to do an injustice to the producing interests of the community. I would not place our producers in a worse position than those of other countries with whom they compete. The honorable member for Gippsland West was very careful to say that the basic principle of the measure was hardly one of justice, but one of humanitarianism. I claim that it is nothing of the sort, and that the basic principle of it is justice, and not humanitarianism at all. To strengthen his case, the honorable member went further. He introduced a strong sentimental aspect, and pictured in very graphic terms what might happen to the daughters of some man if he were killed, and they were thrown on the world to battle for themselves. I am of opinion that the basic principle is justice; and while this measure may appeal to our humanitarian feelings, we claim that it is that measure of justice we have been deprived of for so long.

Mr. J. W. BILLSON (*Fitzroy*).—Is not humanitarianism justice?

Mr. ELMSLIE.—Not in the sense that the honorable member for Gippsland West used the word.

Mr. MURRAY.—Humanitarianism is a long way above justice frequently.

Mr. ELMSLIE.—The honorable member for Gippsland West followed the very bad example set by the Chief Secretary in advancing no arguments why this principle should be introduced. The honorable member for Gippsland West asked why we should be called upon to do this, and other questions, but advanced no arguments in favour of the proposal. He drew a picture of extreme cases. He let his imagination almost run riot in picking out cases that might happen. Any of us could set our imaginations going, and bring into existence all sorts of impossible accidents. Then we could ask why the employer should be called upon to pay in such cases. He called honorable members' attention to the fact that two workmen in a workshop might have a fight, and one injure the other; and added that the injured one would have a claim for compensation.

Mr. MACKEY.—That case actually happened.

Mr. ELMSLIE.—It is quite possible.

Mr. MURRAY.—Then that is not drawing on the imagination.

Mr. ELMSLIE.—The honorable gentleman knows how his own leader described the speech. There are extraordinary cases continually happening. I do not think it is the duty of Parliament to attempt to frame legislation to deal with extreme cases.

Mr. MACKEY.—Unfortunately, they are not extreme cases; they form the majority.

Mr. ELMSLIE.—Fighting cases?

Mr. MACKEY.—No.

Mr. ELMSLIE.—I take it the honorable gentleman refers to the contention that the majority of accidents are caused by the carelessness of workmen themselves.

Mr. MACKEY.—As well as accidents unpreventable.

Mr. ELMSLIE.—I claim that there are no accidents that are unpreventable. The honorable member referred to acts of God, which I do not think can be described as accidents.

Mr. MURRAY.—Do not a great many accidents occur through the carelessness of the worker?

Mr. ELMSLIE.—I deny that absolutely, and I go so far as to say that very often when an accident is attributed to the carelessness and negligence of the

workman, the employer is in a large measure responsible. Most of these accidents that are supposed to be caused by the neglect of the workmen are due to the speeding-up process under which men are not given proper time for their work. If a workman takes what the employer regards as too long a time to perform a certain piece of work, that man is discharged. While he may not be told directly to hurry up, he knows that if his task is not quickly completed he will soon be discharged, and looking for employment. Let me refer to an incident which came within my own experience when I was in charge of a large number of men engaged in the erection of a building. The employer told me to destroy every pole, rope, or anything else connected with the scaffolding about which I had any doubt. The understanding was that there was to be no doubt in my mind as to the stability of any of the scaffolding. In accordance with his directions proper scaffolding was erected.

Mr. MACKINNON.—Strong enough to hang a Government on?

Mr. ELMSLIE.—When the employer saw the scaffolding he asked me whether I was going to buy a carpet to place on it, which was a fair indication that he thought we were taking too much pains. Before that building was completed there was just as much jerry scaffolding as usual. I was endeavouring to deal with the statement that the great majority of accidents are due to the negligence and carelessness of employés.

Mr. MACKEY.—Together with acts of God. The two classes form the big majority.

Mr. ELMSLIE.—I cannot see how an accident can be an act of God.

Mr. MACKEY.—I am using the term in the legal sense—an accident not preventable by reasonable precaution on the part of either the employer or the workman.

Mr. ELMSLIE.—I have already said that I believe every accident is preventable. A great many accidents attributed to the negligence of the workmen are not wholly or solely due to that. Very often there are many contributing factors. When there is a certain set of circumstances at one time then we have an accident. That set of circumstances is not due to the carelessness of one man, but is the result of several contributing causes. Therefore, the blame cannot always be laid on the shoulders of any particular individual. In this Bill an attempt has been made to meet cases which are the result of the serious and wilful misconduct of workmen. The honorable member for Gippsland West has had a legal training, and I have not, so that I would not say that my opinion is of more value than his. In answer to an interjection by the honorable member for Brighton, the honorable member for Gippsland West said he would rather take the opinion of the House of Lords or the Law Lords than that of the honorable member for Brighton.

Mr. MACKEY.—I did not make a contrast in that way.

Mr. ELMSLIE.—That was the effect.

Mr. MACKEY.—Then it was not intended.

Mr. ELMSLIE.—As a layman with some experience gained by reading measures committed to this House, I should say that that clause is very clear, and would meet what it was intended to meet. Probably the clause was not designed to meet what the honorable member for Gippsland West would like it to meet.

Mr. MACKEY.—Which clause?

Mr. ELMSLIE.—Clause 5.

Mr. MACKEY.—Which part of it?

Mr. ELMSLIE.—That dealing with serious and wilful misconduct. I do not think that the clause was intended to meet what the honorable member would like it to meet. The impression I formed from the honorable member's speech was that he would have liked the clause to have a wider application.

Mr. MACKEY.—What I did say was that I would not like that defence to be raised in a case of death or permanent disablement.

Mr. ELMSLIE.—Yes, I believe the honorable member did. I do not want to do him an injustice. On more than one occasion he asked, with much emphasis, why the employer should be made to bear the whole of the cost of compensation in connexion with an accident. I ask why an employé should be made to bear any of the cost? Under any circumstances, whether the employer has to make the whole of the contribution to the fund, or whether this Bill is carried, every workman who meets with an accident has to pay altogether above his fair proportion. Under the compulsory contributing clauses of this Bill he would have to pay a weekly sum, but the moment he meets with an accident two-thirds of his

wages are also stopped. Therefore, while he is ill he makes a contribution of two-thirds of his wages, and if he has a limb broken, or is otherwise seriously injured, he has to endure perhaps months of suffering. He has not been the cause of the accident, which may be due to the carelessness of the employer or of a fellow employé, yet the moment he meets with that accident, for which he is not responsible, he has to give up two-thirds of his wages. That is his contribution, and I think it is an ample contribution. Supposing that the case as presented by the honorable member for Gippsland West was a proper case, and that all these extraordinary accidents could and would happen, what increase, I would ask, would they make in the premium which the employer would have to pay? It would amount to practically nothing. I think that the idea that the omission of the clause will inflict an injustice on the employer is all imagination. If the clause is omitted, the employer will not be called upon to make any extra payment. I was very much impressed by the remarks of the honorable member for Toorak. He has had experience of the working of the Workers' Compensation Act in Queensland. He argued against the contributory clause, and he was indignant that the employé should be called upon to make any contribution. The claim for compensation in the event of a worker being injured while engaged at his industry is based on justice, and not on humanity. An employer investing his money in an industry does not do it for fun, but for profit. If he uses machinery, he allows for depreciation of machinery and renewals. He does not pay for depreciation and renewals out of profit, but the expenditure is charged up to the capital invested in the business. I hold that charges caused by accidents to workers should be thrown upon the industry. The Chief Secretary claims that the charge is thrown, not on the industry, but on the individual. That may be true in its literal sense, but if that man is engaged in an industry in competition against other men, then the charge is not against the individual, but against the industry. Machinery is necessary to carry on certain industries successfully, and so are workmen, and we can claim, with justice, that every employer employing labour should make the same provision to pay compensation in the event of his workmen meeting with accident as he does for the breakage, waste, or depreciation of machinery.

Mr. McCUTCHEON.—I am in some doubt as to how to apportion the amount of justice and the amount of humanity in this case. I can understand the remarks of the honorable member for Gippsland West when he pointed out that workmen might sometimes be the cause of accidents to themselves, and even to their fellow-men, and that it might be hard for the employer to have to bear the result of another man's fault. I think that we might let these considerations of humanity and justice stand aside in view of the practical results to the workmen and the employers. I am against this contributory clause being passed to the additional taxation of the employés. The question of its effect upon rural industries I can leave to the end of my remarks, but I am not unmindful of that phase of the matter when speaking in favour of knocking out the clause. Apart from the absurdity of the way it would work in many cases, I would like to point out the difference that it makes between various classes of employés. In Queensland, the rate of insurance for drapers is 5s. per £100. The rate for domestic servants is 6s. per £100. The rate for employés in a boot and shoe factory is 17s. 6d. per £100. The rate for employés in printing factories is 15s. per cent.; and the rate for farm labourers 15s. per cent. The rate for stevedores and dock labourers is 60s. per £100. The draper has to pay 20-52nds. of 1d. per week, or about ½d. per week; and domestic servants just a shade over a ½d. per week. For boot and shoe factory employés, the rate is nearly 1½d. per week. The rate for printing-office employés is much the same, and also for farm labourers. Stevedores and dock labourers, however, under the contributory system, would have to pay four times as much per week.

Mr. MURRAY.—That applies to the employer also.

Mr. McCUTCHEON.—There is no doubt about that.

Mr. WARDE.—The employer pays the whole of the insurance in Queensland.

Mr. McCUTCHEON.—I am speaking of the effect on the workmen. Under the clause, the employer would have to pay one-half the insurance. Under what

principle of justice does the Government propose that? Why is it proposed that the employer should pay half? It is because the Committee naturally assumes that the employer is in a position, owing to the profits he makes, to pay it.

Mr. MURRAY.—That is the humanitarian part of the clause.

Mr. McCUTCHEON.—Exactly.

Mr. MURRAY.—Justice is what you propose to take from the employé.

Mr. McCUTCHEON.—I am pointing out the injustice the contributory clause will inflict on different classes of employés. Why should the farm labourer or the boot and shoe factory employé be let off with the payment of ½d. per week, and the dock labourer be charged 4d. or 4½d. per week?

Mr. MURRAY.—If there is no contribution, how will it affect that question?

Mr. McCUTCHEON.—The industry should bear the whole of the cost. Under the clause the employer is asked to pay half of the cost. The clause will inflict an injustice on employés. If we pass it, we must make a special provision, and either raise the contribution from the five classes of employés I have mentioned other than wharf labourers, or make a deduction from the contributions of the wharf labourers, so as to make the position of the employés equal. If you could prove that a wharf labourer receives such regular employment—we know he does not—and such high pay that he can afford to pay more than other employés, I could understand it, but I am not aware that wharf labourers are placed in such a happy position that they can afford to pay four times as much as any other employés. The Government propose to make one class of employé pay much more than another class, and yet, in the eyes of the law and the community, they are all employés, and should pay alike.

Mr. MURRAY.—You say it would lessen the injustice to the employer if he were compelled to pay it all.

Mr. McCUTCHEON.—No. I would allow the contributory system to remain with regard to rural industries, but in other industries the employers can pass the cost on to the public.

Mr. MURRAY.—You say that the employer in certain industries other than the primary industries can pass the cost on?

Mr. McCUTCHEON.—Yes. That has been done in other matters. Where wages have been increased by Wages Boards the employers have had to pass on the increased cost to the general public. If they had not done so, they would have had to close up. I say that in this case the employer could pass on the increased cost as well as in any other case.

Mr. McGREGOR.—A very logical observation.

Mr. McCUTCHEON.—Though I do not consider that the Old Country is in such a position as to be able to dictate to us in any way about this matter, we should pay some attention to their experience. Let the industry bear the whole cost, and then all the employés will be treated alike.

Mr. MURRAY.—You are tender about doing an injustice to the employés, but you do not mind about an injustice to the employers.

Mr. McCUTCHEON. — The Chief Secretary is one of the most intelligent and farseeing men I know, and when he makes a remark like that I believe he does it deliberately to throw me or the Committee off the track. I have pointed out that no injustice is done to the employer, because he can pass the charge on. The general public would have to bear it. That is done in nearly every case. We might pass a law saying that the employé shall bear the charge, but who would bear it? The employé would pass it on to his employer in many cases.

Mr. MEMBREY.—Every time.

Mr. McCUTCHEON.—We are simply giving the employé an additional ground for asking for additional wages. The employer will pass the cost on, and ask the public to pay it. We know very well that in nearly every business there is such a state of competition that there is not much margin left for additional charges to be put on, and if the law puts this additional charge on the employer he will simply have to circularize those who employ him, and tell them that, owing to the State charging him an additional amount to carry on his business, he will have to charge the public more. In the end, the general public will have to pay. I do not think I need try to dig this into the Chief Secretary's mind any more. I believe he sees it perfectly well. It is one of the well-known political laws. I am not a political economist, but all of us who are business men know that charges of this kind do not fall on the parties they are

supposed to fall on, but are passed on to the general public. I have pointed out previously that there will be a difference between the position of the Commonwealth employé and the employé that works in this State.

Mr. MEMBREY.—It will lead to a lot of confusion.

Mr. McCUTCHEON.—It will lead to a lot of confusion, and cause a lot of injustice.

Mr. MURRAY.—I presume that, under any circumstances, whether you have contributions or not, it will lead to confusion.

Mr. McCUTCHEON. — No. If we abolish the contributory clause we place every workman in exactly the same position as the Federal workmen.

Mr. MURRAY. — You think we should make our laws an exact replica of those passed by the Commonwealth?

Mr. McCUTCHEON. — Not at all. What we want to do is to place our workers in the same position as those employed by the Commonwealth.

Mr. MURRAY.—Who passed that Commonwealth law?

Mr. McCUTCHEON.—I do not know that it is a law; I know that it is the practice.

Mr. MURRAY. — When was the Act passed?

Mr. McCUTCHEON.—I cannot say when it was passed. It is an Act in existence now.

Mr. MURRAY.—That was the work of the Labour Government that you helped to destroy.

Mr. McCUTCHEON.—It does not matter if it was the work of Mars.

Mr. MURRAY.—Do you think that party was likely to do absolute justice to the employer?

Mr. McCUTCHEON.—The honorable member for Prahran has just informed me that the English Act was brought in by the Conservative party. That party often dishes the Whigs. It tries, of course, to win the approval of the public.

Mr. MURRAY.—We ought to be thankful that we have no such Governments here.

Mr. McCUTCHEON.—Without making any special reference to the present Government, my experience is that Governments are always trying to dish the other fellows.

Mr. MURRAY.—When are you going to deal with the primary producer?

Mr. McCUTCHEON.—I shall deal with the primary producer when I have finished with this matter, as far as the factories are concerned. Without being offensive to the honorable gentleman, I must say that the Chief Secretary is very disorderly.

Mr. MURRAY.—I accept the rebuke.

Mr. McCUTCHEON.—It is not a rebuke, but a friendly admonition. The honorable gentleman is making interjections that have no bearing on my remarks. I am only too delighted to receive interjections and to reply to them so long as they bear on the subject. I do not think that many of the honorable gentleman's interjections have any logical bearing on the points I have been making. I am trying to point out in connexion with the working of this measure, where a large number of workmen are employed in the city, the difficulty that will be found in deducting the pence. The Bill informs the employer that he has to deduct——

Mr. MACKEY.—No, no; that he shall be entitled to deduct.

Mr. McCUTCHEON.—We know what human nature is. The employer is supposed to deduct if he wishes. I am coming now to the very essence of the point that the Chief Secretary raised. If the suggestion of the honorable member for Gippsland West is carried out then the Committee is inviting the employer to pay, not merely half, but five-sixths.

Mr. MACKEY.—No, you are doing that.

Mr. McCUTCHEON.—I want to point out that the cost very often of doing this will be more than the amount that the employer deducts from the man's wages.

Mr. MACKEY.—Why will that be?

Mr. McCUTCHEON.—A man may have 100 or 200 employés, and how much will he have to deduct from their wages every week?

Mr. MACKEY.—Don't ask me.

Mr. McCUTCHEON.—The employer will have to deduct 2s. 6d. from the wages of his domestic servant—that is 2s. 6d. per annum, when the wages paid may amount to not more than £50 per annum. I do not feel proud that we should have to entertain such an idea. We are to call on the employer to deduct at the rate of 5s. per £100 from the wages of his domestic servant when he may pay her only £50 a year. If he pays her £1 a week the deduction will amount to the magnificent sum of 2s. 6d. for the year. I think the proposal is monstrous. It would be

discreditable to a country like this to pass such a law. This is the rich and happy Australia, and we are encouraging immigrants to come to this country from a country in which these deductions are not made. I hope the Committee will reject the proposal. We can see the bearing, not merely on the domestic servant, but on the artisan, from whose wages this trifling amount must be deducted. If a man employs 100 men he may think it worth while to deduct 1½d. or 2d. a week from each man's wages for the insurance. Perhaps some employers will do it. If they do it they will have to go to a lot of trouble in calculating, and then in the end the thing is so paltry that it is not worth while troubling with. I do not think country members can accuse me of having been neglectful, ever since I entered this House, of country interests in giving my votes. While dealing with these matters in the city we know that we have to depend on the country for all we have and all we get. There is no question about that. If this proposal were going to bear heavily on the country I would say that some special means should be found to relieve the country. For the farm labourer the amount is only 15s. per £100, and the burden would be so small that I do not think country members can reasonably say that the industry would feel it.

Mr. MURRAY.—Are you not getting away from your former argument—that the great captains of industries in the cities can pass the charge on?

Mr. McCUTCHEON.—The country producer cannot pass the charge on except in regard to sales in the city, and not very perfectly then. If the contributory clause is knocked out the employers will have to bear the bulk of the cost.

Mr. MURRAY.—You are prepared to impose this injustice on them?

Mr. McCUTCHEON.—Not an injustice, if we can avoid it. Is it intended to sacrifice all the industries of the State to the country producer?

Mr. MURRAY.—You are going to sacrifice the country producer. You are in a fix.

Mr. McCUTCHEON.—I think the Bill is in a fix.

Mr. MURRAY.—You are up against the country producer.

Mr. McCUTCHEON.—No doubt the Chief Secretary, with his usual astuteness, is working as hard as he can on the feelings of country members to retain this proposal. When the Government brought in this Bill, where was their sympathy with the country member?

Mr. MURRAY.—We left him out then.

Mr. McCUTCHEON.—The Government were afraid of the country member leaving them out. When the country member studied this matter, and looked at it from the point of view of the Chief Secretary, he put pressure on the Government to make the proposal contributory, and the Government gave way. They were prepared to sacrifice the town employé to remain in office.

Mr. MURRAY.—The inexorable logic of facts.

Mr. McCUTCHEON.—The proposals of the Bill are in a cleft stick. You cannot do an injustice on one side in order to do justice on the other. If, as apparently the Chief Secretary admits, to do justice to the country we must do an injustice to the town, then I say why bring in a Bill that will do any injustice at all.

Mr. MURRAY.—I do not admit that.

Mr. McCUTCHEON.—You do an injustice to the country producer if you call upon him to pay a charge that he cannot pass on, and the corollary is that if you make the town employé pay a certain amount you do him an injustice, because he cannot pass it on.

Mr. MACKEY.—He gets it back in compensation.

Mr. McCUTCHEON.—It is for the Government and not for me to arrange the law so that injustice shall not be done. If it is so clear as it appears to me from the figures, it is the duty of the Government to find the means of remedying the injustice to the country producer. There may be a dozen ways in which it can be done.

Mr. MACKEY.—Name one.

Mr. McCUTCHEON.—It is not for me to do so. I leave it to honorable members and the Chief Secretary to digest the cases I have put. I have explained the effect on the town, and what will happen if the Bill is passed. It is for the Government to consider whether any means can be found to relieve the country. No one will be more pleased than I if that can be done. If I thought this proposal would injure the country to any serious extent, I would vote against insurance altogether. I do not think it will. I

think the result of passing the Bill will be for the benefit of the employer and the employé generally. On the principle, I am entirely with the Government in introducing this Bill. We all accepted the principle, and it would be an excellent thing if it were carried out. If, however, there are such anomalies and injustices as I have pointed out in the relations of the State and the Commonwealth of, say, the wharf employé and other employés, and of the town and the country, it is time for the Government to see whether they cannot adjust them in a better way than they have done. I will vote for the striking out of the clause, because I think that can be done without serious injustice to country interests.

Mr. MURRAY (Chief Secretary).—I recognise the ability of the honorable member for St. Kilda in stating a case. There is no member of this House who is usually more logical or more forceful when advocating a certain line of action than the honorable member for St. Kilda, but I do think he has got himself into a somewhat extraordinary position this afternoon, and one that is the more remarkable because of the honorable member's recognised—I do not wish to put it harshly—Conservative leanings. I do not think a higher compliment has ever been paid to the work of the late Commonwealth Government than has been paid it by the honorable member for St. Kilda.

Mr. J. W. BILLSON (*Fitzroy*).—Or one better deserved.

Mr. MURRAY.—I leave that for others to judge, but it brings him into this position—that we ought to model our legislation upon that of the party which was lately in power in the Commonwealth.

Mr. WARDE.—The honorable member for St. Kilda's party supported the Government in the Federal Parliament—it was a unanimous Bill.

Mr. MURRAY.—It was a much more limited Bill in its scope than the measure which we are now dealing with, and I dare say if honorable members other than Labour members who supported the Federal Bill were here, they would hardly be in agreement with the sentiments which have been expressed this afternoon by the honorable member for St. Kilda. When he was referring to the possibility of proprietors of great industries passing on any additional charge to the consumer, I interrupted the honorable member, and he properly rebuked me for my interrogative interjection. He promised to deal with the primary producers before he finished his speech. Now, the honorable member did deal with the primary producers probably in a way satisfactory to himself and others, but certainly not satisfactory to me or to those rural producers for whom I have some bowels of compassion. They are in an entirely different boat. By the way, there was one statement of the acting leader of the Opposition to which I would like to refer. He spoke of how much had been done by the Government and this party for the primary producers. He even went so far as to declare them spoon-fed. I hope those words will be carried throughout the length and breadth of Victoria. We have heard from the Labour orator on the platform that this Government is doing nothing, or is disposed to do nothing, for the primary producers. Here we have the testimony of the acting leader of the Opposition. His statement is clear that we have done much, and, inferentially, it is fair to assume that, in his opinion, we have done more than the primary producers deserve to get. I can assure the honorable member that I am thankful for his having made that statement for publication in the country. It will not do the present Government or the Liberal party any harm; in fact, in some future campaign it may be very conspicuously used.

Mr. ELMSLIE.—Now you have had your little bit of satisfaction, I would like to ask what has all this to do with the Workers' Compensation Bill?

Mr. MURRAY.—Then why did the honorable member drag it in? I did not introduce it into the debate, but I think it occupies a very proper place, and was very correctly introduced. There is one mistake which honorable members who oppose the proposition labour under. They treat it as some original proposition which operated in no other country in the world, and as though it was going back into the dark ages, and that it was something retrogressive, whereas we claim that it is absolutely progressive.

Mr. J. W. BILLSON (*Fitzroy*).—Like a crab.

Mr. MURRAY.—The honorable member for Fitzroy honestly believes that he has the whole of the intelligence of the House, and is the only one endowed with Liberal sentiments.

Mr. ELMSLIE.—There are a pair of you.

Mr. MURRAY.—I have never claimed any such distinction. Even if such legislation had never been in existence in any civilized country in the world, would that be a sufficient argument against its introduction here if we can show that the principle is a sound and good one, which I shall endeavour to prove before I sit down? However, I say that the statement of the acting leader of the Opposition is far from being a fact, and that the principle has been adopted in the legislation of a good many countries outside Australia. Even in Australia, if not for accidents, the labourer is called upon to contribute for benefits which he is to derive. I have a memorandum showing how the premiums are contributed in other countries where the premiums are not wholly borne by employers. We are told that there is nothing of the sort in Germany. On inquiry, I find that in Germany the worker has to contribute to some extent to the fund from which he is compensated for accidents.

Mr. ELMSLIE.—And for many other benefits besides. Why do you not say so?

Mr. MURRAY.—I will state exactly what the law is in Germany by reading a very brief paragraph, and leave honorable members to judge whether the statement that there is no such legislation as this elsewhere is an exactly correct one. This is the way in which the premiums are contributed in Germany—

> Paid by employers. Employé does not contribute directly, but sickness due to accident is paid for during the first thirteen weeks principally out of ordinary sickness fund, to which the workman contributes two-thirds of the contributions.

Mr. J. W. BILLSON (*Fitzroy*).—Is that sickness caused through accidents?

Mr. MURRAY.—He contributes two-thirds to the fund.

Mr. J. W. BILLSON (*Fitzroy*).—Then it is on a par with our friendly societies.

Mr. MURRAY.—The sickness is due to an accident.

Mr. J. W. BILLSON (*Fitzroy*).—Not necessarily.

Mr. MURRAY.—The memorandum goes on to state—

> It has been estimated that by these means the employé contributes 10 per cent. to the accident fund.

Mr. SNOWBALL.—Ninety per cent. is paid by the employer.

Mr. MURRAY.—Now I come to Austria—

> Paid by territorial insurance associations, to which the employés contribute 10 per cent. and employers 90 per cent., the contributions of the employés being deducted from their wages.

Mr. J. W. BILLSON (*Fitzroy*).—What are the benefits?

Mr. MURRAY.—They are not given.

Mr. ELMSLIE.—Then what is the good of that?

Mr. MURRAY.—Honorable members on the Opposition side of the House do not like these home truths, and they cannot remain silent for a few minutes.

Mr. J. W. BILLSON (*Fitzroy*).—Neither could you when the honorable member for St. Kilda was speaking.

Mr. MURRAY.—I am no oracle. I do not manufacture these things. I am giving particulars of the laws of these countries, and honorable members have committed themselves to the statement that no such proposal as is contained in this Bill is the law anywhere.

Mr. ELMSLIE.—And we repeat it.

Mr. MURRAY.—When their assertions are disproved they do not like it.

Mr. ELMSLIE.—The honorable gentleman is only telling half the truth.

Mr. MURRAY.—The next country I come to is Hungary—

> All benefits and cost of treatment for first ten weeks provided by sick funds, to which employers and employés contribute equally. Beginning with eleventh week, entire cost is defrayed by employers through the accident fund.

Then, in Luxemburg—

> Benefits and cost of treatment first thirteen weeks provided by sick benefit funds, to which employers contribute one-third and employés two-thirds, if injured person is insured against sickness; if not, because employed less than one week, by an accident insurance association supported by contributions of employers; if not insured for other reasons, by the employer direct. All benefits and treatment after thirteen weeks paid by accident insurance association.

There is also Greece, which is the oldest and, perhaps, newest civilization in the world—Greece, to which we owe so much. Whence come those finely rounded periods of oratory which delight us sometimes from the Opposition side of the House, if not from Greece, the home of art, the mother of art, and of science and civilization? If you study the history of Greece, then among the parties there you will find a prototype to the party which sits on the Opposition side of the House.

Mr. ELMSLIE.—It is a good job you can find a prototype for our party some-

where. It is impossible to find a prototype of your party anywhere.

Mr. MURRAY.—We have, perhaps, reached a higher plane than any other party. I am modest.

Greece.—Mines, quarries, and metallurgical establishments:—Employer carries full burden of payment of indemnities during first three months; after three months, half the payments of pensions are contributed by the miners' fund, which is mainly supported by a tax on the mines and metallurgical establishments, but partly by contributions from the workmen's mutual aid societies in these establishments and some minor sources.

I do not know whether it is voluntary—

Norway.—Premiums paid wholly by employers, but costs of administration are borne by State Treasury.

France.—For seamen. Employers and workmen pay one-half.

Mr. ELMSLIE.—What benefit do they get in return?

Mr. MURRAY.—Compensation for accidents, I presume. We are told that there is no such legislation elsewhere. I am showing that there is nothing new in our proposal. I am not now saying whether it is right or wrong.

Belgium.—Paid wholly by employers, except miners' insurance, to which employers, workmen, State, and province contribute.

There you have the highest authority, the State, and then the province, the employers, and the workmen.

Mr. ELMSLIE.—The whole of the compensation in Belgium is paid by the employer.

Mr. MURRAY.—Nothing of the kind. These facts have been very carefully collated by the Government Statist, Mr. Laughton. He got this information from the laws of these countries. Both honorable members take up the ground that the workers should not be called on to contribute, and that the employer, except in the case of the primary producer, could pass it on. The leader of the Opposition asks the very pertinent question, Why should the worker be called upon to contribute? I might reply to the honorable member by asking another question. Why should the employer contribute the whole of the compensation?

Mr. TUNNECLIFFE.—Because the employer gets the benefits.

Mr. MURRAY.—Who gets the immediate and direct benefits? The employer is deprived of the services of the worker.

Mr. SNOWBALL.—He gets the profits of the industry.

Mr. MURRAY.—Honorable members have pointed to cases in which the premiums are high owing to the nature of the occupation, and they point out the inequality between one employer and another employer in different industries. They ask why one employer should pay as high as £2, perhaps, while other employers should pay as low as 5s. In some dangerous occupations, an employer may have to pay as much as £4. But a Workers' Compensation Bill is not the place in which to endeavour to rectify that. The rectification of that disparity, both for the worker and the employer, should be done in another way. The worker in these very dangerous occupations should have consideration in the matter of higher wages, so that he would be better able, or as well able, to pay his percentage of the contribution for the risk that an insurance company takes in insuring him. Through these higher wages, it would be as easy for him to pay as it is for a man who receives a smaller wage through being engaged in a less dangerous occupation. The same, of course, applies to the employers. Having to pay a higher wage on account of the nature of the occupation, does not the employer make a higher charge to his customers? Then does it not level itself out? But if it be not so, does the contribution on the part of the State and the contribution from the workers affect the situation as between one employer and the other? I think that is entirely beside the argument. What we want to ask is this—Is it a fair proposition; are you conferring such benefits and placing such safeguards around the worker that he is entitled to contribute? Should the employer bear the whole burden of it? We have heard something about interfering with the decisions of Wages Boards. It has been said that the Wages Boards have determined that the worker shall receive so much, and that we are coming along and deducting something from his wages and interfering with the determination of the Board, or the decision of an Arbitration Court. But we are giving the worker, at any rate, something in return for that. We give him at least prospective benefits. But if we make the employer pay at all, we are also to as great, and possibly to a greater extent, interfering with the determination of a Wages Board.

Mr. MEMBREY.—No, no.

Mr. MURRAY.—In most melancholy tones the honorable member for Jika Jika says "No, no." But are we not doing that? Is not the employer paying something more to the workman for these benefits than he would otherwise have to pay?

Mr. SNOWBALL.—The employer benefits as much by this kind of insurance as the employé does.

Mr. MURRAY.—He ought to benefit, but the person who benefits to the greatest extent is the one honorable members plead should make no contribution. The idea seems to be that the worker shall have nothing but privileges, and that all the obligations and liabilities shall be passed on to the employer. That would be placing the Australian workman in a class apart, and putting him above criticism. I am showing what is done in other parts of the world.

Mr. SNOWBALL.—The English legislation is different.

Mr. MURRAY.—Have we ever attempted to model our legislation in industrial matters on that of England? Have we not been in advance of English legislation?

Mr. ELMSLIE.—In England they have had a Compensation Act for years, and we have not one yet.

Mr. MURRAY.—I dare say that Act is an archaic thing, not satisfactory to one party or the other. I fancy that no one would claim that the English Act is a perfect piece of legislation, and that it would be wrong to amend it.

Mr. ELMSLIE.—It is immensely superior to nothing.

Mr. MURRAY.—It may be superior to nothing, but be a very long way from being the best legislation possible. Why should we take the English legislation because it has been in operation for a number of years, and adopt it without any alteration whatever, without considering the different conditions that exist here?

Mr. ELMSLIE.—There has been no agitation for its amendment.

Mr. MURRAY.—When there is an element of good in anything there is never an agitation for its repeal, but there may be an agitation that it should be modified or amended. I cannot understand the argument which has been used against this Bill, that this is not the Bill which the Government originally introduced. I wonder how many Bills, in the history of Victorian legislation, have been passed without any alteration whatever. Some of them, possibly, by alteration have not been improved.

Mr. SNOWBALL.—We are going to improve this one.

Mr. MURRAY.—The Government have been taken to task because, after consideration, we accepted suggestions, and have not brought in our original Bill but another Bill, embodying certain amendments. If we are convinced that the suggestions were correct, and that the principle was right, why should we not do that?

Mr. TUNNECLIFFE.—You sell your principles and stick to office.

Mr. MURRAY.—It has nothing to do with the question of sticking to office. I dare say we could have carried the original proposals of the Government.

Mr. J. W. BILLSON (*Fitzroy*).—I believe you could if you tried, but you did not want to.

Mr. MURRAY.—If this Bill becomes law it covers the whole of the workers of the State. No one is left out. If the original Bill had become law, a great number of workers would have received no protection from it whatever. If we sacrificed something, I contend that the principle of what we have adopted is a sound one—that of contributions being paid by all the parties concerned—the State, the employer, and the worker.

Mr. TUNNECLIFFE.—The honorable gentleman is labouring hard to convince himself.

Mr. MURRAY.—I would never labour hard to convince such a cock-sure gentleman about his being right as the honorable member for Eaglehawk. It would be effort wasted. I would never try to bring him into the fold by reason or gentle suasion or anything of that kind. We are protecting the whole of the workers. Honorable members know that the lot of the man on the land is not what it is frequently painted by the orator in the town. He has not a rosy time of it. Sometimes he has very little to spare. It would fall heavily upon him if he had to pay the whole of the cost. It would be an additional tax upon him. If the farmer could pass the tax on it would be all right, and then it would be, not the employer, but the whole of the State that would provide for this compensation.

Mr. SOLLY.—What is the margin of profit of the man on the land?

Mr. MURRAY.—It varies considerably. It may be 20 or 30 per cent. in some cases, and 50 per cent. loss on his capital the following year.

Mr. ELMSLIE.—The only way to judge is by the wills of the men who die.

Mr. MURRAY.—I notice very few millionaires dying among the men on the land. A few thousands is all that the farmer leaves when he is gathered to his fathers. His will may be proved at £3,000 or £4,000, and then some people hold up their hands in horror and indignation at the man dying disgraced in dying so rich. He may have left £2,000 or £3,000 to support his family, which usually numbers a dozen or more. They think nothing of the life that man has spent on the land. He went there when he was a young man, in the full vigour and strength of his manhood, and tackled the hardest of occupations. He has made a smiling homestead out of the wilderness, and it is said that he deserves no reward for that. My feeling is entirely different. I should like to see this sort of man twice as rich. I am dealing with the question of the ability of the men on the land to meet the added obligation which the passing of this Bill would impose upon him. There have been several points of objection. The first is that this is original legislation, and has not been passed in any other country. That objection falls to the ground by its own weight.

Mr. MACKEY.—It had no weight.

Mr. MURRAY.—It vanishes, then, into the thin ether. Then, again, very similar legislation exists in other countries. Is it such a criminal thing to ask for this contribution in the case of an accident, and can it be such a righteous thing to say it is fair for the worker to contribute in case of sickness? Why should not the employer in the Old Country be called upon to pay the whole cost of provision for the worker when he falls ill?

Mr. ELMSLIE.—That is a different thing altogether.

Mr. MURRAY:—I cannot define as some honorable members can. It must be natural obtuseness on my part. I cannot take a lawyer's view, and get round two obvious propositions that are standing very much on the same ground. If it is right in the one case, it cannot be altogether wrong in the other. Then as to the amount, one of the objections is that the amount is so small. The honorable member for St. Kilda says it will be so small that it will not be worth the bother of deducting it. Well, there is nothing to compel the employer to deduct the amount, so that he can easily get rid of the bother. If we were proposing to mulct the worker in a heavy amount, it might be a substantial objection; but the fact is that we are making a very small deduction and giving a huge benefit for it. Nevertheless, certain honorable members are up in arms against the proposal, and say it is unfair and inequitable, and, above all, that it is original. These are really the objections, boiled down, to the proposal in the Bill; and I do not think they are sufficient to make honorable members reject the proposition as it stands in the measure.

Mr. HUTCHINSON.—I followed the light and airy speech of the honorable member for St. Kilda, but I failed to be convinced by the proposition he put before the Committee, and which he seemed to think was so easy—"pass this burden on to the consumer." I know the assumption is that the burden, whilst it is nominally carried by the employer, is actually carried by the community generally; and I frankly admit that that assumption is correct in its general application. It is correct with regard to manufacturing industries, but it is not correct in its application to rural industries. We are told to recognise the fact that in this matter Victoria has been lagging behind the other States. We are told that we should come up into line with those States, and give the workers of Victoria the same compensation privileges as are enjoyed by the workers throughout the other States of Australia. Let me say that if we pass the contributory clauses, and include all rural workers within the scope of the Bill, we are going miles ahead of the other States, with the exception of Queensland and Western Australia. The New South Wales Act contains the limitation that the workers' compensation provision shall only apply where four or more employés are engaged. It also contains the following provision—

> 3. This Act shall apply to employment by the employer on, in, or about—
>
> (*a*) any railway, tramway, factory, workshop, mine, quarry, wharf, vessel, engineering, or building work, any building used for dumping or storing wool, carried on by or on behalf of the employer as part of his trade or business; or

(*b*) any other employment carried on by or on behalf of an employer, as part of his trade or business which is declared by proclamation to be dangerous; provided that no such proclamation shall be made except pursuant to resolution of both Houses of Parliament.

Mr. MACKEY.—And even in those cases the employer has defences which this Bill does not give him.

Mr. HUTCHINSON.—In the Tasmanian Act we find this limitation—

"Worker" means any person employed in any manual labour where the remuneration does not exceed One hundred and fifty-six pounds a year in any railway, factory, mine, quarry, or engineering work, or any other industry to which by resolutions passed by both Houses of Parliament the provisions of this Act are applied; but shall not include a person whose employment is of a casual nature.

The South Australian Act says that "workman" does not include, *inter alia*—

(*e*) A person employed in agricultural, horticultural, viticultural, dairying, or pastoral pursuits, and not at the time of the accident using steam, oil, water, gas, electricity, compressed air, or other like mechanical power; or

(*f*) Any clerk or domestic servant.

What I want to urge is that we have gone far in advance of the majority of the States in framing the Bill in its present form. The three States I have named deliberately exclude all rural workers. We are making the sweep of this Bill all-embracing. We are embracing all employés, and we, the representatives of country interests, say we recognise the wisdom of the principle that provision should be made for the compensation of the worker; but we point out that the doctrine put forward by the honorable member for St. Kilda, and by the acting leader of the Opposition, that the burden can be passed on by the employer to the consumer, cannot apply so far as the rural industries are concerned. We know that every increase in wages in the city has been passed on to the consumer, and is reflected in the rise of the prices of commodities generally; but that does not apply to the products of rural industries. I want to put what seems to me a very striking case, as revealed in the commercial columns of the *Argus* last Saturday, in the review of prices at the end of the month of August. It takes the prices of all rural products this time last year, and compares them with the prices as they stood last week. We find that, although all other commodities have gone up in price in sympathy with the increase of wages and the general improvement in the conditions of the workers, there has been no corresponding increase in the prices of rural products. On the contrary, the prices of rural products have shown, and still show, a very substantial decline.

Mr. MACKINNON.—Is that all the world over, or only in Victoria?

Mr. HUTCHINSON.—I am speaking now only of Victoria. At the end of August, last year, the price of wheat was 4s. 4d.; this year it is 3s. 8½d. Flour, last year, was £9 10s.; this year it is £8 15s. Bran was £5 15s. last year; it is £4 15s. this year. Pollard was £6 10s. last year; and £4 15s. this year. Oatmeal, £21 last year; and £16 10s. this year. Oats, 3s. 2d. to 3s. 3d. last year; and this year, 2s. to 2s. 3d. Maize, last year, 4s. 1½d.; this year, 3s. 4d. Chaff, last year, £5 to £5 10s.; this year, £2 10s. to £3 7s. 6d. Potatoes, last year, £11 10s. to £12; this year, £1 10s. to £3. Onions, last year, £18 to £19; this year, £5 10s. to £5 15s. Butter, last year, 1s. 1d. to 1s. 2d.; this year, 11d. to 11½d.

Mr. ELMSLIE.—That shows how unreliable your figures are. We had to pay more for butter this year than for a long time past.

Mr. HUTCHINSON.—These are the wholesale quotations. Eggs last year were 10½d. and 11d. per dozen; this year they are 9d. and 9½d. It will be seen that every one of these rural products has suffered a substantial decline. It is only fair that the Committee should recognise that fact. I am not speaking generally on the wisdom of the contributory clauses; but I do say that in their application to the rural producers it is only fair, after we have agreed to knock out the limitation of the Act to an employer employing four or more persons, and after liberalizing the measure in many other directions, that the Committee should accept, as a compromise, the adoption of these contributory clauses. I think that is the only way in which the measure can be made acceptable to the country generally.

Mr. MACKINNON.—I think the honorable member who has just resumed his seat has made a very fair statement of the case from his point of view. I am sorry to say that I entirely differ with him in the conclusion I come to upon the matter,

and I am afraid that we shall find ourselves voting on different sides of the Chamber. It is perfectly true, as the honorable member says, that those who are engaged in rural industries may find it a little more difficult to recoup themselves for what, after all, is a very paltry outlay; but against that I would ask the honorable member, and those who think with him, to consider this: Will it not be very much more satisfactory for the farmer to do the whole of the insurance himself than to be pestered every week-end with a dispute with his employés as to how much is to be deducted from their wages? I have no doubt that the honorable member for Borung, like myself and others engaged in rural industries, has had some experience in settling up with shearers at the end of the shearing time. I do not know whether he has ever had a dispute with them as to what was to be deducted and what was not to be deducted; but I have no doubt the honorable member for Hampden will be able to instruct him on the matter, and will tell him that very often unpleasant difficulties arise. Under the clause those difficulties would be repeated every week. I think our country friends have raised up something which is very much more alarming in appearance than it is in reality. They say that the country producer cannot pass the cost on to the ordinary consumer. That may be true with regard to wheat, but how much wheat is raised by the farmers represented by the honorable member for Gippsland West?

Mr. MACKEY.—They produce butter.

Mr. MACKINNON.—There is a certain amount of butter produced, but a good deal more fat bullocks and fat sheep are raised. In the bullock country, which the honorable member for Toorak is so well acquainted with, and of which I personally have had some experience, the employers raise no objection whatever to this particular charge. They pay it gracefully. I may say, after what has fallen from the Chief Secretary, that the question has narrowed itself down to this: "How are we to make the Bill acceptable to the people in the rural districts? How are we going to make it acceptable to those who sometimes have a hard time?" When prices are good and harvests are good, no one has a better time than the farmer; but when times are bad he has to suffer. The question narrows itself down to this: "How are we to make it easy for the farmer?" I confess at once that it appears to me that, for the easy working of the measure, it would have been much better to have left it as it was originally, when the man employing only a few workmen was exempted. But nearly every farmer, when an accident happens to an employé in connexion with ploughing, sowing, or reaping, supports the injured man. I do not think there are many farmers who will cut off men's wages when they are injured, and tell them to clear out of the place. As a matter of fact, they generally pay the doctor's bill and pay the man his wages. Employment in the country is so unattractive that farmers really have to do that. If a farmer is a hard man, who says to an injured employé, "Get off this place, I do not want you," he gets a bad name, and men will not work for him. There is not such an abundance of agricultural labour available that employers can afford to do that kind of thing.

Mr. MENZIES.—That only comes very occasionally, but the premium comes every week.

Mr. MACKINNON.—The honorable member for Lowan has tumbled right in, if I may venture to say so. It is precisely the coming of this thing every week that will be the nuisance to the farmer. After a few weeks of it he will say, "I wish I had paid the insurance and had done with it." The honorable member for Toorak, and those of us who have had to pay these premiums in other countries, know how simple the matter is. All a farmer has to do is to calculate what amount of wages he will pay during the year, and pay a premium based on that amount. Then he has no further bother. How does that compare with having, every Friday or Saturday night, a dispute with one or other of the employés as to whether the right amount is being deducted?

Mr. WARDE.—The farmer would have to go into the township to get change of a threepenny bit.

Mr. MACKINNON.—Some of our country friends have created quite unnecessary unhappiness in their breasts with regard to this matter. If the Bill passes in its present form, they will have a great deal more trouble with their constituents than if the contributory clause is struck out. I am not going to argue the matter at any length, because it has

been thoroughly discussed on previous occasions. I may tell honorable members what I learned from hearsay in the Old Country, from both sides, as to the working of the National Insurance Act in England. The contribution there is invoked to give enormously large advantages to all classes. It was one of those great remedial measures rushed through Parliament, perhaps hurriedly. I heard on all sides that this contributory principle is irksome and unpleasant. When a man's wages are only 16s. or 18s. per week, it is very distressing for him to have a few pence deducted each week, and this causes much irritation amongst a large section of the workers. It is not worth while, for the sake of this small measure of justice or humanitarianism—I will leave the gentlemen who introduced these philosophical terms to say exactly what they mean—to invoke the contributory principle. As has been pointed out, we stand in a different position to all other States in regard to workers' compensation. It is no use saying that New South Wales is somewhat retrograde in this matter, and to emphasize the fact that perhaps Tasmania is somewhat retrograde. Tasmania has never been a particularly progressive place from a political point of view. Rather than worry the people of this country with the contributory principle—the constant annoyance of having to make contributions—I would revert to the provision in the original Bill, under which persons employing less than four employés were exempt. I think the honorable member for Gippsland West had something to do with the insertion of that provision in the original Bill. I think this contributory clause has been introduced largely to save the face of country members who raised objections. Well, it has served that purpose, and it is very desirable that we should drop it now. I think the honorable member for Gippsland West will allow me to say that I think it was introduced as a result of a little crusade of his down Warragul way.

Mr. WARDE.—You had better be careful about what you say about Warragul. It has become a great storm centre since you left Victoria.

Mr. MACKINNON.—Amid Ceylon's spicy breezes I read some very eloquent speeches that had been delivered by honorable members here. I could almost see the brandishing of a gun. I almost expected a cable informing me that the gun had gone off. That certainly made a somewhat unpleasant passage on the way out even more unpleasant, but I do not think that Warragul had very much to do with that. The honorable member for Gippsland West and those who place confidence in his political judgment may agree to drop this clause now. I think it has served its purpose, and saved the honorable member's face in regard to that campaign. I mean nothing——

Mr. MACKEY.—You are merely imputing bad faith, but it means nothing from you.

Mr. MACKINNON.—The honorable member is almost rude.

Mr. MACKEY.—You are extremely rude.

Mr. MACKINNON.—After what I have seen in the press, and heard in the House and in private conversation, I cannot help thinking that the honorable member cannot be so very keen about the contributory principle as he was at an earlier stage.

Mr. MACKEY.—Why are you keeping up your opposition to it, then?

Mr. MACKINNON.—The honorable member has got rid of some of his Warragulian steam, and I do not propose to argue the matter any further. I think it would be a great blemish on the Bill to adopt this principle. I am sure it would be extremely troublesome. I cannot help congratulating the Chief Secretary on the success he has made of this measure. Whatever may happen to this clause, we are in measurable distance of passing in Victoria a good Workers' Compensation Bill. I do not anticipate that if we pass it the Bill will meet with a bad fate in another place. I would emphasize this point. There is now a constant fight between this Parliament and the Federal Parliament, and it seems to me that it is the sort of reactionary movement contained in the clause—because it is really a reactionary movement if we examine it closely—that gives an impetus to the people to take away those powers which we hold, and I say, rightly hold, and give them to a larger Parliament. That, I think, is a fact which should influence any one in coming to a conclusion on a proposal of this kind. I think the honorable member for Borung stated his case very fairly. I am not like my friend from Gippsland West. I do not im-

pute any motives, or suggest that the honorable member for Borung made his speech with any sinister intention. It was a very fair speech from his point of view. I differ from the honorable member, and I think he argued from false premises when he said that the Bill would be more acceptable to the rural community with the contributory clause in it than it would be if the clause were dropped.

Mr. BAYLES.—I think all country members will admit that if any honorable member has any feeling of town against country, I at any rate always try to put such a feeling aside and look to what is best for the country as a whole. I object to the contributory principle. In the first place, I object to preference being given to a State Insurance Department. Under the clause the Government are to pay one-sixth of the premiums. Why should the Government do that? That money comes out of the pockets of the people. The Government Insurance Department will not be able to treat the employés as well as a private company could, because there will have to be certain rules and regulations in connexion with the Government Department which private companies do not carry out. We know that a Government Department would not act with the same kindly feeling towards injured persons that a company would have. We know that red tape and sealing wax are inseparable from Government Departments, and that will be the case with the Insurance Department. I may say that in Queensland we have not had the slightest bother at all with the insurance companies. It has been a bad business for my firm to insure from a financial point of view. We have been paying premiums for eight years, and all that has been received in return is about £30 or £40. This insurance company takes the word of our manager and pays straight away. If the Government have a regulation requiring certain things to be done, that regulation will have to be carried out. The private company will be able to hold its own with the Government, and it will be better to insure with the private company. If any combine of companies takes place to raise the rates above a fair thing, then this measure might have the effect of bringing the rates down. That is an advantage in respect to the Government insurance. I think it is wrong for the Government to give preference to the Government office. The Government, during the recent Federal election campaign, fought against preference to unionists, and yet they propose to give preference in this case to the Government office. They are taking a retrograde step in proposing to give preference to their own Department.

Mr. MURRAY.—That is not preference to a section of the State, but preference to the whole.

Mr. BAYLES.—Why should not the Government say that they will subscribe so much a ton to every one who uses coal from the State Coal Mine? The same argument will apply to the cool storage now being provided by the Government. If the Goverument intend to give preference to people who use Government institutions for which the taxpayer will have to pay, they should let us know it. I am opposed to the employés being called upon to contribute to the fund. As I said before, our firm has been working under the Queensland Act for nine years, and it is the widest Act in the Australian States. We have found that it works very satisfactorily. We are charged 1 per cent. on the wages paid. As far as we are concerned, the difficulties are very small, because the company arranges with us to issue a covering-note, and we pay a certain sum at the beginning of the year. Then, when the wages sheets are made up, matters are adjusted. Of course, that is for employers who employ a large number of men. The honorable member for Prahran has referred to disputes between employers and employés concerning the deduction. If honorable members look at page 8 of the memorandum containing the information compiled by the Government Statist, they will see the various amounts paid. They should divide each of these amount by 156, and then they will have the amount that the employer will have to deduct week after week from the employés wages. For the domestic servant the amount is 6s., and therefore the amount to be contributed by a domestic servant will be 2s. If you divide the 2s. by fifty-two, you get less than ½d. As one honorable member has said, it will be necessary to get small change for this purpose. The honorable member for St. Kilda dealt with the absurdity of deducting these small sums. It will be a cause

of friction between employers and employès that should not be brought about. The honorable member for Borung, in dealing with his figures, took a year when we had just avoided a drought, and that was not fair. The comparisons are not fair comparisons. There was a drought that broke up in August, and large areas of crops were spoiled. The Wages Boards fix the minimum rates of pay. When certain employés find deductions made from their wages, will they not have fair cause to go before the Wages Boards and ask for their wages to be raised to the original amount, if not to a larger amount? To say that the town man can pass the charge on and the country man cannot is a very poor way of putting it. With my experience of this kind of insurance, I ask the Committee to do away with the contributory idea, and to go in for a proper workers' compensation measure. I shall certainly oppose the contributory proposal. I am also, as I said before, opposed to any preference being given to the Government Insurance Department.

Mr. DOWNWARD.—I do not like this clause at all. It will mean placing men like myself in a very difficult situation, for we employ, at times, perhaps a dozen men all doing different kinds of work. A few men are employed shearing at times, and other men carting the wool. At other times of the year, half-a-dozen men may be employed for short periods doing different kinds of work. I should like to see, not the contributory provision imposed on the worker, but that he should become registered automatically, and be entitled to be compensated in case of accident. That would suit me better as an employer, because I would know what I had to pay. If the amount were £5, I could put a stamp on the wages receipt for that sum, or whatever the sum might be. The country employer would far sooner employ a man insured by registration. In that way the Government would contribute one-third and the employer two-thirds. Many employers who employ casual labour will not employ it at all if this proposal is passed. You can never tell when there will be a dispute as to the extent of a man's injury. I approve of the Government being the insurer, and the sole insurer. There will be cases of malingering, and if a private company attempted to deal with malingerers the costs would be heaped up. If the Government insured the man, and the Government medical officer was satisfied that the man was not seriously injured, the matter would be ended. We know how difficult it is for a private company to act in cases where they suspect incendiarism. Many of the companies prefer to pay the insurance under these circumstances when, perhaps, they should not. The company considers its reputation as a prompt payer. The people are prone to criticise insurance companies that do not pay readily. The employer would be far better pleased to find that he could deal with the insurance of his employés by simply affixing a stamp to be cancelled by the employer and the employé on the wages receipt. It seems to me that the present proposal is quite impracticable, for the employer would not know what he would have to pay. It might be all right for those who employ a large number of men, or who employ a few constantly. They would pay their portion, and end the trouble. In the country very often the employer does not seek the employé, but just the reverse. Many a man comes along, and asks for a few days' or a few weeks' work. There is no opportunity for the employer to take out a policy in respect to such a man. In the northern areas, the farmers do not know whether they want labour or not until they know what the season is going to be. What is the difficulty in the way of saying that every man who works for wages shall be registered, and, consequently, insured against accident? In that way, he would be insured automatically on the coming into operation of this measure.

Mr. MURRAY.—Who pays the premium for him?

Mr. DOWNWARD.—An actuarial calculation is made which enables the employer, in paying a man £5, to put a stamp on the wages receipt for the amount that he has to contribute. If he employs three or four men, and pays £100, he stamps his proportion on the wages receipt.

Mr. MURRAY.—Then a man whether employed or not would be insured?

Mr. DOWNWARD.—Yes. It would not necessarily follow that if a man who was not employed met with an accident he could claim on the Government office, for he might meet with an accident in going to some sports.

Mr. MURRAY.—Every one would be insured whether he worked or not.

Mr. DOWNWARD.—Yes.

Mr. MURRAY.—There are some men who will not work.

Mr. DOWNWARD.—Every man would be insured automatically. If he gets a day's work anywhere, the employer in paying him for the day's work has to put a stamp on the wages receipt for his contribution. I am sure the adoption of the proposed system will prevent a host of men getting work.

Mr. MACKEY.—It will be competent for the Government to make regulations in connexion with their fund, and adopt the stamp system for employers, if it thinks fit.

Mr. DOWNWARD.—Such a measure will cause no friction in the country, provided the employer is not embarrassed in addition to having to pay his share.

Mr. MURRAY.—Embarrassed by the deduction he has to make?

Mr. DOWNWARD.—No. For over thirty years I have employed five or six men, and there has never been an accident among them.

Mr. MURRAY.—Do you mean that the deduction to be made from the workers' wages will embarrass the employer?

Mr. DOWNWARD.—I do not want the workmen to contribute at all. I am sure that in the country nine employers out of ten will think, if there is a simple system under which every man who comes to work is already insured, it being left to the employer to place a stamp on the wages receipt, that it would be a good substitute for a contribution by the worker. Many of my neighbours employ men in the same way as I do, and accidents have never, or very rarely, happened among those men. Great care is taken to prevent accidents, and they are not very common.

Mr. BAYLES.—How will it be known what occupation a man will be engaged in? The cost will vary. For timber-felling it will cost 4 per cent., and for farm labour 1 per cent.

Mr. DOWNWARD.—I would sooner pay on the higher rate, and be able to employ any man who came along.

Mr. ELMSLIE.—You could strike an average.

Mr. DOWNWARD.—Yes.

Mr. MURRAY.—Do you propose to leave it to the employer to buy a certain number of stamps and affix them to the receipts?

Mr. DOWNWARD.—Yes. The honorable member for Toorak said that in Queensland the rate for rural workers was 1 per cent.

Mr. SNOWBALL.—Some of the rates are as high as 5 or 6 per cent.

Mr. DOWNWARD.—That is in connexion with explosives. There would not be exceptional rates for the work in which nineteen out of twenty men are engaged in rural districts. If the workers are not automatically insured, and this Bill comes into operation, it will give rise to serious trouble, and lead to a lack of employment in the country. It will not be because of the expense to employers, because all our experience shows that accidents are singularly few in the rural districts. I am not in favour of bothering with the worker for his contribution. He may come in and work for a week or a fortnight. How could you deduct from his wages any amount worth deducting? Would an employer have to follow a man about and try to get it? I do not believe in that. If the Chief Secretary can devise some scheme by which an employer can put a stamp on a receipt and have done with it, I do not think many employers in the country would object at all. Of course, in the city of Melbourne the cost would be easily passed on. In rural occupations the cost cannot be passed on, because the prices of produce are fixed in the markets of the world. At present the price of potatoes is £2 per ton. I know a man who sent up 6 tons, out of which he made 8s., after paying all costs. However, for our staple products prices are still keeping up in the markets of the world. I hope the Government will see their way to adopt a simple scheme such as I suggest.

Mr. MACKEY.—Your argument is not against the contributing scheme in particular, but any system of insurance?

Mr. DOWNWARD.—I want to limit the payment for the insurance to the employer and the Government. The amount is so small that it is not an important consideration to the employer as to whether he pays half or all of it, but this can be made a most worrying piece of legislation for him, so that when work is not urgent he will not have it done. Hostility to the measure will not come because of the contribution which the employer has to make, but because of the vexatious position in which he will find himself. It will be most embarrassing to him. Consequently, I urge the Government to make the Bill more acceptable to the country employer. If

a worker is automatically insured then all the employer will have to do will be to place on the wages receipt a 6d. or 1s. stamp, as the case may be. I am sure no one would feel that was any particular grievance. At the same time, it would compass the object of the Bill, and if a serious accident did occur the worker would be provided for. When an accident takes place in a country district it is often nearly as big a misfortune to the employer as to the employé, because the man is never turned off the place, but is carefully nursed, and his doctor's bill is paid. As a matter of fact, an employer who did anything different from that would lose caste and fall in the esteem of his neighbours. I think the Government should be able to draft a scheme on lines such as I have suggested.

Mr. OMAN.—I am in accord with the idea that there should be a contribution from those who are to benefit under this proposal. I strongly supported that view on the platform during the election, and I then said that I would support a proposal under which the Government, the employer, and the employé should contribute in equal shares. The Government, however, have receded from that position by one-sixth, and the employers under this proposal will be called upon to pay one-half of the amount of the insurance. Now, I do not object, like the honorable member for Mornington, because of the trouble involved. I quite realize that, to a large number of men, the payment itself will not mean very much. The honorable member for St. Kilda pointed out that it would only mean in the case of farm labourers and domestic servants 2s. 2d. per annum, and in the case of stevedores and men of that class, something like 8s. per annum. In neither case is the charge heavy. Take any of the friendly soceities under which benefits are conferred, and it will be found that the members pay more in proportion for the benefits they receive than employés are asked to contribute under this proposal. I am surprised to find the honorable member for Toorak in opposition to the proposal. I think it is time that men representing the electors should see that the people are encouraged to pay for the benefits which they receive. It may be said that this is only a small thing, and that the primary producers can pass it on.

Mr. MURRAY.—I do not think any one said that.

Mr. OMAN.—The honorable member for Borung pointed out that increased cost of production did not mean increased returns to the producer.

Mr. MURRAY.—That is so.

Mr. OMAN.—The honorable member gave a great many figures to show that values are lower this year, and certainly you cannot, if you increase the cost of production to the primary producer, pass that on to the consumer. There are already heavy burdens placed on the shoulders of the producers of this country. We have allowed a practice to spring up under which our railway construction is practically relief work. The unemployed are sent to the railways, and on whom does that burden fall? Does it not fall on the primary producer?

Mr. ELMSLIE.—And you get the railways made at one-half the cost.

Mr. OMAN. — At 50 per cent. increased cost in day wages, and with 25 per cent. less work for the increased wage. I do not believe the Engineer-in-Chief would contradict that statement. If you increase the cost of the construction of railways you pass on that increase to the producer, and he must pay the interest charges on the increased cost. I know of an instance where the charge for railway freight for 93 miles was 14s. 6d. per ton, and the producer did not get 14s. 6d. per ton for his crop. In my opinion, the time is ripe for introducing into legislation a system of asking those who are obtaining benefits to pay their fair proportion for the benefits which they receive. It is not a question of whether the contribution is small or large—it is a question of principle. There are friendly societies in which people are encouraged to make provision for themselves, and they do it willingly. They also do it through life insurance companies, and I am convinced that if we, as a Parliament, encourage the people to be thrifty, and to pay for the benefits they receive, as I have already suggested, it will be better for the community. The people who are out in the country, struggling on the land, find it very difficult to carry on. They have already many difficulties facing them. The freight charges mean a heavy tax upon them, and it is only fair that we should make their burden as light as possible. If you dropped the rural workers out of this Bill, and decided on building railways only by contract, I would be quite prepared

to support the non-contributory principle for the rest of the community. But I certainly shall not do so under this Bill, seeing that you put additional charges on the producers who cannot pass on any portion of those charges. No one knows better than those who represent the producers that our railway works should certainly be carried out under the contract system, so that we could check fairly the expenditure on railway construction. We borrow the money for railway construction, and those who make the advances are entitled to expect that that money shall be expended to the very best advantage. If we must provide relief work for the unemployed in the city we should provide it at the cost of the whole people and not at the cost of the rural producers.

Mr. MEMBREY.—I am quite against the contributory clauses of this Bill, as I think they would act most unjustly and unfairly. From the employés' point of view, I think it is altogether unfair to expect the employé, who has to contribute at present to friendly societies, and in other ways to provide for himself and his family, to contribute further under this Bill. Certainly it would not be a very high charge, I admit, but, in my opinion, it would lead to a great deal of confusion. Suppose, for instance, a contractor takes contracts under the State Government, and also under the Federal Government. In the one case—under the Federal Government—there is no charge made to the employé, the employer has to find the whole of the money, but, in the case of a contractor who is working under the State, there will be a difficulty in adjusting what proportion should be paid by the employé. It has been urged that this proposal is going to prove a burden on the rural producers, but the amount mentioned is really so small that I am surprised that honorable members representing the country districts should speak of the matter as if a great hardship were going to be inflicted on the rural producers. If we look at the thing fairly it must be seen that the industry should bear the whole charge of this premium. It is a proper charge on the industry, just as a man's rent, or his taxes, or his fire insurance is. It has been pointed out that, to some extent, this charge can be passed on, and there is no doubt that, in some degree, it can be passed on, so far as the rural producers are concerned. As regards the farmer, we are told that not more than 40 per cent. of his production is exported, and what reason is there why the farmer should not therefore pass on the charge to some extent? Then take another case. Suppose any particular industry is very brisk and it is very difficult to get men in that particular industry. How are you going to get at the employé and force him to pay under such conditions? If we weigh the whole thing it will be seen that to enforce these contributory clauses would prove most unjust and most unfair.

Mr. MCCUTCHEON.—It is only a matter of about 5s. per head per annum in the case of labourers.

Mr. MEMBREY.—The thing is so small that I am surprised that the time of the Committee should be taken up by such a long discussion on this clause. I think the Government would be wise if they were to accept the suggestions which have been made on both sides of the Chamber on the subject. I do not know if the matter goes to a division whether the Government will be defeated on this particular clause or not, but I certainly feel there has been too much quibbling about a measure of this kind, and I hope the contributory clauses will not be included in the Bill.

Mr. PLAIN.—I desire also to oppose the contributory clauses of the Bill, and I do so on similar grounds to those which have been already urged. It was stated just a few minutes ago by the honorable member for St. Kilda that it would only mean something like 5s. a year for every man whom a farmer employed as a labourer. The amount is so small indeed that it really seems absurd to debate the question any longer. For argument's sake we will say a farmer has three men employed. He could cover them by taking out a policy for £100. He would have to contribute 10s. on that £100, and the employé would contribute 5s. If what we desire is carried, the farmer would have to pay 5s. more a year to cover those three men. I speak as a farmer, and as one who desires to see those men covered in case of any accident. I know that every farmer, whether poor or rich, is always sorry when a man he is employing meets with an accident, and nothing is more painful to him than to see the man suffer and the man's wife and family in want, and the farmer himself not be in a position to assist them. I find that accidents happen most frequently when the farmer is in the early

stages of his career. When he is clearing the timber away and making his future home, that is the time when the most danger exists, and when the farmer is not in the position to give assistance. I can understand honorable members opposite who represent farming districts being anxious to see to anything, no matter how trifling or insignificant it may be, if it concerns the farmers. But I would point out to them that I happened a few weeks ago to be travelling through the whole of the Wimmera district, and the body I was with took evidence of some of the most representative farmers in that part of the State. They admitted that they were hedged round with trusts and combines, such as the Manure Ring, the Barley Ring, and others. Their evidence was given on oath. Honorable members who advocate that this clause should remain in the Bill will find that, if they take action to assist the farmers against any of the disabilities they are under, the Opposition will be ready to a man to assist them. But when it comes to a matter of 5s. a year to insure workmen, the farmers are only too willing to pay that amount in order to secure something for the men's families.

Mr. MENZIES.—That would not cover a farmer's liability if he had three men employed.

Mr. PLAIN.—He would take out a policy for £100. He would not expect the whole of those men to be killed or maimed at once.

Mr. SNOWBALL.—A farmer would not be allowed to insure in regard to one man's wages for the lot.

Mr. MURRAY.—Say £300. That would be about £3.

Mr. PLAIN.—At £300 that would be about 15s. a year. Is there any one in the Wimmera who, employing three men the whole of the year round, would refuse to pay 15s. a year to free himself from liability in case of accident? I am satisfied that the Wimmera farmers, who are an intelligent body of men, would be only too glad to contribute this 15s. a year. I hope the Chief Secretary will see his way to omit this clause. I can assure honorable members opposite that anything they bring forward in the interest of the farmers to remove disabilities that are heaped on the farmers will meet with the support of the Opposition. I know the disabilities the farmers are under, but I do not look upon this payment as a disability at all.

Mr. MACKEY.—The discussion on this question has been conducted, I think, on reasonable lines, and I hope that I shall be able to maintain at least the tone of the discussion, if not the high character at which I think it has been sustained. Many arguments have been used for and against the clause. Some of the arguments against the clause I will refer to. The acting leader of the Opposition, in his admirable speech against the clause—for it was an admirable speech—said there was no agitation for it. I thought the contrary was the case. I think all honorable members representing rural districts will say that they have requests from the leading agricultural societies in their electorates that they should support such a proposal as this—a contributory system. I would ask the Committee to remember that the farmers have been exceedingly fair in this proposition, as, I think, they are in all. They have not asked to be exempt from the provisions of this Bill. All they have asked is that they shall be treated fairly under it. They have asked that the contributory system shall be adopted. That is their proposal. That is the proposal which has been made and carried by, perhaps, 100 agricultural societies throughout Victoria. I would ask honorable members to bear in mind that this Bill has to be compared with the proposals of the Government last year and the year before. The year before last, in 1911, the proposal came in that no employer was to be liable unless he employed four persons, with one or two classes of exceptions in connexion with accidents arising from the use of horses or steam. The Government proposal at that time was to exempt farmers altogether. That was the proposal brought in by the honorable member for Prahran, in charge of the Bill, who was acting with Mr. McBride, then Minister of Mines.

Mr. J. W. BILLSON (*Fitzroy*).—That was not to exempt farmers. That was one of the amendments.

Mr. MACKEY.—It was brought in by the Government.

Mr. ELMSLIE.—It was given notice of by a private member, but moved by a Minister.

Mr. J. W. BILLSON (*Fitzroy*).—It was not in the Government Bill.

Mr. MACKEY.—The Government adopted it.

Mr. J. W. BILLSON (*Fitzroy*).—They will adopt anything to save their skins, but that does not show that they believe in it.

Mr. MACKEY.—The Chief Secretary, when outlining the present Bill on the second reading, pointed out that, in these aspects, this Bill made departures. He said there was no exemption of the four at all, and no exemption of the farmers; and the honorable gentleman stated distinctly that that was because of the adoption of the contributory system. The contributory system—a proposal that I think is elemental in its fairness—is what is asked for in return for a more liberal measure. Not a word has been uttered by the farmers against what may be termed the one-man proposal—the abolition of the minimum of four. No honorable member on the Ministerial side of the Chamber has asked that the farmer should be exempted from the provisions of the Bill. But what is asked is that considerations of fairness should be extended to the farmers and to other employers throughout the State. If the other employers in the State, such as the great manufacturers who run large establishments, are not in favour of the contributory provision, the answer is that it is not obligatory on them. They can, if they please, make not a single deduction from their workmen. They can go on with the payments as if this provision was not in the Bill at all. From that point of view, they certainly have nothing to complain of. It has been pointed out by the honorable member for St. Kilda, in an exceedingly temperate speech, that our rural industries are in a different position altogether from the industries in the towns, and, in that respect, he fully admitted the contention of the Chief Secretary. Under our system of keeping our markets for our local manufacturers, our manufacturers in the cities are able to pass on the higher wages and the cost of the better conditions of labour to the consumer, and they will be able to pass on to the consumer any additional tax or contribution they will have to make under this Bill. It is not denied that the farmer stands in a totally different position. The farmer, at least as to most of his products, is unable to pass on the added cost to the consumer. The price of the farmer's product, whether it is sold in Melbourne, or Ballarat, or Warragul, is determined by the price of the London market. That is a principle honorable members, I think, all freely admit. The price farmers obtain for their wheat, butter, or any other products is determined by the London price. Hence, if there is any added cost in the case of the farmers, it cannot be passed on to the consumer, whether the consumer is in Victoria or London.

Mr. ELMSLIE.—Will the honorable member say how it is that we frequently have to pay more for butter or meat in Victoria than what our meat or butter is sold for in London?

Mr. MACKEY.—That depends really on temporary causes. Sometimes we have over-exported. Honorable members will recollect that at times we have reimported our butter. Notwithstanding the expense of sending it to the Old Country and bringing it back, it has paid to reimport our butter; but those are accidental circumstances.

Mr. MCGREGOR.—If there had been no exportation, prices would have been higher. People would have gone out of the business.

Mr. MACKEY.—That is a new aspect, which has not been given much attention. The argument that there is no precedent for this clause has, I think, been fully answered. The Chief Secretary, in my opinion, completely answered that, and I might have referred to what has been previously referred to in connexion with the Coal Miners' Relief Fund, which was established four years ago under our Coal Mines Regulation Act. Under that the men contribute, not one-third, as proposed in this Bill, but one-half of the total amount. There is a similar measure in force in New South Wales. But it is rather an extraordinary argument at this time of day to say that there is no precedent for the proposal. If that argument had applied in Victoria since this Parliament was established, what condition would the State be in to-day? The Victorian Parliament stands conspicuous among the Parliaments of Australia for its refusal to be bound by precedent.

Mr. MURRAY.—Or by the lack of precedent.

Mr. MACKEY.—Yes. It has gone "on its own," and some of the most advanced legislation in the world has been passed by us. Look, for instance, at the Wages Board system, of which I think the people of this State will ever be

proud. The deputy leader of the Opposition referred to several cases that I adduced in the course of my speech on the second reading of the Bill. I think he said they were extreme cases. As a matter of fact, the illustrations I gave were illustrations of the general rule. They were illustrations of a class which form the great majority of all the cases. Since this measure was last before us, I have seen Mr. Laughton, the Government Statist, who is always so ready to give honorable members the latest information at his disposal. I asked him to ascertain for me, if he could, what the principal causes of accidents were under Workers Compensation Acts of England and other countries. I have since received from him the following letter:—

Office of the Victorian Government Statist,
Records Office, Queen-street,
Melbourne, 30th August, 1913.

Dear Mr. Mackey.—

I have had a careful search made through a number of books and periodicals with a view of finding the causes of industrial accidents wholly due to the fault of the employer, or employé, or act of God. I am sorry that I have not been able to get statistics of sufficient extent to give a reliable indication of the accidents in England attributable to each of these causes.

I have found in the journal of the transactions of the Manchester Statistical Society the results of an investigation of a very limited nature which give some information in regard to the matter referred to. From the figures given by the writer, Mr. Verney, the conclusion may be arrived at that 6 per cent. of the industrial accidents were due to the fault of the employer or his foreman, 34 per cent. were due to the fault of the workman injured or a fellow employé, and 60 per cent. were due to causes for which neither employer nor employé was responsible.

These proportions, though based on very limited data, probably give some indication of what would be disclosed if a much larger body of facts were examined.

Yours faithfully,
A. M. LAUGHTON,
Government Statist.

Hon. J. E. Mackey, M.L.A.,
State Parliament House, Melbourne.

Therefore it will be seen that in England the cases in which the employer was in default, or in which there was default on the part of those whom he has placed in a position of superintendence, amount to only 6 per cent., or a very small minority, and not a vast majority of the cases at all. With regard to Germany, let me give an extract from the *Guide to the Workmen's Insurance of the German Empire*, as quoted by the honorable member for Bendigo East in his speech on the second reading of the Bill. It is as follows,—

According to the accident statistics of industry for the two years 1887, 1897, and of agriculture for the two years 1891, 1901, the compensated accidents (the cases not cleared up excluded) were caused: By fault of the employers—in 1887, 20.47 per cent.; 1897, 17.30 per cent. By fault of the employés—In 1887, 26.56 per cent.; in 1897, 29.74 per cent. By fault of both parties—in 1887, 8.01 per cent.; in 1897, 10.14 per cent. In agriculture for the year 1891, through fault of the employer, 18.61 per cent.; through fault of the employés, 24.99 per cent.; of both parties, 23.39 per cent.

Mr. MACKINNON.—What does "fault" mean in those cases? Does it mean a wilful act?

Mr. MACKEY.—I presume it means want of care in some cases, and wilful acts in other cases, though not wilful acts intended to injure. In each case in these different industries, under the German system, we find that accidents due to the employés themselves were about 25 per cent. more than those due to the fault or default of employers. Therefore, so far from the illustrations I gave being illustrations of a small minority of cases, they are illustrations of the great majority. Then we come to those accidents which technically in law are called acts of God, and which no reasonable care could have provided against, but we find that the accidents for which the employer is morally liable form a very small minority indeed. Therefore, it comes to this: that although the moral liability of the employer is small, we are asked to make his legal liability large. We are asked to make him pay the whole 100 per cent., although he is liable, according to the Manchester statistics, for only 6 per cent., and according to the German statistics to only 20 per cent. in some cases.

Mr. ELMSLIE.—Suppose valuable machinery is damaged, where is the liability then?

Mr. MACKEY.—No doubt the workman who caused the damage would lose his occupation.

Mr. ELMSLIE.—But the employer would pay for the machinery.

Mr. MACKEY.—No doubt, but in this case, if an accident injures a workman and also destroys certain machinery, the employer is to be asked, not only to pay for the machinery, but also to pay the whole of the compensation to the workman.

Mr. COTTER.—That is only when he insures outside the Government office.

Mr. MACKEY.—I take it that the question now before us is as to the justice of the contributory system. If the principle is conceded, the amount does not matter. In my opinion, the fairness of that principle is proved by the fact that the class of cases of accident in which the employés are responsible is at least as large, if not larger, than the class for which the employer is responsible. Then it is said, "Why should the employer go to all this trouble to collect so small an amount?" The honorable member for St. Kilda tells us that the trouble and expense would be utterly unworthy of the occasion. Of course, if that is so, the employer is at liberty to forego the right to make his workmen pay a contribution at all. As a matter of fact, are our workmen in this country so badly off that they should not be asked to pay a fair contribution? I could understand that in some countries, where the workmen are absolutely sweated, Parliament would be justified in saying to the employers, "You do not pay your workmen a fair wage, and we shall saddle this liability upon you." But that argument does not hold in this country. I know that workmen often do not get a living wage, but those cases form a very small proportion of the whole.

Mr. COTTER.—Those cases are to be found in the industry you are defending, too.

Mr. MACKEY.—I know that the industry I am defending is not favoured by the honorable member. My experience of farmers is that they do not stand hard and fast by the contract they make with their employés—not nearly so hard and fast as a manufacturer does with his employés. The smallness of the amount of the contribution is not the point at issue, and I am sure the workmen of this State will say that a contribution of one-third is a very small amount indeed to pay for the priceless boon of provision against permanent disablement and against the destitution of dependants upon the death of the breadwinner. As I said in my speech on the second reading of the Bill, so much do I think of this principle of contribution that if it is adopted I myself will be prepared to extend the scope of the measure to cover accidents which the Bill, as drafted, does not cover.

Mr. MACKINNON.—The Federal Parliament will do that.

Mr. MACKEY.—The honorable member for Prahran, whom we are all so glad to see with us again is, no doubt, referring to a contributory scheme that has been outlined by the present Federal Government; but really, if the arguments we have heard to-day have any weight at all, I see little chance of that contributory scheme being popular or adopted. The whole argument to-day is practically against the adoption of any contributory system. We are told that employés will not seek to pass the responsibility on to their employers in the case of sickness, of accident outside their employment, and of death outside of their employment. Just as employés naturally seek higher wages, I dare say some of them may seek to make the employer responsible for their contributions if this system is adopted. I do say that the whole argument against the contributory system in the Bill can be used with equal force against a contributory system of the kind outlined by the present Prime Minister. I trust the Committee will affirm this principle. I have too much faith in the working men of Victoria to think that they will decline to adopt a system of this kind. They will readily recognise, when the truth is brought home to them, that they are being insured against accident due to their own personal default, to the default of their fellow workmen, and against accidents caused by outsiders, for undoubtedly such cases have occurred in the Old Country. In one case a man was murdered in the course of his employment, and the employer had to pay compensation.

Mr. ELMSLIE.—We contend that men are frequently murdered in the course of their employment.

Mr. MACKEY.—I am not referring to the same thing as the honorable member. There have been cases at Home of what might be called "acts of God." In one case a bricklayer who was working on a building 30 feet from the ground, was killed by a stroke of lightning, and his employer was held liable to pay compensation. An employé suffering badly from heart disease fell dead, and his employer had to pay compensation. In another case an employé riding a bicycle on his employer's business was knocked over, and his employer was held liable to pay compensation. In another case an employé had a

bad wound, which was not caused by his employment. During his working the wound was broken open, bleeding followed, and death resulted. The employer was held liable to pay compensation.

Mr. J. W. BILLSON (*Fitzroy*).—In all those cases does it mean that the insurance companies paid?

Mr. MACKEY.—If the employer had insured.

Mr. J. W. BILLSON (*Fitzroy*).—Then it did not cost the employer any more than if the accidents had not happened.

Mr. MACKEY.—The rate of premium is determined by the character of the measure, and the kind and number of accidents that are likely to occur. A washerwoman was engaged on Mondays and Fridays to do scrubbing and washing. In scrubbing some steps she got a splinter in her hand and suffered from blood poisoning. She was seriously incapacitated, and the employer was held liable to pay compensation. In another case a man who was subject to fits unknown to his employer was put to work on a vessel alongside a quay. He took a fit, fell into the hold and was killed. It was held that the employer was liable to pay compensation. In another case a sailor went ashore, got drunk, returned to the vessel in a drunken condition, fell down the hold, and was killed. The employer was held liable to pay compensation. Of course each one of these cases does not represent a numerous class, but taken together they enable honorable members to see the class of accidents the employer is made liable for.

Mr. J. W. BILLSON (*Fitzroy*).—If they are all insured, what difference does it make?

Mr. MACKEY.—If they are all insured it makes no difference.

Mr. J. W. BILLSON (*Fitzroy*).—Then what are you arguing about?

Mr. MACKEY.—In effect the honorable member says, "Why should we not compel the employer to insure his employés against all accidents, against death, and against unemployment. As long as he is insured it is all right Insure him against every disability flesh is heir to."

Mr. J. W. BILLSON (*Fitzroy*).—My interjection was limited to the scope of the measure.

Mr. MURRAY.—The honorable member for Fitzroy means that it would be all right if the worker himself had not to pay.

Mr. MACKEY.—I know my perception is limited, but I did gather that the honorable member for Fitzroy wants the worker to get all the benefits and not bear any of the amount.

Mr. M. K. MCKENZIE (*Upper Goulburn*).—Is not the premium regulated by the number of accidents likely to happen?

Mr. MACKEY.—By the character and number of accidents.

Mr. J. W. BILLSON ( *Fitzroy.*).—Your contention is that if a man loses a limb in the course of his employment he bears no burden.

Mr. MACKEY.—The argument is that if a man loses a limb by his own default or negligence, because he has to endure suffering and some loss of employment, therefore it is a good thing that the employer should have to pay. I admit that the injured workman suffers. I admit that the compensation he would be paid under the Bill is not the amount he would receive if he was in employment. Why should we say that the difference must be made up by the employer when the act is due to the man's own negligence? If there are accidents due to the employer's own negligence, or to the fault of those he has placed in superintendence of his workmen, the common law holds, and there is also the Employers' Liability Act. The injured workman may say, "I do not want your Workers' Compensation Act at all. I am going under the common law to sue for £2,000." He may sue for £500 under the Employers Liability Act. This Bill imposes an additional legal liability on the employer for all those accidents for which he is not morally responsible. For those accidents for which he is morally responsible, he is liable to-day at common law, and under the Employers' Liability Act. The Bill imposes liability on him for acts for which he is not morally responsible.

Mr. SNOWBALL.—Not morally; but they are incidental to the trade.

Mr. MACKEY.—That would be an argument for the employé paying the whole of the insurance because the accidents are incidental to his occupation.

Mr. HOGAN.—What about defective machinery?

Mr. MACKEY.—In the case of an accident being caused by defective machinery the employer would be liable under the law now. He is liable under

the common law, and under the Employers' Liability Act.

Mr. J. W. BILLSON (*Fitzroy*).—If the employé has money enough to prove it.

Mr. MACKEY.—I sincerely trust the Committee will adopt the contributory principle, because it makes the employé contribute something—less than a proportionate amount—towards the compensation, which is not based upon an equitable right, not based upon mere principles of abstract justice, but based upon principles of public policy.

Mr. WARDE.—I hope the Committee will throw out the clause. I was very pleased indeed to hear the remarks which fell from honorable members this evening in discussing what is undoubtedly one of the most important clauses of this Bill. I quite agree with the observations of honorable members who have spoken, that if the measure gets on to the statute-book it will undoubtedly be a great improvement upon the position which has hitherto governed industrial matters of this kind in Victoria. There is no doubt that it will be a great improvement upon the system that is in existence at the present time, but that is no reason why it should be allied with a proposal which is foreign to any British Workers' Compensation Act, and which is foreign to any of the Workers' Compensation Acts that are in force in Australia to-day. The Chief Secretary stated that there are certain countries in which this charge is partly made upon the workers as well as upon the employers, and he mentioned Germany particularly. Now, it is well known that in Germany there is no contribution at all by the workers towards the accident fund. The honorable gentleman has twisted matters, and made it appear that there is actually a contribution by the workers to an accident compensation fund. In Germany no payments are allowed to be deducted from the workers' wages for accident compensation, which is distinct and separate from compensation for sickness, unemployment, and other matters.

Mr. MURRAY.—They get it in a roundabout way.

Mr. WARDE.—In Germany they recognise that immediately a man meets with an accident there are no sources of money from which he can draw until such time as his case is dealt with by the authorities. They recognise that at no time is he so much in need of medical attention and assistance as at the particular time when he is suffering from the accident, and so to provide that he shall receive sustenance before his case is finally adjudicated upon and an award made from the £15,000,000 a year which the employers are compelled to contribute, they have wisely laid it down that certain things shall be done. In addition to compensation there are the following further benefits under the accident insurance fund:—(1) Free medical or surgical treatment, (2) free medicines, (3) free surgical appliances, &c., (4) a pension of two-thirds of wages in cases of permanent total disability, (5) a death benefit of twenty times the daily wage, and pension rights for dependants up to 60 per cent. of the wages. That is what they have got to do for the worker in Germany under the compensation law, in addition to paying him the benefits which are set out under the Workers' Compensation Act. I take this information from an address that was delivered before the Insurance Institute of Victoria on the 18th June last by Mr. Norman Trenery. Surgical and medical treatment is paid for out of the ordinary sickness, invalid, and unemployed fund, but the Chief Secretary made it appear that a direct contribution is made by the workers for the purpose of an accident compensation fund. I think honorable members will say that it is rather twisting and straining the facts to say that the worker has to contribute towards his accident compensation.

Mr. MURRAY.—In that fund the worker contributes two-thirds.

Mr. WARDE.—It is distinctly laid down in the German law that no employer shall deduct anything for the accident fund. It is stretching the fact to say that the worker is charged because he contributes towards a fund which, at the beginning of his injury, has to find him money. I do not know when the honorable member for Gippsland West became converted to this particular form of compulsory contribution. He was a member of the Bent Government, and the honorable member for Prahran, who was also a member, introduced the first Workers' Compensation Bill as a Government measure. That Bill did not contain a provision for the compulsory system of contribution by the workers. I do not know that the honorable member for Gippsland West spoke

upon that measure, and I am not aware that in any public utterance he found fault with it as being unfair to the primary producers. Of course, an honorable member may be in a Government, and may be opposed to a Bill introduced by the Government. I admit that. Now he is at liberty to express his individual opinion. If his convictions are as strong as they are represented to be against the rural workers being brought under that measure, it is most remarkable that we heard no protest from him when his Government proposed to place it on the statute-book. What applies to the honorable member for Gippsland West applies also to the present Chief Secretary. He was also a member of the Government that brought down two measures, neither of which proposed this compulsory contribution. Mr. McBride was also in the Cabinet of which the Chief Secretary was a member, and it was not until the honorable member for Daylesford gave notice of an amendment, or asked the Government to consider an amendment——

Mr. ELMSLIE.—You mean the honorable member for Bulla.

Mr. WARDE.—No; he moved an amendment to exempt agricultural, pastoral, and viticultural workers from the measure, but I do not think it was dealt with. The Government gave some indication that they would be likely to favour that amendment.

Mr. ELMSLIE.—Mr. McBride said he would not accept any amendments.

Mr. WARDE.—He said he welcomed advice from all sides of the House, but would not allow any interference with any of the vital principles of the Bill. He said words to that effect. In a little while the honorable member for Daylesford gave notice of his clause for compulsory contribution, and Mr. McBride, who was then Chief Secretary, had progress reported. I do not think we saw anything more of that Bill that session. The next time it appeared it contained this clause. During all the time that the honorable member for Gippsland West and the present Chief Secretary were in the Bent Government they do not appear to have been educated up to the fact that this clause should be included in a compulsory form. The honorable member for Gippsland West stated to-night that the farmers started an agitation for this clause. I take a different view of the situation. I do not think they started any agitation for this clause. The honorable member went to a meeting of the agricultural society at Warragul, and addressed the members at length on this measure. Instead of the farmers moving, it was the farmer from Selborne Chambers who moved and galvanized them into action. Then they communicated with several agricultural societies advocating what the honorable member asked for.

Mr. MACKEY.—It was you who galvanized them into activity.

Mr. WARDE.—It was the honorable member who started the agitation that he attributes to the farmers. I am not sure that they did not print and circulate the honorable member's speech. He told the farmers a snake story. I do not know whether it was due to the spirits imbibed, but snakes appeared before them. It was said that a farmer working in the bush might sit down on a tussock and be bitten by a snake. The honorable member, instead of taking his crook like St. Patrick, and banishing the snakes from Gippsland, thought it better to set to work to bring about this proposal for a contribution by the workers. He did not suggest that the contributory clause would remove the snakes or that it would prevent any farmer from being bitten by a snake. The Government were not convinced that it was necessary to introduce this clause. When the remarks of the honorable member for Gippsland West were brought under the notice of the Premier, he said it was shadow-sparring. He was quite satisfied that it was not the rural men, but the honorable member for Gippsland West who was seeing snakes. I do not know when the Government became converted to this principle of a compulsory contribution. The honorable member for Borung has pointed out how impossible it is to expect employers in the rural industries to undertake the responsibility of paying this insurance on behalf of their workmen. As far as I have listened to this debate, there seems to be no difficulty about the position in reference to the vast majority of workers. There seems to be a consensus of opinion that the cost can be transferred to the consumer in regard to all articles except primary produce exported to the markets of the world.

Mr. WATT.—There are limitations to that argument.

Mr. WARDE.—The honorable member for Gippsland West said it was not pos-

sible for the farmers to get more than the price given in the London market for their produce, and he mentioned wheat as one of the articles. I say that that statement is not correct.

Mr. MACKEY.—The rule is correct.

Mr. WARDE.—The price the farmer gets is very often regulated by an "honorable understanding" between the wheat-buyers throughout Australia. We have only to read the Royal Commission's report handed to the Government of South Australia four years ago, after an exhaustive inquiry into the export to and the marketing of wheat in London. That report showed that the wheat producers in Australia were defrauded in one year of £800,000, or, in other words, that they would have received that sum, based on the prices at Mark-lane, after allowing for all charges, had it not been for the "honorable understanding" I have referred to. The wheat-growers of South Australia got over £200,000 less than they should have got, according to Mark-lane prices, and the whole of the wheat-growers of Australia were defrauded of £800,000, based on Mark-lane prices. The proposition was laid down by the honorable member for Gippsland West that the farmer could not pay this contribution, because he could not pass on the charge to any one else, and he specially mentioned wheat as one of the articles of which the price was fixed in Mark-lane. It is evident that the farmer would be able to do many things he cannot do now if certain difficulties were removed. He would be enabled then to give better conditions to his workmen.

Mr. WATT.—If that report were correct, he could not do what you are saying.

Mr. WARDE.—The honorable member for Borung stated that the farmers could not stand this extra charge.

Mr. MACKEY.—Is the Trust you referred to one of those that Mr. Justice Power reported on?

Mr. WARDE.—Witnesses admitted before the Commission that they had an "honorable understanding."

Mr. MENZIES.—What bearing has that on the discussion?

Mr. WARDE.—I am pointing out that certain moneys are taken from the farmers that under better conditions of legislation would find their way into their pockets. It is said that the farmer cannot afford to pay 10s. or 15s. per annum for this purpose. I have given an illustration to show that the Mark-lane prices do not regulate what he gets for his wheat. "Honorable understandings" prevent him getting the money that would enable him to meet such charges as this. What is the experience in Germany? There are over 3,000,000 rural producers there with less than 5 acres of land each, and they have to meet their share of the accident fund for the benefit of the worker without any contribution on his part. Then there are over 2,000,000 farmers there holding between 5 and 50 acres of land. These 5,000,000 rural producers in Germany are called upon to make their contribution to the accident fund, whilst the worker is not called upon to contribute.

Mr. M. K. MCKENZIE (*Upper Goulburn*).—That is not an analogous case as far as our farmers are concerned. It is not an exporting country, and the charge can be passed on to the consumer.

Mr. WARDE.—I do not know how much they export, but I should imagine that they do export, because there are 5,000,000 farmers there with under 50 acres, and 3,000,000 with less than 5 acres of land. If they have not paid their compulsory insurance during the year, the local governing body is empowered to get it from them. If that fails, the charge can be imposed in the shape of an increase of the land tax. It will be admitted that the German Government have shown as much concern for their rural industries as any Government in Europe. When we cross from Germany to Great Britain we find that the British producers are compelled to pay compensation for all workers injured in carrying on the primary industries. There is no exemption from that contribution. France has its teeming millions of small proprietors. While, as the Chief Secretary says, there is a compulsory contribution there it applies only to seamen.

Mr. MURRAY.—I said so. I was only dealing with the statement that there is no such legislation elsewhere as we propose.

Mr. WARDE.—The great argument here to-night is that the primary industries cannot stand this 15s. per annum, and that if the tax is imposed it will ruin the producers and drive them off the land. That was the principal argument which the Chief Secretary used. Judging by the inducements that are held out to

farmers in Great Britain and elsewhere to come to Australia, it must be admitted that the farmer is better off under Australian conditions than under those prevailing in the Old Land. If that is not so, then the sending of bulletins to England inviting farmers to come to Australia to better their conditions is deception of the worst kind. If it is not deception, then there is nothing in the argument that the primary industries here are not as capable of bearing this taxation as similar industries in the older countries of the world. The honorable member for Borung referred to what has been done in New South Wales and Tasmania. Let us take Queeensland. I venture to say that our primary industries are in a more flourishing condition than those of Queensland, for the simple reason that they are much more developed. I do not say that Queensland, with such a large territory, will not eventually overtake our agricultural production here. Yet in Queensland the producers have to pay for workers' accident compensation the same as in Western Australia. If that can be done without detriment to the primary industries in those sister States, why should Victoria be less advanced in such legislation?

Mr. MENZIES.—What do you think of the New South Wales law?

Mr. WARDE.—I think New South Wales made a big mistake in leaving out the agricultural industries, but it must be remembered that there is no compulsory contribution there. If Queensland or Western Australia can do what they are doing, there is no reason why Victoria, with a better climate and geographical situation, should not do the same. The Chief Secretary seems to hold the idea that the only reason advanced against the contributory proposals of the Government is that they are not in any other Act. I do not think any honorable member who addressed the House in opposition to the proposals declared that to be the only reason why they should not be adopted. In my second-reading speech I drew attention to the remarks of Mr. Birrell and Mr. Joseph Chamberlain. Mr. Birrell, when asked why a compulsory contribution from the employés was not requested, pointed out that when the employers put their money into industries and started the machinery they would build up fortunes if their ventures were successful. On the other hand, if a worker met with an accident or sickness, then his life-blood was his contribution. At the most, all he got was a living. If the enterprise was a success the employer got a fortune.

Mr. MURRAY.—But if it is not a success?

Mr. WARDE.—Then he, perhaps, followed another line of life. Look at the wealthy manufacturers of Great Britain! Yet all the worker, almost anywhere, gets in return for his labour is just about sufficient to enable him to produce his own kind. In Great Britain three-fourths of the working population are buried as paupers.

Mr. MURRAY.—What do you mean by paupers?

Mr. WARDE.—I regard a man who dies possessing nothing as the result of his life's work as a pauper. A man may be a thrifty and honest workman, but his wages are so low that even with the greatest care he cannot, except in most fortunate circumstances, earn sufficient wages to put him beyond the need of charitable assistance at the end.

Mr. MURRAY.—The proper way to correct that is to pay men higher wages.

Mr. WARDE.—That may be so. The honorable member for Gippsland West pointed out that at the present time in Victoria there are thousands of men who have no other prospect before them but of dying in a charitable institution as the result of illness. I defy any honorable member to point out how a man whose average earnings are about £2 a week can provide for the necessities of life, altogether apart from making contributions such as are proposed. The honorable member for Gippsland West got some information from Mr. Laughton, the Statist, in regard to accidents and their causes. I would advise the honorable member to have another conversation with him, and ascertain the average earnings of the adult workers of Victoria. He would find that they are getting about £2 a week. On such a wage, and after paying 12s. a week for rent and also maintaining a wife and three children, how can he have money to pay contributions to anything. If his wages are increased sufficiently to allow him to live in decency and comfort, and enjoy some of the pleasures of life, then a proposal to deduct money from his earnings in order to build up insurance funds might be worthy of consideration.

Mr. WATT.—There are other deductions, such as enforced strike levies, which he pays cheerfully.

Mr. WARDE.—They have nothing to do with the average earnings.

Mr. WATT.—They come out of them.

Mr. WARDE.—The average earnings are not reduced or increased by a penny. The average wage is about £2 a week, and I know that the honorable gentlemen, like a good many others, feels inclined to give the worker a lesson as to how he could spend the money to better advantage. For years a number of people have said that the workers get into such a bad condition because of their lack of thrift. They did not go into the details to ascertain the conditions under which thrift was to be exercised. Nearly all the compensation laws in existence in the British Dominions provide that the worker has not to contribute.

Mr. MURRAY.—We should encourage thrift in the worker.

Mr. WARDE.—The first thing is to give him something to be thrifty on. The Government are bringing out what are described as boys, twenty years of age. Now, at the age of twenty most Australian youths are as strong as at any other stage of their lives. The farms are being filled up with those imported boys, twenty years of age, at 10s. a week and their keep. The honorable member for Borung spoke of the position of the farmers. About three years ago it was stated in the daily press, and the local paper, in connexion with a show at Horsham, that it was remarkable that the farmers visited the show ground, not in buggies, but in motor cars. The number of cars was given. They belonged to the poor, struggling farmers in that portion of the State.

Mr. MENZIES. — Where did that occur?

Mr. WARDE.—The honorable member for Lowan knows the difference which has taken place in his district since the water has been sent there. The honorable member knows also that what with the sheep and wheat in that portion of the State some of the settlers have done marvellously well. The honorable member for Borung talked of the poor struggling farmer, but most of the farmers in that portion of the State are not of the class of people who could not easily afford, without giving up anything they required in the shape of creature comforts, to pay this little amount in connexion with the workers. I believe that as far as the farming people are concerned there are numbers of small struggling farmers in different parts of Victoria. Their wage-sheet would not be a very large one. I do not believe that there is any member of this Chamber who has not sympathy for the poor struggling farmers. I do not refer to the class of struggling farmer that I once met at Marnoo when I was with the Railways Standing Committee. I asked this man what he was, and he replied, "I am a poor struggling farmer." I said, "How many acres have you got?" He replied, "2,000 acres." I asked, "Leasehold or freehold?" He replied, "Freehold." I asked "What is it worth per acre?" He answered, "Six poonds an acre." I asked, "How many bags of wheat did you have last year?" —this was the year after the drought, when the Government were finding seed wheat—and his reply was "3,000 bags." I asked, "Are there any more poor struggling farmers like you in this portion of Victoria?" He said, "There are three or four more of them." That was quite true. I discovered since then that there were three or four more, and one of them was a gentleman who was a member of this House for many years. There were one or two others, and they were all doing remarkably well. However, I do not think this case is typical of the whole of the farmers throughout Victoria. I believe that numbers of them who are on the worst land in the drier portions of the State have a very hard struggle to make ends meet, and I do not want to inflict on the rural industries of Victoria any burdens which I do not think they are able to bear, because I am one of those who believe that the prosperity and success of Victoria and of Australia as a whole are bound up with the success of the primary industries. I believe that we should do all we possibly can to assist those people in cultivating more land than is cultivated throughout Victoria and Australia to-day, or else it will be a very trying problem for those who are intrusted with the government of the country to keep this community in the forefront. Knowing this, I have no desire to saddle on to any section of our people something which I think would crush their industry or prevent them from making a success of it, because, as I have said, the success of Victoria is bound up with their success.

Mr. WATT.—It is very refreshing to hear such statements from the honorable member.

Mr. WARDE.—I have never expressed any other sentiments. I defy the honorable gentleman to refer to any speech of mine which was not permeated with the same thoughts. I recognise that the workman cannot get 10s. or 11s. or 12s. a day unless the primary industries are in a flourishing condition, and I think every other honorable member on this (the Opposition) side of the House recognises that too. What I would point out is that in other portions of the world—in Germany, in France, and in Great Britain, and coming to Australia, I may also refer to Queensland and South Australia—the statesmen there have not seen this matter in the same light as the Chief Secretary. Surely the Chief Secretary will not say that he is more farseeing than the statesmen who have guided the destiny of these places.

Mr. MURRAY.—Why not?

Mr. WARDE.—No doubt the Chief Secretary could go Home and teach the leaders of thought in the British Parliament how they should do things, and could do the same as regards Germany and France—in fact, the accumulated wisdom of the ages is centered in the Chief Secretary when he is upholding the fellow who owns a cow in the Warrnambool district.

Mr. MURRAY.—Wait until your leader gets back and there will be two of us.

Mr. WARDE.—What I contend is that this is an innovation which should not have been introduced in this particular form of legislation.

Mr. WATT.—You want no innovations.

Mr. WARDE.—Yes, where the innovation is in the direction of progress.

Mr. WATT.—You are getting altogether too conservative.

Mr. WARDE.—The honorable member for Fitzroy pointed out that the progress that is made by this Government in connexion with their measures is the progress of a crab, who, for every step he takes forward, takes two backwards.

Mr. WATT.—Was it not the frog you were thinking of?

Mr. WARDE.—Perhaps. The honorable gentleman is a better judge of crabs than I am—I have not had much experience of them. I agree with the statements made to-night with regard to the farmer by the honorable member for St. Kilda in the very nice speech which he addressed to the Committee on this subject. In fact, it was very refreshing to hear that honorable member's remarks regarding this compulsory compensation. The honorable member's utterances are generally of a thoughtful character, and, as he is a large employer and a man with varied experience, I think his remarks should impress the Committee. Somewhat similar remarks were made by the honorable member for Hawthorn, who has recently been translated into a position which some of the lawyers say he is not legally entitled to have. The lawyers have raised the same question with regard to the honorable member for Hawthorn's appointment as a member of the Inter-State Commission as was raised in connexion with the appointment of the present Chairman of the Melbourne Harbor Trust, namely, that the appointment was to an office of profit under the Crown. I am told that the Premier intends to submit to Mr. Harrison Moore the question of whether Mr. Swinburne's appointment was not an interference with State Rights. They tell me that the honorable gentleman is disgusted that, after all the trouble that has been taken to enable Mr. Cook to beat the Fisher Government by one vote, actually the Cook party should now have made an attack on State Rights. I do not know what Mr. Harrison Moore's opinion with regard to this contribution clause would be if it were submitted to him, but I fancy he would certainly declare that it is within the right of the Sovereign Parliament of Victoria to deal with this matter as we are dealing with it to-night. When a farmer employs men there is no difficulty in connexion with the matter such as has been suggested by some honorable members. I have spoken to numbers of employers, and have found out from insurance agents, that with reference to these particular payments when a farmer has an ordinary staff employed during the year, and most farmers know what their average staff is, there is no difficulty in dealing with the matter whatever. These farmers have only to pay on the wage-sheet that they have, and the difficulty which the honorable member for Mornington raised about a man coming along and getting a job for a week—the difficulty that the farmer might be prevented from engaging a man for a week unless

this proposal were adopted—does not really exist. As far as I understand, if the employer has to pay £300 or £400 a year in wages he pays his premium on that amount. If during the year he has employed a less number of men than that sum amounts to he gets a refund; if he has employed to a greater extent he pays an increased premium for the additional number of hands he has employed. Under these circumstances I can see no difficulty surrounding this particular question. If the time comes when, as suggested by the honorable member for Gippsland West, we desire a wider scheme than this, it will become a question as to whether a contribution should be demanded from the worker for the different benefits which he receives. I was very much pleased to hear the honorable member say that he would like to see this Bill made much wider in its ramifications. So, I think, would every well-disposed man. We would like to see this measure provide, if it could, for unemployment, for sickness, and for invalidity. When it comes to doing that then we shall be coming right on the preserves of the friendly societies.

Mr. MACKEY.—We could work with them.

Mr. WARDE.—The question is how far can we work with them. However, if we do this, we will be introducing something which will be for the benefit of the people. We have the Lloyd-George experience as a guide to what can be done for 9d. a week. Under that scheme the people get the whole of the benefit which friendly societies are charging, and have to charge from 1s. 3d. to 1s. 6d. a week for. If you remove the charge for the doctor, for the chemist, for the medicine, for sickness, and for funerals from the worker and transfer it to another fund, then it is a reasonable thing to say that there should be considered what the workers' contribution should be towards carrying out the larger scheme that is talked of by the Federal Government. But under the present proposal there is no reference to sickness or invalidity except as the result of accident, There is no reference to unemployment, or to the cost of the doctor or the medicine. All these things have to be provided for by the worker. Seeing that this provision does not exist anywhere else in British communities, and seeing that there is a moral claim which the worker has on the industry, that it shall bear the expense of sickness and accidents connected with it, I maintain that the workers have a right to this compensation without being compelled to contribute towards it as proposed in this clause. Believing that, I hope the Committee will strike out this compulsory contribution, and thus render the measure more uniform with other Acts which have been passed in Great Britain and Australia.

Mr. SNOWBALL.—I desire to join with other honorable members who have already spoken in entering my earnest appeal to the Committee to remove from the Bill what appears to me to be a blot upon it. I think the whole of the difficulty in connexion with the different views which have been taken of this matter arises from the fact that honorable members who have spoken in favour of the contributory clauses refuse to recognise the underlying principle in connexion with all accident insurance—that is, that the expense of such insurance is properly a charge on the industry itself. It is not a question between the employer and the employé as individuals at all. The whole principle underlying the introduction of this legislation in England and elsewhere is that the industry must bear the expense. Therefore, it appears to me to be an unreasonable thing to ask the employé to contribute anything to cover the risk which he takes in the particular industry in which he is engaged. It seems to me that this proposal will be absolutely unworkable when we come to take into consideration the fact that the insurance that must inevitably be paid by the employer to cover him in this risk also covers what the employé is entitled to—without any charge in connexion with his common law rights, and also in connexion with the rights that he has under the Commonwealth Act. The protection that he receives under that Act is free, and yet in the State of Victoria we are going to ignore the principles which underlie those Acts and insist on his contributing something to cover him in respect of the protection he is entitled to. The honorable member for Gippsland West, was, I think, in the whole of his argument, labouring under the logical fallacy that this was something that was being given to the workman to which he was not entitled.

Mr. M. K. MCKENZIE (*Upper Goulburn*).—Hear, hear.

Mr. SNOWBALL.—We see a clear line of demarcation between those in favour of this principle and those opposed to it. I was pleased to hear the honorable member for Mornington enunciate the real principle underlying legislation of this kind. I join with those who say that it is misleading to show cases where any other principle is recognised, whether in England or on the Continent of Europe. The principle of this clause is not recognised anywhere.

Mr. WARDE.—It is limited.

Mr. SNOWBALL. — Absolutely limited. The only place worth mentioning where there is an approach to it is Germany, and, there, unemployment insurance is mixed up with it. We know that Mr. Chamberlain introduced this legislation with the declaration that the English people recognised that the employés were entitled to be protected out of the industry itself. We know that in the early stages of this legislation the rural workers were not included, but afterwards, when the English people determined to bring the rural workers and all others under this legislation, they insisted on maintaining the characteristics of accident insurance everywhere, and that is, relief to the employé free from the necessity to contribute. How is it possible to work out a contributory system in ordinary daily life? Take the case of a farmer, even on his farm. This feature will be more pronounced in other industries. I have been looking through the tables Mr. Laughton has given us. There are six or seven different headings under which the ordinary employé on a farm would come, and in each case there would be a different rate. Under this Bill, it would be necessary for the employer to deduct one rate from one employé and a different rate from another employé. It is a matter of principle we are discussing, and it is on principle we ought to stand in connexion with this clause. It is not a question of the smallness of the contribution. I differ with the honorable member for Gippsland West on the question of principle involved.

Mr. MACKEY.—Will the honorable member say on what principle the employer should become responsible in the case of an accident caused by the neglect or misconduct of the workman himself?

Mr. SNOWBALL.—I was going to refer to the cases which the honorable member for Gippsland West put before honorable members. Every one of those cases had an underlying principle. There are certainly accidents incidental to the industry in which a man is engaged, and for which the man is not himself responsible.

Mr. MCLEOD.—What about people creating their own risks?

Mr. SNOWBALL.—We all know that employers and employés at some time or other are careless. We do not always take due regard for our safety. During the ordinary bustle of industrial life, every one is careless at times, but that is not a reason why a man should not receive protection from the industry in which he is engaged. That is the principle recognised by the English Acts. The honorable member for Gippsland West mentioned the case of an employé who was sent by his employer out on a bicycle. The honorable member submitted this as a case where the employé should be held responsible. The law says that this man was employed in connexion with a certain industry, and that he had to take a bicycle and travel down the street. He was killed. I think it is not at all unreasonable to ask that industry to bear that particular risk in connexion with the proper performance of his duties by the employé. There is none of the cases the honorable member mentioned which cannot be brought under the same principle.

Mr. MACKEY.—Will the honorable member say that in a case where an accident was caused by the wilful misconduct of the workman?

Mr. SNOWBALL.—I think there are accidents brought about by the wilful misconduct of the employer, but the only fund out of which compensation for these can be met is that of the industry concerned. The employé has no opportunity at present of getting cover from that. He has only his wages, while the employer has the whole industry and its profits to fall back on.

An HONORABLE MEMBER.—In some businesses there are no profits.

Mr. SNOWBALL.—The worker is not responsible for that. He does not plan the business. A man invests his money in a certain undertaking, and the law insists that the employés shall get a living wage out of the industry. That is a splendid principle recognised in legislation, and although that precedent has

been scoffed at during this discussion, I would ask what justification there is for our ignoring it and declining to recognise the only foundation on which we can justify legislation of this kind at all. We have the precedent of the British legislation and the legislation of our Australian States. The workers have waited long, not for a privilege or concession, but for the recognition of their right to be considered in connexion with their industrial life. I hope that many of the arguments used with such force in favour of this clause will be recognised as illogical, and that honorable members will follow the lines of the great principle which has been placed on the statute-book in connexion with legislation of this kind, and determine to remove from the Bill this clause which I feel cannot be justified in any way. I think we should have liked to hear the honorable member for Daylesford express his views on this matter. I think the Government are entitled to look to those who tempted them to depart from the principle that was recognised when this legislation was passed in England.

Mr. McLEOD.—We have an able lawyer on each side, and it would be presumption on my part to interfere.

Mr. SNOWBALL.—I think the honorable member led the Government into a position on which they are now being challenged, and I think it is his duty to stand by the Government and help them to justify the proposal that is now being made. With his usual caution, the honorable member is allowing the Government to face this trouble and difficulty alone. This is not a party question, and we ought to discuss it regardless of questions connected with the Government or otherwise. I think the Government should not take seriously the rejection of this proposal. The honorable gentleman in charge of the Bill has stated that he is determined to stand by the proposal. Perhaps we cannot expect him to do much less than that. I hope that we shall not couple with this legislation, which we have neglected so long, a principle which cannot be justified on any ground.

The Committee divided on the clause—

| | | |
|---|---|---|
| Ayes | ... | 28 |
| Noes | ... | 25 |
| Majority for the clause | ... | 3 |

AYES.

| | |
|---|---|
| Mr. Angus | Mr. Langdon |
| ,, Argyle | ,, Mackey |
| ,, Barnes | ,, H. McKenzie |
| ,, A. A. Billson | ,, M. K. McKenzie |
| ,, Bowser | ,, McLeod |
| ,, E. H. Cameron | ,, Menzies |
| ,, J. Cameron | ,, Murray |
| ,, Campbell | ,, Oman |
| ,, Duffus | Sir A. J. Peacock |
| ,, Farrer | Mr. Pennington |
| ,, Gordon | ,, Robertson. |
| ,, Graham | |
| ,, Gray | *Tellers:* |
| ,, Hutchinson | Mr. Keast |
| ,, Johnstone | ,, Livingston. |

NOES.

| | |
|---|---|
| Mr. Baird | Mr. Outtrim |
| ,, Bayles | ,, Plain |
| ,, J. W. Billson | ,, Rogers |
| ,, Chatham | ,, Sangster |
| ,, Cotter | ,, Smith |
| ,, Downward | ,, Snowball |
| ,, Hogan | ,, Solly |
| ,, Jewell | ,, Tunnecliffe |
| ,, Mackinnon | ,, Warde |
| ,, McCutcheon | ,, Webber. |
| ,, McGregor | *Tellers:* |
| ,, McLachlan | Mr. Elmslie |
| ,, Membrey | ,, Lemmon. |

PAIRS.

| | |
|---|---|
| Mr. Carlisle | Mr. Hampson |
| ,, Thomson | ,, Hannah |
| ,, Watt. | ,, Prendergast. |

On the motion of Mr. MURRAY (Chief Secretary), progress was then reported.

The House adjourned at twenty-four minutes to ten o'clock.

## LEGISLATIVE COUNCIL.

*Wednesday, September 3, 1913.*

The PRESIDENT took the chair at eight minutes to five o'clock p.m., and read the prayer.

### CONSOLIDATION OF STATUTES.

The Hon. R. BECKETT asked the Attorney-General—

Whether, in view of the proposal in the Governor's Speech to introduce the Consolidation Statutes in October next, the Government intend to push on the various amending measures which it will be necessary to incorporate in such Consolidated Statutes, particularly the amending Local Government and Health Acts?

The Hon. J. D. BROWN (Attorney-General).—The Government are pushing

on with the amending measures to be incorporated in the consolidating Statutes. I hope that the amending Local Government Bill will be ready in time; but I am doubtful about the Health Bill.

## CLOSER SETTLEMENT.

### Restrictions on Titles.

The Hon. FRANK CLARKE moved—

That, in the opinion of this House, the alarming falling-off in the number and confidence of local and overseas applicants for Government Closer Settlement blocks is a matter of urgent national concern, and is largely due to the restrictions upon the ultimate title offered.

He said that he felt it was compulsory upon him to draw the attention, not only of Parliament, but of the country, to the affairs of the Closer Settlement Department. We were not making the progress which we should make in connexion with closer settlement. Every day saw further damage done, and the country should be warned of it in time. Moreover, the one man who could possibly have brought order out of chaos, the one man in whom the Government, the Parliament, and the people, including the settlers, placed confidence, had now threatened to send in his resignation. It was the duty of Parliament in these matters to lead the country, and not merely follow an opinion which had grown up, and which had become so strong that they were finally compelled to take notice. Honorable members in this House should be the wise physicians, who rather took care to prevent disease than to cure it with the knife. They should be the captains who saw the storm coming, and prepared themselves before it actually broke. Therefore, he urged honorable members to take into consideration the whole question of the future of closer settlement, quite apart from what had happened in the past, and to endeavour, before it was too late, to do something to remedy the state of affairs which had grown up, and which was increasing in seriousness every day. He proposed to attempt to prove that closer settlement and immigration were failing, and to discuss the reasons for it, as well as to outline the possible remedies. To his mind, closer settlement was undoubtedly failing. He had made an analysis of figures supplied him in the most courteous manner by the Closer Settlement Department and the State Rivers and Water Supply Commission. It was as follows:—

All settlers, local and oversea—

| | 1912. | | 1913. |
|---|---|---|---|
| 1st Quarter, Jan.-Mar. | 189 | ... ... | 103 |
| 2nd Quarter ... | 205 | ... ... | 139 |
| 3rd Quarter ... | 204 | July-Aug. ... | 69 |
| 4th Quarter ... | 101 | | |
| Total 12 months | 699 | Total 8 months | 311 |
| An average of 58 per month. | | An average of 39 per month. | |

Local settlers placed—

| | 1912. | | 1913. |
|---|---|---|---|
| 1st Quarter, Jan.-Mar. | 169 | ... ... | 74 |
| 2nd Quarter ... | 77 | ... ... | 78 |
| 3rd Quarter... ... | 152 | July-Aug. ... | 55 |
| 4th Quarter... ... | 73 | | |
| Total 12 months | 471 | Total 8 months | 207 |
| An average of 40 per month. | | An average of 26 per month. | |

Comparing the first eight months of 1913 with the first eight months of 1912, we find—

All Settlers.

| Jan.-Aug., 1912. | Jan.-Aug., 1913. |
|---|---|
| 546 | 311 |

A falling off of over 42 per cent.

It was not possible to obtain the numbers of those throwing up their blocks, but it is known that it is much greater this year than last.

Note.—These figures include all farm and agricultural allotments, but exclude workmen's homes.

From those figures honorable members, he thought, could judge the point which he was endeavouring to make that we were not only not progressing, but were going back. Now, Victoria, with its magnificent soil, a great and genial climate, and its excellent natural conditions generally, should not fall short of any other part of the Empire, or of any other country in the world, in attracting immigrants to its shores. During the last four years Canada had increased her annual immigration from 184,000 to 354,000 people. The figures for the Argentine Republic were smaller, but the increase was in about the same ratio. Even Western Australia, he believed, had better figures than Victoria could show. He did not think that in any of those countries the prospects before an immigrant were anything like as good as they were here. Even that great curse of the old times—drought—had, Balaam-like, as soon as we dug our water channels, been turned into a blessing. There was no

reason why any settler should not flourish in this land, and there should be no reason why any man should hesitate to come from any part of the world and settle here. If people did not come, there must be reasons for it. First of all, he wished to prove that they were not coming here, and that closer settlement threatened to be a failure. Honorable members would see in the analysis which he had supplied that he had divided the last two years into quarters, and that during the whole of the year 1912 there was a monthly average of fifty-eight settlers—both local and oversea—put upon the land; whereas for the eight months of this year there had been an average of only thirty-nine. He said again that even if the average were the same this year as last, it was not sufficient. Having the advantages we had, every successive year should be a record year. Every successive year should outstrip all previous records. We found not only that we were not keeping up to the average of last year, but that we had dropped seriously behind. Taking the local settlers in the same column, it would be found that in 1912 there was an average of forty a month, while for the present year there was an average of only twenty-six per month. Comparing the eight months of 1912—that was to say, from January to August—with the past eight months of this year, he found that there were 546 settlers placed on the land during the last eight months of 1912, and only 311 during the same period of this year. Any one could see that when we should have reached the climax of our endeavour there was a falling-off of over 42 per cent. He submitted that that was one strong argument and a justification for saying that closer settlement was falling away. He should like further to refer to another argument as to why it was failing. He had with him various letters that had been written to him, that had been written to the newspapers of this State, and that had been written to the newspapers of England. The first one had appeared in the London *Times* of 4th April, 1912. It appeared as a letter from Mr. H. P. Macartney, on behalf of the Nanneella Settlers' Association. It could be seen in the Library if honorable members desired to read it. He would not read the whole of the letter, because it was too long, but he would give some extracts in order to show the tenor of many letters sent to England, and which he regretted were still being sent there. The writer said—

To the Editor of the *Times*.

Sir,—At a general meeting of this association, consisting of oversea settlers, a resolution was unanimously passed asking the Government of Victoria to keep to the promises contained in pages 5 and 7 of No. 2 Bulletin.

Further on he said—

It has now been decided, on behalf of the settlers who left England on the representations, to approach you as a means of letting the general public know what treatment has been meted out.

Then he said—

The object of this letter is to give a timely warning to others intending to emigrate to this State.

And he finished up by saying—

Relying on you to give publicity in order to safeguard our fellow countrymen.

He (Mr. Clarke) quoted that letter, not in order to prove that the statements contained in it were fair or true, but to illustrate the effect that would be produced on the minds of the Englishmen who read such warnings from countrymen of their own who had come to what they would regard as a far-away and more or less foreign place. If honorable members were going to a distant country, and read such a letter of warning from one of their own countrymen, they would hesitate to follow him and cast their bread on the waters. That was a type of the letters that went to England. Perhaps they were grossly unjust, and libelled our State and the advantages we were offering; but they created an impression which went to show that immigration was failing, and that it was being discouraged. He had a dozen letters from constituents of his own in the north, which was the largest closer settlement area in the State. He thought he would spare the House the reading of those letters. The final consideration to him, as another proof that irrigation was likely to fail, was that Mr. Mead had threatened to send in his resignation. He did not know Mr. Mead's mind; he did not know the reasons which dictated that resignation. Mr. Mead's mind was adorned with that flower of loyalty which dictated the backing up of his chiefs, whether he knew them to be in the wrong or not. To Mr. Mead—

Loyalty is just the same,
Whether it win or lose the game.

All endeavours on his (Mr. Clarke's) part to find out Mr. Mead's mind on the policy being pursued had been fruitless. Mr. Mead had indeed told

him that what was known as clause 69, dealing with the spotted titles, had had no material influence on his decision. He (Mr. Clarke) put it to the House, when we found all these facts gathering slowly together into one great rolling ball, whether it was an unfair assumption to suppose that in the mind of Mr. Mead, even if it were unconsciously in his mind, the threatened failure of our closer settlement must have carried some weight. He trusted that the Government would be successful in retaining the services of Mr. Mead, for he (Mr. Clarke) must frankly say that in the north, amongst the irrigation blocks, that gentleman had won the confidence of the settlers. He was just beginning there by his able administration to get things in going order. There were not many other men in the world that we could get. There were not plenty of equally capable men who understood our conditions. If Mr. Mead left us, the whole of the work of the last three years in the north was likely to be practically thrown away. He (Mr. Clarke) had submitted these facts to the House in the hope that honorable members would agree with him that closer settlement was in danger of failure. He would go on to discuss the reasons and the causes of the failure. In the first place, amid a multitude of minor troubles of the settlers, there stood out a very general discontent amongst them which originated, not entirely, but chiefly, from what was known as the spotted titles. The Government had vigorously defended section 69 of the Closer Settlement Act in advance of any authoritative criticism. Everywhere the Minister of Lands and the Premier had been they had spoken in advance in defence of that section. It was impossible to debate the spotted titles question without trying to get into the mind of the Minister of Lands by analyzing and discussing the reasons put forward by him for the retention of section 69. The very first point was that its abolition would cause aggregation. If the owners of closer settlement blocks were allowed to sell to any one after they had acquired a title, it was said that it would cause aggregation, and the Minister added that the wealthiest men were the most likely buyers. There were various reasons why aggregation should not take place in these closer settlement blocks. The Minister of Lands stated that the whole past history of closer settlement in this country showed that aggregation would take place. During his journeys round the country he (Mr. Clarke) had asked various old stock and station agents if they could tell him of any instance in past history of marked aggregation taking place after closer settlement, and he had failed to find any instance quoted by these men, who were dealing in land every day, to support the contention of the Minister of Lands. The Minister produced two awful examples to prove his case. They were naturally the examples that were best suited to prove his case. He quoted Wando Vale, which was an estate that was bought thirteen years ago, and was now a horrible example of the evils pertaining to the right of settlers to sell their blocks. Originally there were sixty-six settlers there, but because section 69 was not then in existence the number of settlers was now reduced to fifty-five. That was the worst example that the Minister could adduce—that in thirteen years sixty-six settlers had been aggregated into fifty-five. The other example quoted was the Walmer Estate, and in that case forty-two settlers had been aggregated into thirty-three. If they were the worst examples then let us have all the aggregation that was likely to happen, because it would not matter a pin to the Government so long as they could get fresh people to settle on the land. There were certain disabilities which had recently grown up, or had grown stronger. One of them was the Federal land tax, and another was the State land tax. Then in the irrigation areas there was the charge of 5s. per acre for water whether you used it or not. Another one that was also growing up rapidly was that the settlers were putting very costly improvements on very small areas. In the north the average acreage was about 50 acres, and upon that the holder put improvements to the value of £400 or £500. How, with the land taxation, with the compulsory water rate, and with having to pay at least £500 for improvements, which the large landowner who wanted to aggregate would have no use for—how a man could come along and buy a great number of these closer settlement blocks, and lump them into one, passed his comprehension. It was perfectly true, to be thoroughly just to the Minister, that he did say that he was not so afraid about the irrigation areas in the north, but nine-tenths of his (Mr. Clarke's) arguments applied to the dry settlement blocks as well. The enor-

mous increase in value, because of the improvements put on the land, would effectually stop men from aggregating these blocks. But, suppose that aggregation did take place, and that many of these allotments were thrown back into one solid block. Before that could happen, the Government would have been repaid every penny that they had spent in acquiring these estates. Here and there the Government might lose a little money because a school that they had built might be thrown out of commission. It was also true that, in some instances, railways had been built to the closer settlement areas; but those railways would not necessarily be destroyed because there was aggregation. The returns from them would not fall off on that account. So far as he could work it out, if the whole of the closer settlement blocks which the Government had acquired to-day were thrown back into large estates, the Government would be likely to lose something between £30,000 and £40,000, after spending millions and millions of pounds. Therefore, the fear of losing a great deal of public money through aggregation seemed to him to be worth but little. Assuming that aggregation would take place, was the fear of it going to stand in the way of bringing immigrants here, or of settling our own people on the land? That was the crux of the whole situation. If the present settlers were dissatisfied with their lot, and did all they could to discourage other settlers from coming here, because of what one might call the anti-aggregation clause, was it worth while to stop people coming to this country simply because of this vague fear of aggregation, which, he hoped, he had convinced the House was, to a very large extent, an illusion? Aggregation was not such a great and important matter as immigration. Section 69 would not stop a foreign foe from coming to this country, and no theory, however good, should stand in the road of peopling the waste places of Victoria. There was also the statement generally made by the friends of the present Act, that these men had come out here fully aware of the conditions under which they came. All the 700 signatures which were submitted to this House last year, all the statements which had been made since, had, by some individuals, been brushed aside and discounted, and, he regretted to say, had been stated to be practically untruths. If a man, in order to bolster up his case, had to take the whole of those 700 sworn declarations and say that they were not worth the paper they were written on, and were not true, his case must be in a very sorry position. The Minister of Lands recognised that if he gave way, and accepted these 700 declarations, the whole case which he had supported, so far as the past went, would be set aside, so that he found himself in the position of being compelled to cast doubts upon those declarations. He (Mr. Clarke) was not casting any slur or reflection on the Minister.

The Hon. A. HICKS.—It was not the Minister, it was this House which passed that section.

The Hon. FRANK CLARKE said he was thinking of the Minister's present argument for retaining that provision.

The PRESIDENT.—I have allowed the honorable member very great latitude, but it is not in order to speak in reference to a matter that is the subject-matter of a Bill now before the House. We have a Bill to repeal that particular section.

The Hon. FRANK CLARKE said he understood that he could refer to the future, and to the general policy, but not to section 69 itself. As he said, he was not casting any slur upon the Minister of Lands, who, he was sure, was honestly convinced of his opinion being a right one. The Minister did not urge that opinion from any base motive, and he was quite right when he said that the expression of that opinion might do him serious damage in his constituency when he went for re-election. All the more honour to him for saying what he believed in. He (Mr. Clarke) merely differed utterly from the Minister in his conclusions. Continuing the causes of the failure of our present closer settlement policy, he had himself noticed the discontent of the settlers. He had received letters from numbers of his constituents, saying that they were writing and advising their friends in the Old Country not to come here. There was another cause of the failure of that policy, and that was that the majority of the settlers who were coming here and going on the land had not sufficient capital to give them a fair chance to get going at all. The reason that the settlers did not have sufficient capital was to be found in what he had just stated. The men who were here were writing Home and

warning desirable immigrants—men with capital—that things were not what they seemed. If a man had anything at stake and something to cling to, he was not willing to tear up everything and depart for a new country, if there was an enormous risk, and an unknown risk, awaiting him at the other end. At present, the Government were only getting people who had nothing to lose, and who were, therefore, not frightened of anything that might happen to them. Men with £500 or £1,000 of capital were not risking it. Therefore, in order to abolish the one trouble, it was necessary to deal with the other. It was necessary to get the settlers who were already here to write Home favorable reports. It was necessary to get them to act as advertising agents, and if they did so they would be infinitely better than any paid agents that could possibly be employed. That, however, had not happened, and he did not think there was any prospect of it happening so long as the present discontent as to the title went on. He did not wish to weary the House. He could be cheerful amidst very much that was not cheerful in saying that, although the future was not bright unless something could be done to remove the restriction as to the title, yet 80 or 90 per cent. of the men who were already on the land were doing very fairly. Of course, they were having a hard struggle. Most of them had been going only two or three years, and were hardly in a position to be aware themselves that they were succeeding in life; but the men who went about amongst them, and who knew something of the subject, could see that numbers of them were succeeding. This only illustrated the fact that our conditions out here were congenial, and made it possible for a man to be successful. The more pity that the failure of people to come here was growing so pronounced. If the Government abolished the restrictions, they would get the settlers. If the Government persisted in their favourite theory by retaining section 69, they would be running against the root idea in the Anglo-Saxon mind, and the agitation would never cease. Whether the Government gave way now or not, the weight of that agitation would become such that, in the end, they would have to give way. The feeling was growing in intensity from day to day, and the damage which was being done, both overseas and here, by all these discontented reports was not a thing that could be cured in a day. Even if section 69 were altered, it would be years before the evil impression created by it was removed. If the Government waited a year or two before doing anything in that direction they might never be able to live it down. Therefore, he would urge the Government not to wait. It was the most vitally important thing to Victoria that we should get population. No theories as to aggregation or anything else should stand in its way. They could have those theories, or they could have more settlers, but they could not have both. The Government would have either to chuck their closer settlement policy or to chuck their theories as to aggregation. It was 140 years since English Ministers insisted on the American Colonies paying tea duty. Burke warned the House of Commons to beware of doing anything that would impair the ties, light as air, but strong as iron, that bound the Colonies to the Mother Country; but Ministers insisted on imposing the tea duty, and they lost America. In the same way the Government might insist on preserving their theories as to the aggregation of land, but they would lose the population that might otherwise be attracted to this country.

The Hon. A. HICKS.—Why are people leaving the country and coming to the towns?

The Hon. FRANK CLARKE said that was a thing he could not understand.

The PRESIDENT.—The honorable member will please take no notice of interjections.

The Hon. FRANK CLARKE said that for the last forty years there had been a drift from the country into the towns. It had not increased greatly during the last four or five years in which we had had closer settlement. The explanation of it was to be found, he presumed, in the pleasure-loving nature of our people. He had done his best to urge upon the House the importance of this subject, and if he had been able to reach the minds of honorable members, and induce them to see before everybody in the street realized all the serious dangers that we were drifting into, he had done all that one man could do.

The Hon. D. MELVILLE seconded the motion.

The Hon. T. BEGGS said he was very glad that Mr. Frank Clarke had brought

this matter before the House. He thought it was a matter of vital importance to the State of Victoria. The honorable member showed very clearly that there were many faults in the working of our closer settlement system, but he (Mr. Beggs) thought that one of the chief faults was that too much attention was being paid to the irrigation blocks, and not sufficient to the dry-farming blocks. Irrigation was mainly believed in by people who lived in towns. The country people did not like irrigation. The process was too slow. Too many years went by before any results were achieved. Irrigation was left to dark races, as a rule; and if the Government and the Closer Settlement Board would only devote more attention to settling people on dry-farming blocks, and to bringing out immigrants for the purpose of settling them on dry-farming blocks, they would add greatly to the population. Much had been said with regard to aggregation. When all the land of the State was thrown open for settlement, the people who took up blocks did not remain on them. Conditions were now altogether different from what they were in 1865. People would not so readily dispose of the blocks they had and seek larger blocks, as they did formerly. In the early days, people took up blocks of 160 acres, or 320 acres, and afterwards sold them. They went further afield, and got much larger blocks. Then others, who did not know how to live upon the land, selected land, and it fell into the hands of the nearest storekeeper. That led to aggregation. How could aggregation go on now, in view of the high price of land? It must be assumed that if lands were aggregated they would be used for grazing purposes, and the present price of agricultural land, at all events, forbade the grazier from buying. Then, again, the improvements that had been placed upon the land by the settlers formed another bar to aggregation. He had had great hopes that good results would follow from section 20 of the Closer Settlement Act, under which there was provision for a man to buy land where he wished, and avail himself of all the facilities afforded by the Closer Settlement Board. It was intended that a man should be able to buy land from any one he chose through the Board, under closer settlement conditions, but the present Board did not seem to approve of that. Apparently they considered it too much trouble. They liked to aggregate the settlers into communities where they could more easily deal with the position. He hoped that there would be a good deal of discussion upon the motion. He would strongly urge the Government to pay more attention to settling men upon dry farms than to settling them in irrigation districts. He knew that a vast sum of money had been expended on irrigation works, and that it was necessary to try to recover that money. A great amount was lost some twenty-five years ago. The Government should bring out men from the Old Country who were accustomed to the ordinary system of farming, and let them take up blocks of 200 or 300 acres. A man could set to work at once and plough 100 acres. He could then go out and work elsewhere until sowing time came. After sowing he could earn money somewhere else until reaping time arrived. That would keep him going while waiting for his crop instead of having to wait, as the settlers in irrigation districts did, for five years for their fruit trees to grow, while all the time they were hampered with a 5s. rate for water, at the lowest estimate, and with the instalments towards the very extreme price they had to pay for the land. It was unfortunate that the Government had taken one of the choice portions of the State eminently adapted for dry farming, and endeavoured to establish an industry through irrigation there.

The Hon. J McWHAE said it was a remarkable fact that all great, successful, and permanent movements were of slow growth, and that applied in an eminent degree to the matter of closer settlement. He was not one bit pessimistic, like Mr. Frank Clarke, because there was a temporary check in connexion with closer settlement. He did not know of anything yet that had come to a great end that had not had checks in its infancy, and we must consider closer settlement as being only in its infancy. He had a most intense faith in the future of the irrigation blocks of Victoria. Why had he that faith? Mr. Beggs had mentioned that he believed in dry farming. He (Mr. McWhae) not long ago met a man who had made a success of irrigation here, for even at this stage of our closer settlement system we had successes. When

he was on a recent trip to New Zealand, he met a Victorian, a man of twenty-six or twenty-seven years of age, who said that his mother had started him seven years before in a dry-farming district with £1,100. He lost everything in three bad seasons, and gave up the land. He then got his mother to give him another start within 60 miles of Melbourne. He got an irrigated block of 40 acres at £32 per acre. That young man said, "I have paid my mother her £1,100; I have paid for my stock; I have paid for my land, and I am now having a trip. When I get back my brother is going on a trip." He (Mr. McWhae) had good reasons for his faith in irrigation. He had had the pleasure of visiting California on several occasions, and he had gone through that magnificent settlement of Riverside, where land which was formerly worth 14s. per acre was now worth from £400 to £600 or £800 per acre owing to irrigation, which had made the whole country rich. When he was there, the city of Los Angeles borrowed five or six millions to bore through a mountain and bring the river out on the other side, simply for the purposes of irrigation. Where could any one wish to see a more magnificent success than Mildura? Comparatively few Victorian people had ever seen Mildura.

The Hon. FRANK CLARKE.—There is no compulsory residence there.

The Hon. J. McWHAE said he did not think that mattered one iota. Mildura was a prosperous community of 6,000 or 8,000 people, who were as independent, and as well to do, as any community in Victoria. The only people who complained were the bankers, because there were comparatively few overdrafts in Mildura. Mildura was one of the most prosperous settlements in this State. Some seven or eight months ago he backed his faith in irrigation in connexion with a young man who was then engaged in another occupation. He said to that young man, "You start in Bamawm; get a good block, and see what you can do." That young man started last March, and had already spent £450. That was one of the rocks that interfered with the success of our irrigation policy —it took money, and it took time. It was not so long ago that a paragraph appeared in the newspapers when eight or nine immigrants arrived in a ship, but now they were coming in by hundreds. There was a temporary check at present. Those men who had come here were undergoing a struggle to get their footing. That would not be done in a day. It would take fully four years before those men could get thoroughly on the road to success. At present they were undergoing the heat and burden of the day, and in some cases their money had given out. Some of them wished that they had gone to any other place than Australia, but that feeling would pass away. The best of them would struggle through, and in three or four years' time they would be getting £25 or £30 per acre revenue from their irrigation blocks. He knew that big land-owners and well-to-do farmers were prejudiced in favour of large blocks. There was plenty of beautiful wheat land in New South Wales, and country people were sending their sons there to make homes for themselves. They could get good wheat land there for £5 or £6 per acre. These people had the money to establish their sons on the land, and the sons did well. That New South Wales land was a strong counter attraction to our closer settlement blocks. The farmers did not know the value of the irrigation blocks, or they would give their sons the capital to start in irrigation settlements, where they could get all the comforts to be found in a settled community, rather than send them to New South Wales. When he was at Bamawm three or four weeks ago, the settlers were forming a tennis club. They had comforts and luxuries that could not be obtained out-back in New South Wales. In time the men who stuck to the irrigation blocks would command success, and then other people would flock in. The well-to-do farmer would find that his sons could get just as rich on irrigated blocks as on large, dry farming areas, and that it was not necessary for them to leave Victoria. It would be found that the newness to the conditions would soon disappear, and this temporary check, news of which had gone to England from down-hearted settlers, would pass by.

An HONORABLE MEMBER.—You always find them.

The Hon. J. McWHAE said in all businesses men had their bad times, and these settlers had had their bad times, because they were going through the preparation period. They had spent their money, and felt that they were in a strange country, but they would battle

through. Give these people time, and it would be found that things would come out all right.

The Hon. W. A. ADAMSON.—We want a lot of men talking like that.

The Hon. J. McWHAE said he would advise honorable members who doubted the success of closer setlement to go to Mildura. They would come back enthusiastic believers in irrigation, and would be found sending their own sons out to irrigation settlements, because success and comfortable living could be got there as in no other branch of country life. With regard to Mr. Elwood Mead, he was a most valuable officer. He came from a university which he (Mr. McWhae) knew very well, but irrigation was not going to stop because of Mr. Mead's departure. Honorable members must not think that that would make any eventual difference in the irrigation movement. It would be found in a very little while that success was general throughout the irrigation blocks. He was quite satisfied that closer settlement would progress year after year. The present experience was only a temporary check, and in the course of time this policy would meet with all the success it deserved. The Government were treating the people who went on these settlements in a most liberal manner, because they were advancing to them something like 60 per cent. of their improvements. That was all the Government were fairly entitled to give. One must not expect to go on a settlement block without some capital. The trouble was that only a few of the settlers had had enough capital. In course of time, however, we should get the class who had enough capital, and then the movement would come out in the way we expected it would when it started. Irrigation was going to bring a great population to Victoria. He did not feel that there was any possibility of aggregation, because it would cost too much to purchase the irrigation land for this purpose. When land went up to £500 or £600 an acre, there were not many men who would buy a large area of it. For one thing, it took too much labour to work it. He knew a man who had 200 acres in fruit. He had to employ fifty men, and had made a brilliant success of his undertaking. The thing that would kill aggregation would be that one man would not be able to get a sufficiency of labour. It would be found that the most success would be obtained where the man and his family did the work, and, that being so, section 69, which had been referred to, was quite unnecessary.

The Hon. F. BRAWN observed that one fact had been lost sight of in this debate, and that was that closer settlement by the Government and private individuals had gone off very much during the last year or two. Two or three years ago everybody was rushing for land, and estates were being cut up by private enterprise all over the State, and land was bringing very high prices. To-day, one hardly ever saw any land being cut up and sold by private people, simply because the demand had fallen off. There was a great deal of glamour about going on the land. A great deal of the cause of failure was that people were attracted there who really did not know what was required when they got on the land. To succeed they had to put their hands to the plough and keep on. He could not see how section 69 could stop a man from making a success of his holding. It might affect his title, but, if he meant to stay on his land, the fact that he could not get a freehold title would not stop him from succeeding.

AN HONORABLE MEMBER.—It would stop him from going there..

The Hon. F. BRAWN said Mr. Frank Clarke stated that there was a falling-off in settlement because section 69 was in operation.

The PRESIDENT.—I do not think that the honorable member should discuss section 69. I have allowed too much latitude, I admit.

The Hon. F. BRAWN said that where there had been failure the cause was not owing to the title, but in a great number of cases to people being attracted to the land who were not fitted for the life. Honorable members were told by Mr. Frank Clarke that there were from 80 to 90 per cent. who succeeded. That was an excellent result. If only 10 per cent. or 20 per cent. were not succeeding, then it spoke well for closer settlement as far as it had gone. He thought that 10 per cent. or 20 per cent. of the people who had gone on these settlements were unfitted for the work. He was rather surprised to hear Mr. Beggs' remarks, and he was pleased to notice how ably Mr. McWhae dealt with them. In his opinion, Mr. McWhae completely knocked the honorable member out. Perhaps, in his desire to put the case fairly, Mr. McWhae might have

painted the lily a little bit. He (Mr. Brawn) could not agree with the idea that a farmer might get 300 acres, and go out working for other farmers while the crop was growing. The man who attempted that would be a failure. If a man had 200 acres or 300 acres he would have as much as he could do all the year round, without working for others. He knew from his own experience that that was so. He had men working small blocks, and they were helped by getting a team of horses. This, however, caused great inconvenience, because they would want the horses at the same time as he did. He was quite sure that Mr. Frank Clarke placed the case fairly and squarely in his own opinion, but he did not think that the honorable member had given the real cause of failure.

The Hon. A. O. SACHSE stated that Mr. Frank Clarke was to be congratulated on bringing this matter before the House. At the same time, it was not inconsistent to agree with a great deal of what Mr. McWhae had said. During Mr. Frank Clarke's remarks he heard nothing to show that irrigation had been a failure. The notice of motion before the House affirmed the opinion that "the alarming falling off in the number and confidence of local and overseas applicants for Government closer settlement blocks is a matter of urgent national concern." Whether one agreed with dry farming or whether one favoured irrigation, with all its attractive advantages, certain facts remained to be considered. Mr. Frank Clarke's return showed a falling off of settlers, the number in 1912 being 699, as against 311 a year afterwards. That was taking last year and comparing it with eight months of this year.

The Hon. J. D. BROWN.—We all know the enormous falling off in the emigration from Great Britain to all parts of the world.

The Hon. A. O. SACHSE said every one's eyes were directed to Great Britain, but if we inquired in connexion with irrigation, especially in the Goulburn, we should find that the bulk of the settlers were the sons of farmers in the neighbourhood and in other parts of this State. We could not keep on drawing upon the farmers' sons in this community. A new system was introduced in settlement, and a large number of farmers' sons took up the blocks. The matter that concerned him was this: Were the Government offering sufficient inducements to people to come from England? Mr. Frank Clarke's return did not show whether the applicants were from overseas or local people. The number of the latter was limited, and if the local settlers had fallen off, it could not be said that the irrigation work of the Government had been a failure. We must see whether the imported settlers had fallen off, and there was nothing in the return to indicate whether they had. He knew settlers himself who came from the north because it was too hot there, and they wanted to live in a more temperate climate. We had people from Western Australia who liked to live under the more civilized conditions here, and we had people from South Australia who came here to take up land in our irrigation settlements. Notwithstanding Mr. Frank Clarke's slightly pessimistic address, he had yet to learn that there were any considerable failures in connexion with the irrigation blocks. What were wanted were men of the right sort, not men with rich mothers. These men were not wanted here.

The Hon. J. MCWHAE.—They are, if hard workers.

The Hon. A. O. SACHSE said that was not the class we should cater for, because they were too scarce. We wanted men with a strong right hand, who could take the axe to do clearing work, or who could dig or cultivate and produce whatever it would pay to grow on the land they were settled on. Mr. Beggs touched on one point. He stated that the land had not been well selected, so far as the dry areas were concerned, and that, as to the irrigation areas, the land which had been selected was in localities where settlement would have been successful under dry farming. In the case of the Goulburn land, that might be so; but there we had the water, and you must have the irrigation settlements where you had the water. At Mildura we came right to the water. Dry farming there would be a failure, but luckily there was water within a reasonable distance. Mr. McWhae had shown that in America it was intended to spend £5,000,000 to bring a river through the side of a mountain. The river was there. It was no good trying to establish irrigation settlements in absolutely dry areas unless there was a river or other supply in the neighbourhood from which water

could be brought at an economical price. The cost of the land was really a very small matter. Both the present and the last Government had been very indulgent as regards the terms on which land could be obtained. It was only a matter of time before the cost of the land was wiped out, but the cost of water had to be perpetually met. Although the prices of produce might be low, or crops for some reason might be poor, the water must be paid for just the same. Even if a man paid a great deal, he did not always get the water he wanted. He had been looking for some reasons for the present state of affairs in connexion with closer settlement, and those which he had found caused him to sympathize a good deal with the Government. First of all when people came here they were taxed fairly heavily, for of late years taxation had been increasing. There had also been a large increase in the cost of labour, especially during the last two years. Then, again, there was the increased cost of living. Further, there had been a tremendous increase in the cost of money. During the last year or two money had been dearer than ever he remembered before.

The Hon. J. McWHAE.—It will be cheaper next year.

The Hon. A. O. SACHSE said if that were so, it would probably help to settle more people on the land. The reasons which he had specified, added to those given by other honorable members, had caused the falling off, as shown by what might almost be called alarming figures. However, those figures were only alarming when a superficial view of them was taken. If honorable members looked deeply into the matter, they would see that they related to a new concern, in the initiation of which blunders had been made. There was the salt trouble at Cohuna, for instance.

The Hon. FRANK CLARKE.—That was a blunder of Nature.

The Hon. A. O. SACHSE said he thought it had rather been induced by want of foresight. The very water which was to prove a blessing had brought up the salt, which it would take some years to get rid of. He had been in India, and seen irrigation carried on there, although not on the same scale as here. He had also seen irrigation carried on in China. One could see real irrigation in China. There the people lived on small blocks, on which their parents and grandparents had lived before them; but every year the soil, instead of getting poorer, appeared to become richer. They had learned not only what crops to grow, but what soil to avoid. It must not be thought that, simply because a certain soil was dry, it would produce good crops under irrigation. For irrigation, land was needed which would not get sour. A great deal of our very rich land would become sour when irrigated. That fact had been discovered. These were all matters in connexion with which he sympathized with the Government. There was one matter, however, on which he could not give the Government sympathy. It had been spoken of by Mr. Frank Clarke. He referred to what had been called "spotted titles." Those titles were not an inducement to people to come here, and they formed the subject of derogatory letters sent to England.

The Hon. F. BRAWN.—Is that the reason why settlers could not make a success of it?

The Hon. A. O. SACHSE said it was one of the reasons why people were not coming here. He was under the impression that all the people who had gone in for irrigation had made a success of it.

The Hon. F. BRAWN.—A big percentage.

The Hon. A. O. SACHSE said, at any rate, they were getting on well. Some of them needed a little more capital, but could not get it owing to money being so dear. During the last two years especially, Victoria had also to compete against Queensland and Western Australia. In Queensland, very large areas of freehold were being given to settlers, and there were no conditions in the title which would justify letters being sent Home to prevent people coming out. The areas given away in Western Australia were almost beyond belief, and they were given on better terms than here.

The Hon. J. D. BROWN.—They give far more restricted titles.

The Hon. A. O. SACHSE said it did not seem like it. He had looked into the Western Australian land system, and found that the Government were not merely generous, but were almost profligate, especially as regards the area. If our Government wanted to get settlers, they would have to give a better title than they had been offering lately. He would have liked Mr.

Frank Clarke to have added to his figures a statement of the expenditure in connexion with closer settlement. The amount expended by the Government in the way of improvements, for instance, had a great deal to do with the successful settlement of the land. As far as he could see, the Government had rather drawn in its horns owing to the want of money. He did not think it was spending as much as in 1912 in obtaining new settlers, and helping those already on the land. That, again, might have had a depressing influence on settlement. To sum up, he thought the Government would have to find a way of supplying cheaper money to settlers, and of giving them a better title than could be obtained now under section 69, before many others could be induced to take up irrigation. With regard to the remarks made by Mr. McWhae, there could be no question that irrigation properly conducted in a climate like ours would pay better than dry farming.

The Hon. J. STERNBERG said Mr. Frank Clarke deserved commendation for having brought up this matter in the desire to improve closer settlement. The honorable member must have gone to considerable trouble in compiling his figures. Of course, the falling off which was clearly shown by the figures might be due to the Government not wishing undesirable immigrants to come here in as large numbers as had been the case in the past year. Perhaps the restrictions referred to by some honorable members had deterred persons desirous of taking up closer settlement areas from doing so. He ventured to say that, as far as closer settlement was concerned, irrigation would be the making of this country. We could not do without it, and large sums of money had been spent on the construction of chaunels and the conservation of water throughout Victoria. In the district which he represented was the Goulburn Valley. There they had intense culture exemplified. It was possible for a man to live there on a very small area, but when he had 25 acres he could do remarkably well, and his bank account would increase. Assuming that some mistakes had been made, and no Government was perfect, he had no hesitation in saying that the money laid out in irrigation was well spent. Of course, there had been failures. He remembered a settlement which was established by the late Sir John McIntyre at Mount Macedon. Men who were led by Sir John McIntyre, who was then Minister of Lands, to believe that it was good land, took up the 20-acre blocks there, but today all those holdings had been vacated. That was to be deplored, but the locality had proved unsuitable. If honorable members turned to Swan Hill and Kerang and other parts of Victoria, they would realize the great advantages of irrigation, and would be certain that it was the proper policy to follow in connexion with closer settlement. The time spent in this debate had certainly not been wasted, but had been well employed.

The Hon. W. L. R. CLARKE said, far from pointing out that the policy of the Government had been a failure in the past, honorable members who had spoken had tried to show that it had been such a success that it was a pity that the Government had not gone a little further. They were speaking in the hope that they would stir the Government up and encourage them to adopt a more liberal policy than was being followed now. He would very much like the Government to give an instance in which settlers were treated less liberally in any part of the Empire than here. In Victoria they were charged interest at the rate of 4½ or 5 per cent., but in all the other States, and in other parts of the Empire, settlers got their money at 4 per cent. In Canada, persons could get land which was absolutely free at times. It was also available with very few restrictions. In Queensland, a man, after residing five years on the land and paying his purchase money, could get the freehold. In New South Wales, a settler had to reside ten years on the land and then if the purchase money was paid he could get the freehold. There was no doubt in his mind that Victoria was safeguarded against the aggregation of land. He hoped that there would be no further expression of the old fear of aggregration in Victoria. That seemed to him to be a grandmotherly kind of argument to put forward. Mr. Beggs brought up a point that was of very great interest. While we had been making efforts to settle our irrigation blocks, we had neglected closer settlement on dry areas. Certainly the policy of settling people on dry areas had been in abeyance of late. In connexion with our irrigation policy, we

had in Mr. Elwood Mead the very best possible man, and the whole policy was associated with his name. Mr. Mead had nothing to do with our dry farming, and the consequence was that dry farming had no one to help it on. The three gentlemen who constituted the Closer Settlement Board were seldom or never heard of. He could not say that any very clever purchases of land had been made. There were in the past magnificent opportunities to buy land at practically half its present value, but those opportunities had not been availed of. He was anxious to encourage the Government to go on with closer settlement, and in a more vigorous manner. The people felt that the Government should act more vigorously in this matter. Disappointment was felt with the result of our land settlement policy, and especially in regard to the settlement of our own people on the land. We needed opportunities for our young people to go on the land before we thought of immigrants. The mainspring of our closer settlement policy should be to give an opportunity to our own people to acquire land. It was very sad to learn of hundreds of people inquiring for blocks and not being able to get satisfactory ones. The Government had made magnificent efforts in the Mallee, and he hoped to see them go further. Canada set us a good example by putting a most attractive programme before the people. Though we had had a falling-off in our immigration policy, he was quite sure that it was temporary. There had been a tremendous rush of people from Europe to Canada. One of the most extraordinary things was the enormous rush of people from the United States to Canada, and it was solely due to the attractive programme put before the settlers. He hoped the Government would make our programme as attractive as possible.

The Hon. A. HICKS said that with other honorable members he believed in immigration, and assisted immigration, but he thought that Victoria laboured under a very heavy burden in being so far away from Europe. Canada, on the other hand, was very near Europe. It took only four days to go across from Liverpool to Canada. A man could go from England, leaving his wife behind him, and if he did not find things satisfactory he could easily return. When our fellow-countrymen from home came here they had to travel from 14,000 to 16,000 miles. It took them six weeks to reach here, and they felt that they were leaving the old land for ever. That was one reason why the English people did not care to leave their country to come here. Then, again, England did not want to lose her best citizens. She did not want to lose prosperous farmers. He had read in the English newspapers what some of the great statesmen had said on this matter. They said they did not want their good agriculturists to go to Australia or Canada. They had stated that they had room for such men, and men who were doing fairly well in England—men with capital of £2,000 or £3,000—were not likely to break up their homes to come here. It was unfortunate that the people who came here, and would make good citizens, good settlers, or good farm labourers, had no capital. Some of them had not enough to pay their passage when assisted by the Government. The farm labourers of England would make splendid men if we could get them here, but unfortunately they had not sufficient capital. Those who had capital were doing fairly well in England, and had no desire to leave.

The Hon. A. O. SACHSE.—We want the men, not the money.

The Hon. A. HICKS said that these men felt that they could not take up land without capital. A man who had only £100 could not expect to take up a block in the north and make a living. Then, again, the city of Melbourne offered attractions that militated against settlement in the country. Some who went into the country returned to Melbourne on the first opportunity. They went out as land-seekers, knowing the conditions; they saw the land, but, sooner than take it up, they returned to Melbourne to work for £3 or £4 a week.

The Hon. W. J. EVANS.—And less than that.

The Hon. A. HICKS said he knew a farmer who had had land in Gippsland. He was a wood-carter, and was doing fairly well, but, unfortunately, he could get nothing for his children to do. He sold out and came to Melbourne. One of his (Mr. Hicks') friends saw the man the other day, who, on being asked how he was getting on, said, "I am a gentleman. I cannot get work here, but all my children are working, and are earning more than I was earning in Gippsland. There I was keeping them, but

here they are keeping me." Whilst people crowded into the city of Melbourne, he was afraid that we would not get the land settled. The Government deserved credit for what they had done. He would be very sorry if Mr. Mead left the State, because he was the right man in the right place. Still, if Mr. Mead left, irrigation would still go on. There were other men besides Mr. Mead. Surely the men in touch with Mr. Mead for the last six years must have gained some valuable knowledge, and would be able to carry on the work. He hoped the people would go back to the land, and that we would have a large number brought here from other countries. He did not know why we should not encourage immigration from a country like Germany, for the Germans would make splendid citizens. We ought to welcome every one to help to develop our resources and build up the country.

On the motion of the Hon. H. F. RICHARDSON, the debate was adjourned until Tuesday, September 9.

## LEGISLATIVE COUNCIL ELECTIONS LAW AMENDMENT BILL.

The Hon. W. J. EVANS moved the second reading of this Bill. He said it was purely a machinery Bill, and one which he thought would commend itself to the House. The object of it was to enable the rolls for the Legislative Council to be brought more up to date. The rolls used in the elections which took place on the 6th June last were based on municipal valuations compiled in the period from September to December, 1911, and were, therefore, one year and nine months old. Not only that, but if any by-elections should occur, the same rolls would continue to be used up to the year 1914. A very strong feeling had been shown in this House against any interference with the ratepayers' roll. It should, therefore, be to the interests of honorable members to have the rolls compiled as completely as possible, in order that every one who was entitled to vote for a representative in this Chamber should be on the rolls. The defects in the present system of compiling the rolls for the Legislative Council were such that honorable members, no matter what politics they followed, could come to no other conclusion than that an alteration of some kind was absolutely necessary. At present, there were four different systems of compiling rolls in the State of Victoria. They were the Commonwealth system, the Legislative Council system, the Legislative Assembly system, and the municipal system, and they were all different. The result was that electors were naturally confused to some extent, and anything that would simplify matters should be welcomed. One of the defects of the present system of compiling the rolls for the Legislative Council was that, as he had already pointed out, they were not up to date. They contained the names of many voters who were not at present the owners or occupants of the premises for which they were enrolled. Another defect was that they omitted the names of many voters who had qualified for enrolment since the rolls were compiled. The Local Government Act provided for an annual valuation, but comparatively few municipalities carried out such valuations. In some instances years elapsed between one valuation and another. In the shire of Bruthen, for instance, no valuation had been made since the year 1906. Some shires again valued each of the ridings in turn, so that if there were five ridings the valuation was made only once in five years. There was provision in the Act for the appointment of special collectors to collect information with respect to property between the time the rate-book was made up and the time when the rolls were compiled, but he thought there were only five municipalities in the whole of the State which had appointed such special collectors. Consequently there must be a large number of people who were entitled to vote whose names did not appear on the roll. The present rolls also wrongly described a number of voters. In some cases the husband's name appeared instead of the wife's, and *vice versâ*. There was general complaint throughout the State in connexion with the Legislative Council rolls. Of course, each honorable member would be more particularly interested in the rolls for his own electorate. He (Mr. Evans) had gone to the trouble of having part of the Brunswick roll analyzed. On that part of the roll there were, in June, 1913, 6,623 names. Inquiries were made with regard to 5,125 of these names, and it was found that out of that number 1,007 people had either removed from the district, or died, or been wrongly described. There were 960 who had removed, fifteen had

died, and thirty-two were wrongly described, making a total of 1,007, or somewhere about 15 per cent. That did not cover the whole, but only a portion of Brunswick. As he had said, 1,007 people who were on the roll had no right to be on the roll. It might be said that a number of those people removed to other parts of Brunswick, but that did not do away with the fact that there were a large number of people on the roll who should not be on. He might say, that 254 of the 960 voters who had removed from their respective premises since the compilation of the roll were traced and found to be living in other parts of Brunswick, or, in some cases, in other parts of the State. That left 706 persons who were not traced. Allowing that half the number of the 254 traced had removed to portions of Brunswick, where inquiries had not been made, the balance not accounted for would be 579. As he had said, some of the 254 persons who were traced had moved outside of Brunswick, so that it could be safely said that of the 960 persons fully 600 were on the roll in the place of the present occupiers of the premises. It practically meant that 960 persons were on the roll who had no right to be on the roll, and 600 persons were not on the roll who should have been. In thirty-two cases there were wrong descriptions of electors. The electors were wrongly described in such a manner as to deprive them of the right to vote. In most of those cases husbands' names appeared where wives' names should appear, and in nearly every instance the husbands had been dead some time. In one instance the name of a man who had been dead two or three years was on the roll, though even prior to his death the property was in the name of his wife. The figures he was about to give were taken from the *Municipal Directory*. In 1911 there were 7,083 dwellings in Brunswick; in 1912 the number was 7,564. In 1911 the assessments numbered 10,282, and in 1912 they numbered 10,719. The rate book for 1911 showed 8,495, and for 1912 8,925 ratepayers. There were on the voters' roll in 1911 6,681 persons, and in 1912 7,040 persons. That showed that since the last compilation of the rolls, in 1912, the names of 360 persons should have been placed on the roll. Doubling that gave 720 persons whose names should have been on the roll at the time of the recent election, and who would be deprived of their franchise should a by-election occur before February, 1914. These figures only dealt with a portion of Brunswick, and, taking the whole of the Melbourne North Province, he thought it might be safely said that there were fully 1,500 persons entitled to be on the roll who were disfranchised. This was a very serious state of affairs, because if there was anything a member liked to pride himself upon it was really representing the electors of his province. Something should be done to remedy this state of affairs. In addition, there were a large number of people who were qualified, or almost qualified, when the roll was being compiled in the first place, or who became qualified immediately afterwards. They would, owing to the system that prevailed, be disfranchised for at least a year and nine months; the probabilities were that they would be disfranchised for over two years. This was a state of affairs which called for rectification as soon as possible. One of the reasons given why valuations were not made more often was the expense attached to making valuations, but the expense was a mere bagatelle compared with the advantage of having the rolls right up to date. He knew that the municipal officers had put forward a certain amount of opposition to the Bill. In fact, he held in his hand a circular which he had received, signed by the honorary secretary of the Municipal Clerks' Association. One of the objections raised was that the Bill would put a large amount of work on municipal clerks. He would admit that the method proposed in clause 3 as it stood was rather a roundabout method, and since he had heard the objections of these gentlemen he had endeavoured to simplify the method to a very great extent. If the Bill went into Committee he would move an amendment with that object. In their circular, the Municipal Clerks' Association said—

> By the adoption of these provisions a considerable amount of work would be imposed upon owners, agents, rate collectors, and municipal clerks, which would be absolutely unnecessary and useless. The heaviest portion of the work, so far as municipal officers are concerned, occurred about the 10th June, which is their busiest period.

He intended to move an amendment to meet their desires, and not to put extra work on them at a busy time of the year. At the same time, it seemed to him very

far-fetched to say that it was useless to bring the roll up-to-date within sixty days of an election. The circular also stated—

> This work would continue month after month, but any benefit derived must be delayed year after year for the reason that members of the Legislative Council are generally elected without opposition.

He thought that was about the weakest argument that could be put forward. The fact was overlooked that, under the Local Government Act, the municipal clerks were supposed to do this work. The only difference was that the work would be done in instalments under the Bill instead of being done *in globo*, as it was supposed to be done now. He would give an instance of how some municipal officers looked upon their duty. During his recent election campaign a gentleman came to him and said that, although he had been living in the same premises for some years, his name was not on the roll. He advised the man to go to the town clerk and to inquire how it was that his name was not on the roll. The man came back, and said that the town clerk had informed him that he had nothing to do with the roll, but that the police attended to it. That officer had a very peculiar idea as to what his duty was in regard to the compilation of the roll. He could not complain of having done very much under the present system. The circular also stated—

> It is further pointed out that during an interval of three years between elections one house may be occupied by twenty different tenants, necessitating forty sets of notices under each of the above provisions.

He would point out that a number of those persons might have removed from premises which were not rated sufficiently high to entitle them to the franchise. Therefore, there was nothing in that objection. The circular also stated—

> The Local Government Act already contains provisions that collectors shall furnish lists of persons who have ceased to be occupiers, have become occupiers, and of owners of property unoccupied, and these lists are prepared immediately prior to the compilation of the Legislative Council roll.

There were only five municipalities in the whole State that did this work. He knew that in one part of his province the municipal council employed a number of men for two weeks in the year as collectors, but only five municipalities did that. If the municipalities had done their duty in appointing collectors, no doubt the rolls would be in a much better condition. At the present time, if special collectors were appointed the municipalities had to bear the expense, but under the Bill they would not have to appoint special collectors, and, consequently, a saving to the municipalities would be effected. The circular went on to say—

> The Commonwealth Government has made it compulsory for voters to enrol, and similar powers might be taken by the State Government, and voters for the Legislative Council compelled to take steps to insure enrolment.

Judging from the attitude the House took up in connexion with the ratepayers' roll a little while ago, he did not think that the House would agree to that proposition. He could not, for the life of him, see how the municipal clerks could expect the House to agree to that if they knew anything of what occurred some little time back. The circular continued—

> It is considered that a result much more satisfactory than the present method or that contemplated in the Bill would be attained by adopting for the Legislative Council roll the procedure obtaining in respect to the Assembly roll.

He thought the members of the Council would have very strong objections to that proposal. Here were a number of gentlemen who thoroughly understood the whole business, and they admitted that it was unsatisfactorily performed. They suggested an easy method of remedying the difficulty from their point of view. It was rather amusing to get a circular asking him to knock out his own Bill, but the circular concluded as follows:—

> This association therefore respectfully urges that, when the measure is presented, you will, for the reasons stated herein, see your way to advocate its amendment on the lines suggested, and use your utmost endeavours towards preventing the adoption of the Bill, which, in its present form, must be regarded as unworkable.

That was very strong. Members of the Elections and Qualifications Committee would admit that the assistance rendered to the Committee in its recent work by the Chief Electoral Officer showed beyond all doubt that that gentleman was thoroughly master of his business. He (Mr. Evans) did not profess to know a great deal about municipal matters, and he consulted Mr. Molloy as to whether he considered the proposals in the Bill practicable or not. Having gone through the Bill, Mr. Molloy said that it was a very practical measure, and one that met the difficulties of the present system. He desired to acknowledge the courtesy extended to him by Mr. Molloy. In common with other

members of the Elections and Qualifications Committee, who had come into contact with that gentleman, he believed that Mr. Molloy had a particularly clear grasp of everything in connexion with the electoral system. He was very pleased to hear Mr. Molloy say that, in his opinion, the Bill was a practical one. That gave him (Mr. Evans) the more confidence in placing it before the House. As far as the Bill was concerned, he had already stated that it was purely a machinery Bill. It was to be read and construed as one with that part of the principal Act (No. 1075), which related to registration and enrolment for the Legislative Council, including penalties for neglect on the part of municipal clerks and electoral registrars. Clause 3 was the principal clause in the Bill. He had already admitted that it was drafted in a somewhat roundabout way. One of the principal objections raised to it was that it placed the responsibility of notifying officers of the change of occupancy on the owner or the agent. It might be asked why the responsibility should not be placed on the occupier. In his opinion, to place it on the occupier would be to leave an opening for a certain amount of fraud, and every honorable member desired to prevent any loophole for that. The great percentage of property-owners employed an agent. If there was a change in occupancy, and a notification was sent, one could always find the owner or the agent; but if the occupier was retained, it was quite possible that someone would come along and say, "There is so-and-so. I know he is against my party. I will slip in a note to the municipal officer to the effect that John Thomas lives in that place." By-and-by an election took place, and the man found that the name of John Thomas was inserted for the premises. His remedy was gone. When he looked for John Thomas, he was unable to find him; whereas, in the case of the agent there was no difficulty in that respect. Then the question arose as to who was to be punished for sending forward a wrong name. If a man had an agent, it would be the agent's neglect, and the agent would be responsible. If the owner conducted his own business, the owner would be responsible. It would be asked how they would know. When a person found himself off the roll, he would only have to make complaint to the officer, who would take the necessary steps to ascertain who was responsible, and have the punishment inflicted. Under the circumstances, he thought it only reasonable to put the responsibility on the owner or agent. If the Bill went into Committee, he intended to simplify matters by inserting other words in place of sub-clauses (1), (2), (3), (4), of clause 3. What he intended to propose was as follows——

The PRESIDENT.—The honorable member can say he proposes to amend the clause, but he cannot give the details.

The Hon. W. J. EVANS said he intended to simplify that clause very considerably. He thought that would remove the opposition of municipal officers to what they considered was placing excessive work on their shoulders. With regard to sub-clause (5) of clause 3, providing who was to prosecute, he had referred to that. No doubt, if an occupier found he was not enrolled, he would complain to the Chief Electoral Officer, who would institute inquiries, and, where necessary, take action through the police. Paragraph (*a*) of clause 4 referred to the list of names. Municipal clerks would not notify all changes of occupancy, but only those of persons qualified to vote for the Legislative Council. Clause 5 provided for an examination of lists by the Chief Electoral Officer. If the Chief Electoral Officer found names returned of persons not enrolled, he would not, of course, send those names to the Registrar. He could direct and check Registrars as to their duty. It would be better that returns should be sent to the Chief Electoral Officer than direct to Registrars. The Chief Electoral Officer could exercise control over municipal clerks, and insure that the requirements of the law were carried out. That officer could also report neglect to the Chief Secretary, and the municipal clerk could be dealt with under the principal Act for any neglect of duty. In respect to the duty of adding to or removing names from the roll, to insure uniformity of action by Registrars, the date of adding or removing a name was to be the last day of the month to which the change of occupancy related. In the case of returns furnished, say, for the month of August, when the Registrar added a name to the roll in September, he would write the 31st August as the date of enrolment. Sub-clause (2) of clause 6 provided that the Registrar should forward, with the

general roll, a list of persons whose names had been added thereto. This was on the same lines as the Assembly roll. Sixty days before polling day was the nearest date possible to polling day to permit of the lists of added names to be printed and issued in time for the election. Subclause (4) of that clause referred to the entries as to voters who were dead or not qualified. This was in conformity with the Assembly practice. As the Council law now stood, no provision was made for entering the word "dead" opposite the name of a deceased person. Clause 7 provided what should constitute the electoral roll for the purposes of an election. The list of added names was printed for the particular election only, and had no significance after the polling day. If, say, there was another election a month later, another list of added names must be printed for that election only. Clause 8 dealt with the duty of registrars of births and deaths to furnish returns. There was no provision in the existing law for notifying deaths of persons enrolled on the Legislative Council rolls. The Assembly practice was proposed in this clause. Clause 9 provided for a declaration where a person stated to be dead, or not qualified, claimed to vote. This provision was based on the Assembly practice and law. At present, no provision was made for indicating on Council rolls the names of dead persons. Declarations were provided in case the words "not qualified" or "dead" were wrongly marked against any name. Clause 10 dealt with the making up of the roll of ratepaying electors. The object of this clause was to enable the Registrar, when making up the roll of ratepaying electors in November, to bring it up to date before printing. That was to say, the names of persons on the "perfect copy" of the municipal roll, who by the month of November had ceased to be qualified, should not be included in the new roll by the Registrar, and the names of those notified as having become entitled as occupiers should be included. Between 10th June and the end of October, a large number of changes would have taken place; and as the Registrar would have the list of changes since the printing of the municipal roll, he could prepare for printing an up-to-date roll of ratepaying electors for the Council. He proposed to insert a small new clause in respect to compiling municipal rolls. It would provide that regard should be had to the changes of occupancy notified under this Act. That was the Bill, and he hoped it would meet with the approval of the House. He had obtained whatever assistance he could from those who, in his opinion, were qualified to give advice and assistance. Every honorable member would admit that in every province a large number of people would be found not to be on the roll, and that a large number of people were on the roll who should not be there. Anything that could be done to bring the roll up to date, as far as possible, within sixty days, which, he understood, could be done, should be done. The object of the Bill was to bring about a result every honorable member must desire. He did not think that any honorable member could wish to occupy his seat if elected on rolls which did not properly represent the electors of his province. In his own province, where there were 24,000 or 25,000 voters, he believed that at the last election there were fully 2,000 who had not the opportunity of exercising the franchise. In addition to that, there were a large number who had the franchise whose names should not have been on the roll.

The Hon. J. D. BROWN (Attorney-General) said he would ask that the debate be adjourned until next Tuesday. The unofficial leader of the House, Mr. Manifold, who was unfortunately confined to his room through illness, desired to speak upon this Bill. He (Mr. Brown) wished to pass the Supply Bill to-night. He begged to move—

That the debate be now adjourned.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until Wednesday, September 10.

## CONSOLIDATED REVENUE BILL (No. 3).

The Hon. J. D. BROWN (Attorney-General) moved the second reading of this Bill. He said it was a Bill to apply out of the Consolidated Revenue £1,827,952 for the services of the year 1913-14. There was nothing in the Bill except the items required to pay the Public Service, and to carry on the business of the country during the next three months. Every item was based on the Estimates of the different Departments for last year.

The motion was agreed to.

The Bill was then read a second time, and committed.

Clause 1—(Issue and application of £1,827,952),

The Hon. R. BECKETT said that in connexion with the item of £1,012 for the Board for the Protection of Aborigines, he would like to know whether the Attorney-General could inform the Committee of the number of aborigines and half-castes who were now under the protection of the Government.

The Hon. J. D. BROWN (Attorney-General) said he could not answer the honorable gentleman's question, but full information on this subject was contained in the annual report issued by the Board for the Protection of Aborigines. The present item was merely for salaries and stores to carry on tbe Board's operations for three months.

The Hon. FRANK CLARKE said he would like to know, in connexion with the item of £30,726 for the Department of Neglected Children, what period the expenditure would provide for?

The Hon. J. D. BROWN (Attorney-General) said the provision in the item was really one-fourth of the amount appropriated for the year for the salaries and ordinary expenditure of the Department, and the expenses connected with boarding-out children. He would remind honorable members that there had been complaints about the Government not paying more than 5s. per week for boarded-out children, and he believed this payment had gone up to 6s. or 7s. in different cases. Each case was considered on its merits by the Chief Secretary, who went carefully into every case that came before him.

The Hon. FRANK CLARKE.—Then the probable cost of this Department is £120,000 a year?

The Hon. J. D. BROWN (Attorney-General) said he did not think it was quite so much as that. There was no doubt that the cost was going up rather rapidly. The Government tried to keep it down as much as possible, but, of course, there were children that were abandoned by their parents or by the father, and the mother was unable to earn a living for herself and her children. It was necessary for the State to see, in such cases, that the children were provided for.

The Hon. J. STERNBERG stated that some time ago he put a notice of motion on the paper pointing out the desirability of increasing the amount allowed for boarded-out children from 5s. to 7s. 6d. per week, or more, as the particular case might require. He understood from the Attorney-General at that time that the matter was to be investigated, but he had heard nothing further about it since.

The Hon. J. D. BROWN (Attorney-General) said that as he had already stated, the amount allowed for boarded-out children was increased in individual cases where it seemed desirable. The total expenditure in connexion with the boarding-out of children last year was £96,676, and it was estimated this year that over £100,000 would be required. Both the Chief Secretary and himself had been doing the best they could to limit the expenditure to the lowest amount possible, but, of course, neglected children could not be allowed to starve.

The Hon. W. J. EVANS drew attention to the item of £88,945 for the Police Salaries and Ordinary Expenditure. He said he would like to know whether there was any provision in connexion with this item for granting the police the Sunday off which had been so much talked about?

The Hon. J. D. BROWN (Attorney-General) said he was not in a position to give the honorable member any information on the subject.

The Hon. W. J. EVANS remarked that in connexion with the item of £705 for the Public Service Commissioner, he would remind honorable members that when the question of re-classification of the Public Service was being dealt with, temporary clerks were not provided for in the Bill, and a promise was made in the Council to Mr. Rees and himself, aud he believed a similar promise was made in the Assembly, that the cases of these temporary clerks would be considered. He had noticed in the press that the secretary to the Public Service Commissioner had stated that where the work was of a permanent character nothing would be done to remove the temporary clerks who had been performing it for a certain time. Now, it had come within his knowledge that two of these temporary clerks, at any rate, had been put off, although the work they were doing was certainly of a permanent character. He considered that a promise which was made in both Houses ought certainly to be kept, and he hoped

the Attorney-General would look into the matter. At the present time, it was very difficult for any one who was following the occupation of a clerk to get outside employment, and if a man had been acting as clerk in the Public Service for something like three years, he ought not to be shown undue harshness in regard to his removal. He trusted that the promise which had been given by the Government would be adhered to.

The Hon. J. D. BROWN (Attorney-General) said the honorable member could rest assured that any promise that was made by the Government would be carried out. He believed there was a promise made in another place that men who had been employed as temporary clerks for a certain time should be continued if the work was of a permanent character.

The Hon. R. BECKETT stated that in connexion with the item of £240,993 for "Education—Salaries and Ordinary Expenditure," he desired to ask if the Education Department was making arrangements in regard to the sewerage of the various State schools. He was aware that sewerage operations were going on at Surrey Hills, and the main ran alongside the State school there, so that there ought not to be any difficulty in making the connexion. Experience in the past had been that the State schools were frequently the last buildings to be connected with the sewerage system, whereas they ought really to be the first. He was aware that the Department had recently been remedying this state of things, but still there were schools which were not connected with the sewerage that ought to be so connected, and he referred particularly to the school at Surrey Hills.

The Hon. J. D. BROWN (Attorney-General) stated that he was not in a position to make any definite statement with regard to the school mentioned by the honorable member. There was no doubt, however, that every State school in the metropolitan area would be connected with the sewerage system as soon as it possibly could be. Of course, all the schools could not be connected at once, but the work would be proceeded with as quickly as practicable.

The Hon. A. McLELLAN stated that on former occasions he had drawn attention to the condition of some of the State schools, particularly in the more thickly-populated districts, where they were very much overcrowded. The schools, in the first instance, were badly designed, badly lighted, and badly ventilated, and, in addition to that, they had become overcrowded. He had waited with several deputations on different Ministers of Public Instruction on the subject, and promises were made that certain work should be carried out, but those promises in some cases had not been given effect to. He had a letter which was written by the health officer of the Richmond Council, dated the 15th of August, in which he pointed out, in connexion with the existence of diphtheria in Richmond, that the epidemic was increased by the overcrowding and poor ventilation in the State schools there. This showed the matter was a serious one, and he believed that a similar state of affairs existed in other suburbs. The Richmond health officer also stated that the epidemic was increased by parents being afraid of being summoned for keeping their children away from these schools, which were poorly ventilated and overcrowded. It was quite reasonable to assume that if children were in an over-crowded school in which germs were flying about, they would contract the diseases so prevalent at the present time. He hoped that the Attorney-General would draw the Minister's attention to some of the schools in the metropolitan area, particularly those which he (Mr. McLellan) had referred to, and see whether the work promised for the last ten years could not be carried out. It was all very well for the Government to say that they had not got the money, but the health of the children was of paramount importance. If the children of Richmond suffered from illness and some died, then the Government were not doing their duty. Health should be the first consideration. It was of more importance than education, or anything else.

The Hon. J. D. BROWN (Attorney-General) said it was true that some of the older schools were not as well provided for as regards lighting and ventilation as most of the modern ones. The present Minister of Public Instruction was taking an active interest in the buildings, and was inspecting most of the schools in Melbourne. He was making every effort to put them in better order. As the Minister of Public Works had taken the view that money could be saved in the construction of schools there would, perhaps, be better progress made in the future.

The Hon. FRANK CLARKE said he would like to know whether the Attorney-General would give the House an opportunity of discussing proposals for establishing any further County Courts?

The Hon. J. D. BROWN.—We will have to bring in a motion in each House naming the towns.

The Hon. FRANK CLARKE said he wished to refer to the item—Extirpation of rabbits, &c., salaries and ordinary expenditure, £10,178. That seemed to be an abnormal sum to be spent on the extirpation of rabbits, considering that it was notorious that the Government did not destroy the rabbits on Crown lands.

The Hon. T. BEGGS said, as far as he knew, there were more rabbits in Victoria than was ever the case before. A short time ago he read a paragraph in the *Argus* stating that the Chief Inspector was showing persons how to destroy rabbits with poisoned baits, and that on a small area 2,000 rabbits were killed. That showed, not only how efficacious the poison was, but also how the plague had been allowed to extend. The Act was not being carried out at all. He had said that before, and he said so still.

The Hon. J. D. BROWN (Attorney-General) said that might be the fault of the shire councils to some extent. He noticed that £4,000 more was being provided this year for expenses, including subsidies to shire councils for destroying wild animals.

The Hon. T. BEGGS.—That means wild dogs.

The Hon. J. D. BROWN said the Council would have an opportunity soon of passing the Wire Netting Bill, which would increase the rebate on wire netting sold to owners of lands adjoining Crown lands. He thought that wire netting was the best means of dealing with the pest.

The Hon. J. STERNBERG said he wished to direct attention to the item—"Furtherance of mining industry, £7,100." That was a very small sum. Would the Attorney-General say what the Government really proposed to do. The mining industry was languishing, and required proper assistance. Unless the Government recognised their obligations, the industry would reach its lowest ebb. The sum set aside for the purpose was exceptionally small, and he ventured to think that the Government must really intend to spend more, judging by what appeared in the Governor's speech as to the help which they proposed to give to small prospecting parties and large companies.

The Hon. J. D. BROWN (Attorney-General) said he would point out that this money was for three months only. The Government could not spend money which they had not got. They were doing the best they could. They were providing money for the maintenance and construction of batteries, for drills, for underground surveys, and for other things. On the last Supplementary Estimates, a large sum was set down for the assistance of one company at Walhalla.

The Hon. J. STERNBERG said, all the same, the amount set out in this list was very small. It was hardly sufficient to help one or two mines. What were the rest of the mines going to do? The mining industry was going down, and he strongly urged the Government to do something more to further its interests.

The Hon. A. HICKS said he sympathized with the remarks of his colleague, although, compared with what had been done in the past, the amount almost seemed large. The grant for the whole State last year was very small.

The Hon. J. D. BROWN.—I am sorry I have not got the official figures, which show that those given by the honorable member the other day were wrong.

The Hon. A. HICKS said when he spoke on the Mines Bill, he would give official figures which he had obtained from the Secretary of Mines. Coal-mining had nothing to do with gold-mining, but the Attorney-General and the Premier were mixing them up. The other day, he (Mr. Hicks) was speaking of gold-mining. The Government were entitled to every credit for spending money on the coal mine. However, this did seem a small amount for the gold-mining industry, which he hoped the Government would assist as much as they could. The development of the mining industry meant decentralization, because it kept people in the country. If something were not done for mining, the people would come to Melbourne in greater numbers than they had in the past.

The Hon. W. J. EVANS said, as far as gold-mining was concerned, it seemed to be having a fair cut in, because only £13 was set down for the coal mine. He was sorry Mr. McWhae was not present, because his heart would have rejoiced when he found that for the coal mine only

£13 was provided. He would like to know what the item "exceptional expenditure, £4,300" meant?

The Hon. J. D. BROWN (Attorney-General) said it was an item that would satisfy Mr. Hicks and Mr. Sternberg. It included an advance for the improvement of the Bendigo Creek and for the Long Tunnel Mine.

The Hon. FRANK CLARKE said that from time to time the Government had promised to appoint a Royal Commission in connexion with our timbers. He would like to know if such a Commission was to be appointed.

The Hon. J. D. BROWN (Attorney-General) said he was unable to answer the question, but he would make inquiries, and let Mr. Clarke know.

The Hon. D. MELVILLE said there was a sum of £26,575 down for the State Rivers and Water Supply Commission. We had been spending a lot of money in sending missionaries to Great Britain and America to attract immigrants, but we had very few people coming here as the result. If the Government had sent Mr. Evans and himself to Collingwood, or Fitzroy, or South Melbourne, they would have been able to get people to settle on the land. He could not understand the poor results achieved from such a large expenditure of money in this missionary work, especially in America. We had had an enormous expenditure, with the poor result described by Mr. Frank Clarke to-night. He (Mr. Melville) was prepared to accompany the Attorney-General to Collingwood, where he was sure they would get ten times the number of people to settle on the land. We should send missionaries to Collingwood, Fitzroy, or South Melbourne, for there were people in those suburbs who were anxious to go on the land. We had people who were born here who were unemployed and without homes. The policy seemed to be a complete fiasco. We sent Mr. Murray to England, and we also sent the Premier, both of whom endeavoured to advertise the State. The result, however, was not in proportion to the efforts made and the expenditure incurred.

The Hon. J. D. BROWN (Attorney-General) said he would bring Mr. Melville's views under the notice of the Minister of Lands. There was nothing in the item referred to for commissions abroad. The money was entirely for work to be done here.

The Hon. W. J. EVANS said he wished to know if any of this money was for the dredging of the Yarra and other necessary works there.

The Hon. J. D. BROWN.—No.

The Hon. A. HICKS said a statement had appeared in the press recently that there were only seven students at the Agricultural High School at Warrnambool one year and the next year only three. It was also stated that about 100 students were attending the agricultural high schools at a cost of many thousands of pounds. He would like to know the intention of the Government in the matter. Surely the young people in the State would like to learn the science of farming. There must be something wrong with the Department or with the teachers, seeing how poorly the schools were attended.

The Hon. J. D. BROWN (Attorney-General) said he would make inquiries in the matter for the honorable member.

The Hon. R. BECKETT said he would like to know when the new regulations under the Health Act were likely to be published. They had been in process of drafting for some considerable time, and they dealt with important matters. Many of the regulations in operation had been found to be *ultra vires*. The matter was really one of urgency.

The Hon. J. D. BROWN (Attorney-General) said that there would be an opportunity of going into the matter shortly when the Hospitals and Charities Bill came up.

The Hon. D. MELVILLE said that on a previous occasion he had made reference to the police at Brunswick, and also to the question of schools, and he was glad to say that both matters had been attended to. A question was asked some weeks ago about the extraordinary position that Brunswick and Coburg were in through the railway being shut down. A most substantial railway had been constructed as an outlet for these two suburbs. There were about 30,000 people in one suburb, and from 10,000 to 15,000 in the other. The newspapers had been referring lately to the crowded state of the dwellings in some of the suburbs. It was all due to the stopping of the back door he had referred to by the Railways Commissioners. Why should not the people be able to get out to Somerton? The railway was closed down, and the municipalities could get no satisfaction. If the Attorney-General took

the matter up in earnest no doubt a change would be brought about. The railway was there, and all that was necessary was to let the people have a train in the morning and a train at night. At the terminus of the line there was plenty of cheap land for the erection of homes.

The Hon. W. J. EVANS said he hoped some effort would be made to open the line referred to by Mr. Melville, and if it were opened he hoped the Government would take advantage of the position to utilize the land for the erection of workmen's homes. We had a large number of men out of work. He was satisfied that the reopening of the line would prove profitable to the Railway Department. In the multitude of matters that the Commissioners had to attend to they had overlooked this matter. He wished to emphasize in the strongest possible manner what Mr. Melville had said.

The Hon. J. D. BROWN (Attorney-General) said the matter was now under consideration, and he hoped that a satisfactory solution would soon be come to.

The Hon. W. J. EVANS said that in connexion with the Railway Department he would like to ask the Attorney-General whether the minimum wage of 8s. which had been promised to the railway men had been paid? He was informed that a number of the men had not been paid that amount, and some of them had been worrying him to-night over the matter.

The Hon. J. D. BROWN (Attorney-General) said he was under the impression that the money was being paid, but he would take a note of the honorable member's question.

The Hon. T. BEGGS said he noticed an item of £1,380 for the Railway Construction Branch. In view of the great number of Railway Construction Bills which were passed last year, was only £1,380 to be spent on railway construction during the three months?

The Hon. J. D. BROWN (Attorney-General) said that the item mentioned by the honorable member did not represent the money spent in railway construction, but was only for odd expenses.

The Hon. R. BECKETT said there was an item of £46,000 for the State Coal Mine. Did that represent the estimated loss on working the mine for three months, or was it simply the total amount of working expenses? He was given to understand that the mine was being worked at a profit.

The Hon. J. D. BROWN.—So it is.

The Hon. R. BECKETT.—Then what did this amount represent?

The Hon. J. D. BROWN (Attorney-General) said the honorable member would have an opportunity of getting the information he desired when the balance-sheet, which, according to Act of Parliament, must be compiled each year, and audited by the Audit Commissioner, was presented to Parliament. The item referred to obviously represented the cost of carrying on the mine for three months. The earnings of the mine were not shown in this list.

The clause was agreed to, as were also clause 2 and the preamble.

The Bill was reported without amendment, and the report was adopted.

On the motion of the Hon. J. D. BROWN (Attorney-General), the Bill was then read a third time and passed.

## FRUIT AND VEGETABLES PACKING AND SALE BILL.

The amendments made in this Bill in Committee were considered and adopted.

On the motion of the Hon. W. A. ADAMSON (Honorary Minister), the Bill was read a third time and passed.

## SPIRIT MERCHANTS' LICENCES BILL.

The Hon. J. D. BROWN (Attorney-General) moved the second reading of this Bill. He said the measure was a very simple one. At present a wine and spirit merchant's licence could only be held by an individual. There were companies carrying on the business of spirit merchants, and they were obliged to take out a licence in the name of one of their employés and then take a declaration of trust from that employé that he would hold the licence for the company. The object of the Bill was to enable the company to take out a licence in its own name. There could be no possible objection to that provision.

The motion was agreed to.

The Bill was then read a second time and committed.

Clause 1 was agreed to.

Clause 2—

A body corporate may subject to the Licensing Acts apply for and be granted a spirit merchant's licence.

The Hon. R. BECKETT said he wished to know what was meant exactly by the words, "body corporate." Would they include a British or foreign corporation or were they intended merely to apply to a company registered in Victoria?

The Hon. J. D. BROWN.—I think it must be a company registered in Victoria.

The Hon. R. BECKETT said that if that was the intention it should be made clear.

The Hon. J. D. BROWN (Attorney-General) said he would look into the point raised by the honorable gentleman, and for that purpose would ask that progress be reported.

Progress was reported.

## RED PLAGUE.

The Hon. H. F. RICHARDSON, by leave, asked the Attorney-General—

If the Ministry intend to bring in legislation to deal with the Red Plague on the lines of the legislation in existence in Norway and Sweden?

The Hon. J. D. BROWN (Attorney-General).—The question of introducing legislation on the matter referred to is under consideration, but the time is not yet considered ripe to introduce that legislation. I am not acquainted with the legislation on the subject in Norway and Sweden, but the Minister of Public Health is now having the Acts of those countries translated.

## ADJOURNMENT.

### AMENDMENTS IN BILLS.

The Hon. J. D. BROWN (Attorney-General moved—

That the House do now adjourn.

He said he would be very glad if honorable members who had amendments to propose in Bills which had appeared on the paper for a week or so would be kind enough to have those amendments printed and circulated. It was not quite fair to the draftsman who took great care to draft his Bills, to suggest on the spur of the moment that some particular clause was not properly drafted. It was desirable that the Minister should have an opportunity of considering the matter with his advisers in order that he might be able to give a prompt answer to any questions that were raised.

The PRESIDENT.—In reference to the remarks of the Attorney-General, I may say that it is not in order to circulate amendments until after the second reading. It is done sometimes by the leave of the House, and perhaps in this House it may have been the practice to allow it. It has been refused in another place, I believe, over and over again.

The motion was agreed to.

The House adjourned at half-past nine o'clock p.m., until Tuesday, September 9.

# LEGISLATIVE ASSEMBLY.

*Wednesday, September* 3, 1913.

The SPEAKER took the chair at twenty-five minutes to four o'clock p.m.

## PERSONAL EXPLANATION.

Mr. LIVINGSTON.—I desire to make a personal explanation. In connexion with the division in Committee last night on clause 34 of the Workers' Compensation Bill a rather unfortunate thing occurred. I promised the honorable member for East Melbourne to pair with him, but in the hurry of the moment I forgot the arrangement and voted. The honorable member for East Melbourne wished to pair against the clause. It is only fair that the House should be informed of his intention to vote against the clause, because I ought to have left the Chamber. However, it did not affect the result of the division. I apologize to the honorable member.

## STATE SHIP BUILDING YARDS.

Mr. LEMMON asked Mr. J. CAMERON (*Gippsland East*—Honorary Minister) (for the Minister of Public Works)—

1. If he is aware that the Commonwealth destroyers are about to have important parts of their machinery refitted at the Alfred Graving Dock, for which work public tenders are shortly to be called?

2. If, in view of the fact that the State Shipbuilding Yards were established to do this class of naval work, it is the intention of the Department to submit a tender for the work?

3. If he will inform the management of the yards that it is the desire of the Government that tenders for any work that is available which can be turned out at the yards shall be prepared for submission in response to any advertisements that may appear from time to time?

Mr. WATT (Premier).—My colleague has handed me these questions, the answers to which involve a matter of policy. The reply to the first question, as furnished by the Department, is as follows:—

At the request of the Commonwealth authorities, an estimate of the cost of this work has been prepared, and submitted to them. The Department has been intrusted with the class of work for which this estimate is required, on former occasions, without competition with outside firms, and has performed such work satisfactorily.

The *Melbourne* is at present in the Graving Dock, undergoing cleaning, painting, and repairs.

In answer to questions 2 and 3, I have to say that it is the desire of the Government that the yards should be utilized for the construction and repair of ships of all classes for the State and the Commonwealth, and subordinate bodies interested; and, if it should be necessary, to keep the establishment fully employed, that tenders should be submitted for other works, this may be done, but it is not intended to compete unnecessarily with private businesses performing similar functions.

## CASE OF PETER ANDERSON.

Mr. TUNNECLIFFE asked the Premier (for the Attorney-General)—

If he will lay on the table of the Library all the papers (including the depositions taken in the Prahran Court on the occasion of the first commitment to Kew Asylum) in the case of Peter Andersen?

Mr. WATT (Premier).—I have not had a chance of going through the very bulky file which is in the Chief Secretary's Department in relation to some portions of this case. I will take an opportunity of consulting the Attorney-General after I have gone through the papers. There are a lot of cases in which this individual is concerned. I would ask the honorable member for Eaglehawk to repeat the question at a later date.

## RAILWAY CONNEXION WITH CORIO QUAY.

Mr. LANGDON moved—

That there be laid before this House a return showing the amount expended by the Railways Commissioners in providing rails, laying same, and making roads generally from the main line at North Geelong, in connexion with the Corio Quay or North Shore scheme at Geelong.

He said—I would like to state that I wrote to the Secretary of Railways for this information and have received this peculiar letter in reply—

25th August, 1913.

DEAR MR. LANGDON,

Adverting to your letter of 22nd inst., I do not quite understand what information you desire in regard to the North Shore scheme, Geelong, but if you could make it convenient to give me a call I shall be very glad to afford you any information that is available.

Yours faithfully,
E. B. JONES,
Acting Secretary.

The motion was agreed to.

Mr. A. A. BILLSON (*Ovens*—Minister of Railways) laid on the table the information referred to in the foregoing order.

## POTATOES.

### ORDERS FOR WESTERN AUSTRALIA.—FREIGHTS AND PRICES.

Mr. SMITH (in the absence of Mr. Hogan) asked the Minister of Agriculture—

1. If he is aware that orders for potatoes for Western Australia could not be supplied owing to shipping space being unobtainable?
2. What he proposes doing to assist the potato-growers to profitably dispose of their produce?

Mr. GRAHAM (Minister of Agriculture).—In reply to the honorable member's first question I understand that shipping space to Western Australia was not obtainable for the requirements of shippers some little time back on account of the throwing out of commission of certain of the bigger ships because of the shortage of passengers due to the small-pox scare and restrictions. Now, however, there is no shortage of space, and in point of fact one of the boats which left last week had 300 tons of space unfilled. In reply to the second question I have to say that, shipping facilities having become normal, the usual means of disposal of the crops are available.

The SPEAKER.—On the notice-paper there is the following notice of motion by the honorable member for Warrenheip—

That there be laid before this House a return showing—

1. The present price of potatoes (*a*) in Perth, and (*b*) in Kalgoorlie.
2. The freight on potatoes (*a*) from Port Melbourne to Fremantle, and (*b*) from Fremantle to Kalgoorlie.

I am afraid that this notice of motion should not have appeared on the notice-paper at all. The information asked for is not within the knowledge of any of our own departments, and concerns another State. I consider that the Government should not be asked to furnish a return, the information for which they do not possess. I am informed by the Government that if they had the information they would willingly give it, but they should not be asked to supply information concerning other States which might be very expensive to obtain.

Mr. LEMMON.—The honorable member for Warrenheip discussed the matter with the Minister of Agriculture.

Mr. GRAHAM.—He asked if I had any objection to the motion.

The SPEAKER.—There is nothing before the Chair.

Mr. WATT (Premier).—Perhaps, by leave, I may be allowed to draw attention to another difficulty which would occur if the House ordered a return of this kind. Of course, returns are invariably supposed to refer to matters brought within the cognizance of Government Departments. Like the Department of Agriculture, I have no means of ascertaining the price of a particular commodity in other parts of Australia in any official way. I have only the same opportunity as any honorable member has of telegraphing for it if I happen to know any one who can give it authoritatively. We should be careful as to the kinds of returns which are moved for, because it is conceivable if this example were followed that we might be asked to furnish the prices of stocks and shares all over Australia.

Mr. J. W. BILLSON (*Fitzroy*).—Or of cornsacks.

Mr. WATT.—We do some business in those things ourselves. We have no means of ascertaining other than those possessed by private business men what the figures asked for in the notice of motion are.

## PUMPING PLANT AT MERBEIN.

Mr. ARGYLE (in the absence of Mr. GRAY) moved—

That there be laid before this House a return showing—

1. The initial cost of the pumping plant at Merbein.
2. The cost of the recent alterations.
3. Whether this further expense is to be made a charge on the land within the area.

The motion was agreed to.

## IMPORTED GOODS FOR STATE DEPARTMENT.

Mr. H. McKENZIE (*Rodney*—Minister of Lands), pursuant to an Order of the House (dated October 17, 1905), presented a return of machinery, goods, and material manufactured or produced outside the Commonwealth and purchased for the use of the Lands Department during the financial year 1912-13.

## SILT INQUIRY BOARD.

Mr. MURRAY (Chief Secretary) moved—

That the sum of £350 be fixed as the maximum expenditure of the Board of Inquiry appointed for the purpose of inquiring into and reporting upon the disposal of silt, being the addition of £50 to the amount previously fixed by a resolution of the Legislative Assembly on the 30th October, 1912, as the maximum expenditure.

He said—This Board has now completed its work, and the additional sum asked for will, I am very happy to say, be all that is required.

The motion was agreed to.

## DREDGING INQUIRY BOARD.

Mr. MURRAY (Chief Secretary) moved—

That the sum of £800 be fixed as the maximum expenditure of the Board of Inquiry appointed for the purpose of inquiring into and reporting upon the pollution of rivers by dredging, being the addition of £200 to the amount previously fixed by the Order in Council of the 11th June, 1913.

He said—I am given to understand that in this case also the additional amount asked for will suffice to enable the Board to complete its inquiries and present its report.

The motion was agreed to.

## WORKERS' COMPENSATION BILL.

The House went into Committee for the further consideration of this Bill.

Clause 35 was agreed to.

Mr. SMITH.—I beg to propose the following new clause—

A. (1) Notwithstanding anything contained in this Act as to the rate of compensation, compensation for the injuries mentioned in the first column of the Fourth Schedule shall be assessed in the manner indicated in the second column of that Schedule.

(2) Nothing in the said Schedule shall limit the amount of compensation recoverable for any such injury during any period of total incapacity due to illness resulting from that injury, but any sum so received shall be taken into account in estimating the compensation payable in accordance with the said Schedule.

The object of this clause is clear, namely, the establishment of a fourth schedule, which I intend to propose. It contains provisions for compensation where certain injuries are received, and I think honorable members, in looking over that schedule, will see that it is a perfectly reasonable position to take up to expect that where injuries have been sustained resulting in the loss of a limb or a sense we might definitely fix the amount of compensation payable under the Bill as an equivalent for the injury received. A man may have his leg broken in an accident, and that would entitle him to compensation. With medical skill that leg may be restored to its former use, and possibly, in after life, it may not in any way affect the man in the earning of his

livelihood. It may be the same with breakages and damages of other descriptions resulting from accident. There are other injuries, such as are laid out in the schedule, that are irreparable. Take, for instance, the loss of both eyes. A man afflicted with total blindness is reduced to a most hopeless and helpless condition. In the course of time he would be entitled to receive the whole amount of compensation granted by the Bill. That is, if the maximum were £400, he would be entitled to receive the sum in instalments. Now, that manner of receiving it would not be so beneficial to him as the receiving of it in a lump sum. If he received it in a lump sum he, or those acting for him, might be able to establish with it some small business that would enable him to obtain a livelihood. If the sum were doled out at the rate of £1 a week it would mean that at the end of seven or eight years he would have received the whole amount to which he was entitled. It would be of little use to him, because his life might be prolonged beyond that period, and his dependency would be made complete on his relatives or those with whom he was living, unless, perhaps, he received the invalid pension from the Commonwealth. I commend this proposition to honorable members, because I believe it is humane in its purport and design. It will help to assess damages in cases that are complete in themselves, without having to wait for the expiration of time for the payment of the full amount of compensation which may be awarded. The proposition ranges from what we may term a major injury to a minor injury, but in every case the injury received must involve the loss of a member or the destruction of some sense, such as eyesight or hearing, that is of vital importance to a man earning his living as a workman. Consequently, the assessment of the damages runs from 5 per cent. up to 100 per cent. We know that the present-day generation, apparently, looks for a perfect man in every worker so far as his ability to work and his capacity to turn out manufactured articles or to give useful service are concerned. The general rule is, "No invalids need apply." In fact, grey hairs are, in many instances, a bar to getting employment, and in our own Government Service, the medical examination is so strict that a man who lacks a finger or an eye, or a man who is deaf or slightly deaf, is debarred from employment. The same thing obtains throughout the whole of the manufacturing industries, not merely of this State, but, I believe, of the world. The whole position is laid down very clearly in the schedule. Honorable members can understand it for themselves when they read the schedule, and, therefore, there is no need for me to labour my proposition.

Mr. MURRAY (Chief Secretary).—Will the honorable member allow me to ask a question of the Chair? The honorable member's amendment refers to the fourth schedule. There is no fourth schedule in the Bill, so far. We are asked to assume that the Committee is going to add this fourth schedule; but, before we have done so, the Committee is asked to accept an amendment that is entirely dependent upon the fourth schedule being adopted. It is rather a peculiar position. I do not know whether it is in order or not.

Mr. ELMSLIE.—There are clauses in the Bill which are in the same position, referring to the second or third schedule.

Mr. MURRAY.—Those schedules are already in the Bill.

Mr. ELMSLIE.—They have not been adopted yet.

Mr. MURRAY.—They have been adopted to this extent, that they have passed the second reading. This schedule has never been passed at all. We do not wish to establish irregular precedents that may lead to difficulties in the future, and I am afraid that we are getting into somewhat of a tangle in this matter. The new schedule that is to be proposed has been circulated, but it has not yet been dealt with. If that schedule had been adopted, I could understand that the honorable member would be perfectly in order in proposing this clause. I simply ask for the Chairman's ruling on the point.

Mr. ELMSLIE.—On the point of order raised by the Chief Secretary, I take it that we are not now discussing the adoption of a new clause, but that the second reading of a new clause is before us.

The CHAIRMAN.—Yes.

Mr. ELMSLIE.—If that is so, this clause is in exactly the same position as other clauses in the Bill.

Mr. MURRAY.—If the Committee adopt the clause and reject the schedule, the whole thing will be invalid.

Mr. ELMSLIE.—Of course, but it is hardly likely that that will happen.

Mr. J. W. BILLSON (*Fitzroy*).—I can hardly understand the position which the Chief Secretary takes up. He contends that the honorable member for Bendigo West is discussing the fourth schedule in dealing with a new clause which makes provision for that schedule. The honorable member can hardly expect the Committee to adopt his clause providing for something unless he tells the Committee what he intends to provide for, and I contend that in doing that he is perfectly in order. The fourth schedule really gives instructions to the Court as to what compensation is to be given in the case of a primary accident, or one of less importance.

Mr. MURRAY.—It provides a scale of compensation.

Mr. J. W. BILLSON (*Fitzroy*).—Such a scale has been adopted in connexion with measures of a similar character in other countries. The Committee can hardly be expected to adopt something when it does not understand what is coming afterwards. In the event of this clause being carried, I take it that the honorable member will propose the fourth schedule. Unless the clause is carried, he cannot possibly do that. It is the custom usually followed, and always accepted. Therefore, I cannot understand the objection raised by the Chief Secretary.

Mr. MURRAY.—It is not the procedure that is usually followed.

Mr. J. W. BILLSON (*Fitzroy*).—I think it is. In fact, in matters of this kind, it is the only possible procedure. The very same procedure was adopted by the Chief Secretary when he brought in his contributory clauses last session. Now, when it is proposed to adopt exactly the same procedure, the honorable gentleman rises to a point of order.

Mr. WARDE.—I think the course which is being followed by the honorable member for Bendigo West is exactly the same as that which the Chief Secretary himself adopted when he introduced the compulsory contribution clause. If the new clause of the honorable member for Bendigo West is adopted, it is perfectly clear that the fourth schedule can then be dealt with in the ordinary way. The honorable member, in his remarks, pointed out that the carrying of this new clause would involve the acceptance of the schedule which he proposed to move later on. Therefore, I do not think there is anything in the point which the Chief Secretary has raised. I do not think the honorable gentleman has raised it in order to block the honorable member for Bendigo West, but merely because he fears that it may involve us in difficulties later on. Of course, if the new clause is not accepted, the whole proposal will fall to the ground.

Mr. MURRAY (Chief Secretary).—Let me read the first paragraph of the proposed new clause. It is as follows:—

(1) Notwithstanding anything contained in this Act as to the rate of compensation, compensation for the injuries mentioned in the first column of the fourth schedule shall be assessed in the manner indicated in the second column of that schedule.

Now, what is this proposal of the honorable member for Bendigo West? It is to insert something that shall be an amendment of the Bill that is now before the Committee. The new clause refers to a fourth schedule. There is no fourth schedule in the Bill. What are honorable members to understand is meant by the fourth schedule? As there is no fourth schedule in the Bill it is something of which, in a parliamentary sense, we have no knowledge. The new clause is to amend the Bill that is in the hands of the Committee. The Bill has no fourth schedule, and therefore the new clause cannot refer to the fourth schedule in the Bill.

The CHAIRMAN.—I do not see any other way in which the honorable member for Bendigo West could proceed in order to carry out what he desires. If the new clause is carried, the fourth schedule referred to will, I suppose, be bound to be carried. If it is not carried we cannot help that.

Mr. MURRAY.—There is no fourth schedule.

Mr. WARDE.—The new clause will provide one.

The CHAIRMAN.—If the new clause be carried, the proposed fourth schedule, which has been circulated, will be carried as a matter of course, I presume. Of course, the Committee is master of the situation, and need not carry it if it does not want to. I do not see that the honorable member for Bendigo West could have adopted any other course of procedure.

Mr. SMITH.—I thought the new clause I have proposed made it perfectly

clear that a new schedule would be proposed also. That schedule has been circulated. I presume that, from a technical point of view, the Chief Secretary is quite right.

Mr. J. W. BILLSON (*Fitzroy*).—The Chairman has held that he is wrong.

Mr. SMITH.—I do not dispute the Chairman's ruling. If the new clause be passed, then we must create a fourth schedule.

Mr. MURRAY.—That has been decided by the very able, though somewhat extraordinary, ruling of the Chairman.

Mr. SMITH.—I do not think the Chief Secretary is justified in reflecting on the Chairman's ruling.

Mr. MURRAY.—I am not reflecting on it; I do not agree with it, but I have to accept it.

Mr. SMITH.—I do not wish to take up the time of the Committee unnecessarily. What the new clause is designed to accomplish is perfectly clear. It makes provision for a fourth schedule, and that fourth schedule will be introduced in the form of a later amendment. I may say that that schedule is no new proposition. It is contained in the Acts of New Zealand, Tasmania, and Western Australia. According to the Government, this is to be an up-to-date Bill, and therefore we should make the advantages under it equal to those which are given under the Acts of the sister States. I believe the new clause will be of assistance to many unfortunates who receive injuries, because it will enable them to get a bulk payment, instead of having their compensation paid in dribs and drabs. The new clause and the proposed fourth schedule will be distinctly advantageous to those who are unfortunate enough to receive such injuries as are described in that schedule.

Mr. MURRAY (Chief Secretary).—I hardly see my way clear to accept the new clause. I will confess that if a man is totally incapacitated he should be entitled to receive full compensation in a lump sum. It may be a question as to whether it would be to his advantage or not to receive it in a lump sum. He would be entirely dependent on others for the expenditure of that money, and the payment in a lump sum might be a very questionable benefit to him. If a man were incapacitated, he would have the certainty of getting something, at any rate, to support him for a considerable time.

Mr. J. W. BILLSON (*Fitzroy*).—The schedule does not say that the payment shall be in a lump sum. That is in the discretion of the Court.

Mr. MURRAY.—It is entirely in the discretion of the Court.

Mr. J. W. BILLSON (*Fitzroy*).—Then your objection falls to the ground.

Mr. MURRAY.—The first portion of the new clause is a direction to the Court. I should think that where an injury means total incapacity, the Court would award the total amount at once, without any hesitation. In fact, there would be no necessity for going to Court, but the total amount of compensation would be voluntarily paid.

Mr. J. W. BILLSON (*Fitzroy*).—You are missing the object of the proposed new schedule, which deals with various accidents.

Mr. MURRAY.—The proposed new schedule lays down how certain accidents are to be compensated. I do not know that we should, to the extent we would do if we adopted the proposal, fetter the hands of the Court which has to administer justice in these cases. In the event of a man being totally incapacitated, I do not think that the case would ever be taken into Court. Under the Bill, the Court may award him the full amount of compensation in the event of the Court being satisfied as to his permanent incapacity. A man may be completely incapacitated for a considerable time, but afterwards he may entirely recover his health.

Mr. WARDE.—He may grow a new hand or a new leg.

Mr. MURRAY.—The total loss of hearing is referred to in the fourth schedule—we have had some remarkable cases of recovery from total loss of hearing. Loss of sight is also referred to. Loss of sight is not always permanent. I believe Christian Scientists do assert that by their powers they have grown fresh limbs, but I am rather sceptical about it myself. I do not care, without a great deal of consideration, to in any way further limit the discretion of the Court. I prefer to leave a wise discretion in the hands of the Court, and not to bind the Court by a hard-and-fast rule as to the amount to be paid in the case of particular injuries. I am perfectly certain that in the case of a man being totally incapacitated, the Court would have no hesitation in awarding

the fullest compensation he was entitled to.

Mr. J. W. BILLSON (*Fitzroy*).—I am very sorry that the Chief Secretary is objecting to the proposed new clause, because there is already a similar provision working in Western Australia, Tasmania, and New Zealand, and it has given the fullest satisfaction. In view of the different views that Judges take, I think it would be wise to do what the honorable member for Bendigo West desires, if we can do it without hurting in any way the claims, or opposition to those claims, and without putting any indignity on the Court. For the loss of both eyes the ratio of compensation to full compensation as for total incapacity would be 100 per cent. If a man loses both eyes he may, according to the Chief Secretary, recover, but I do not know how. For the loss of both hands a man would receive 100 per cent.

Mr. SNOWBALL.—Is there a schedule in the New Zealand Act?

Mr. J. W. BILLSON (*Fitzroy*).—Yes, this is a copy of it, and in Western Australia and Tasmania. It is helpful to the Court, because when a man has lost both eyes and makes a claim, instead of the lawyer arguing that he might recover and be sent to a blind asylum and in twelve months, or perhaps six months, be taught basket-making or brush-making, the Court is saved all that trouble and inconvenience, and the Judge simply says that the man has lost both eyes, and that, according to the schedule, he is entitled to 100 per cent. As a matter of fact, that case would not go into Court, but if we pass this Bill without this schedule it would go into Court in all probability, and some of the insurance companies would be arguing that the man will recover his health, if not his sight, and can be taught some trade to supplement the compensation that is granted to him. And Judges might take various views of the case. Some might give very much less than 100 per cent. The view of this Committee, I think, is that in the event of the loss of both eyes a man should be given 100 per cent. of the full compensation. Then for the loss of both hands or of both feet the compensation is to be 100 per cent., for the loss of a hand and a foot 100 per cent., for total and incurable loss of mental powers, involving involving inability to work, 100 per cent.

Mr. SNOWBALL.—We are not called on now to consider the various items in the schedule. They will be considered later on.

Mr. J. W. BILLSON (*Fitzroy*).—Unless we pass this clause we shall not have an opportunity of considering the schedule. One has to be moved before the other can be considered. In the clause proposed by the honorable member for Bendigo West we are making provision for this schedule, and it is as well to see what we are making provision for. The following is a full list of the injuries and the percentage of compensation provided for in the schedule:—

Loss of both eyes, 100 per cent.
Loss of both hands, 100 per cent.
Loss of both feet, 100 per cent.
Loss of a hand and a foot, 100 per cent.
Total and incurable loss of mental powers involving inability to work, 100 per cent.
Total and incurable paralysis of the limbs or of mental powers, 100 per cent.
The total loss of the right arm or of the greater part of the arm, 80 per cent.
The total loss of the left arm or of the greater part of the arm, 75 per cent.
The total loss of the right hand or of five fingers of the right hand, or of the lower part of the right arm, 70 per cent.
The total loss of the same for the left hand and arm, 65 per cent.
The total loss of a leg, 75 per cent.
The total loss of a foot or the lower part of the leg, 60 per cent.
The total loss of the sight of one eye, together with the serious diminution of the sight of the other eye, 75 per cent.
The total loss of hearing, 50 per cent.
The total loss of the sight of one eye, 30 per cent.
The total loss of the thumb of the right hand, 30 per cent.
The total loss of the thumb of the left hand, 25 per cent.
The total loss of the forefinger of the right hand, 20 per cent.
The total loss of the forefinger of the left hand, 15 per cent.
The total loss of part of the thumb of the right hand, 15 per cent.
The total loss of the little finger of the hand, 12 per cent.
The total loss of the middle or ring finger of the hand, 8 per cent.
The total loss of a toe or of a joint of a finger, 5 per cent.
Complete deafness of one ear, 10 per cent.

All these are scheduled in this form as a direction to the Court, should the case get there, as to what the claimant may legitimately claim. But the advantage of this schedule is not so much in its being a direction for the Court as being something which will prevent cases going to the Court. That is the object of this schedule, and that has been discovered to

be the effect in the three States I have mentioned. When a man is injured he and the insurance company know the extent of his claim, and there is no dispute; but unless you adopt a schedule such as this there will be a dispute as to the real injury the man has received by losing, say, his right hand, or five fingers of his right hand. I should like the Chief Secretary to adopt this schedule. It is not as if it was quite new to Workmen's Compensation Acts. It has been tried in three States. It has worked well, because claims have been settled out of Court that would not have been settled out of Court if this schedule had not been included in the Act.

Mr. SNOWBALL.—It cuts both ways, because a Court might award more.

Mr. J. W. BILLSON (*Fitzroy*).—For the loss of both eyes the Court could not award more than 100 per cent. We are willing to take that risk.

Mr. SNOWBALL.—It stops fighting.

Mr. J. W. BILLSON (*Fitzroy*).—Even if the Court would award a little more in one or two instances, I should be inclined to keep to the schedule. Taking cases to Court would involve in expenses more than the increased amount the Court would give. There will be no free Court. There will be a considerable amount of expense, and although the claimant may have his claim allowed and get expenses there are always other expenses as between lawyer and client that are not covered by the costs the Court awards.

Mr. SNOWBALL.—I will admit that.

Mr. J. W. BILLSON (*Fitzroy*).—In order that the cases may be settled amicably out of the Court, and in order that we may be just to both parties, I think this schedule should be adopted.

Mr. MENZIES.—How will claims be settled out of Court.

Mr. J. W. BILLSON (*Fitzroy*).—If a man has lost both eyes he will make his claim, and submit a doctor's certificate or evidence that would satisfy the insurance company. But on that evidence, if there was no schedule, the case might be taken to Court, and if the man had lost an arm or a leg it might be argued that he should not receive the amount set down in the schedule. We know the varying decisions of the Courts in respect of similar crimes. I think we might expect a similar experience with this Court. The Chief Secretary will see that he is not risking any efficiency in the Bill by adopting this schedule, and that he is not injuring any party by doing that. He is merely making it more simple for those who are injured to claim compensation, and at the same time not more expensive for those who have to pay.

Mr. MURRAY.—The strongest objection is that under this schedule you award the same amount without regard to occupations.

Mr. J. W. BILLSON (*Fitzroy*).—There is somethinig in that, but we cannot ignore the fact that a man engaged in one occupation this year may be in another occupation next year. I know numbers of labourers who are professional men. One, a farm labourer, is a Doctor of Laws. I know a man who was at clerical work getting a decent salary, who is now doing labouring work at the naval base.

Mr. MURRAY.—A man might be left-handed, and he should get more for an injury to the left hand than a right-handed man.

Mr. J. W. BILLSON (*Fitzroy*).—Are not these very small matters? I think that objection is a very frivolous one.

Mr. MURRAY.—It is not frivolous. The manual labourer fares worst under this schedule.

Mr. J. W. BILLSON (*Fitzroy*).—I candidly admit that the Chief Secretary has 5 per cent. advantage of me. For the total loss of the left arm a man would get 75 per cent., while for the total loss of the right arm he would get 80 per cent. But left-handed men are in a hopeless minority. They are like the Labour party in this House. Although they have right and justice on their side, yet, when the numbers go up, they are in a hopeless minority. The Government are surely not wedded to the Bill, the whole Bill, and nothing but the Bill. It does not seem any good appealing to reason, because that is not presiding over the Government at this period.

Mr. MURRAY.—That argument does not affect me in the slightest.

Mr. J. W. BILLSON (*Fitzroy*).—If reason does not affect the honorable gentleman, I shall have to sit down.

Mr. MACKEY.—There is a great deal in this amendment which should commend itself to the Committee and the Government. One of the evils a measure like this brings in its train is litigation. Unless some such schedule as this is adopted the matter will go before the County Court Judge. The injury is admitted,

and the only question to be argued will be the amount of compensation. I am not in the confidence of insurance companes, but I can easily understand that, so far as they are concerned, and infinitely more as regards the employé, the great thing is to get rid, so far as possible, of litigation. If a man has lost both his eyes, why should there be any necessity to go to litigation as to the amount of compensation to which he is entitled?

Mr. MURRAY.—Do you think that a case of total disablement like that would ever go into Court?

Mr. MACKEY.—Possibly not. To that extent clearly the objection to this schedule disappears. Sometimes, however, litigation is conducted, not in the hope of winning the action, but as a warning to others that they should not go to litigation, so that under the fear of litigation they shall settle their actions on terms unfavorable to themselves. I think that if by suitable amendments in this Bill we could get rid of the necessity of going to litigation at all we would largely extend the benefits which the measure is meant to confer. I would not commit myself to all the details of the proposed schedule, but I may say that I do not think they are too generous in all respects. There may be some little anomalies, but they are nothing like the anomalies that would arise under the decisions of different Judges for similar matters. However, at the present moment we are not asked to commit ourselves to the exact terms of the schedule, but in the desire to get rid of litigation, as far as possible, I would ask the Chief Secretary and the Government to look favorably on the adoption of this clause. The one unsatisfactory part of the clause, if I may say so, with all deference to the honorable member for Bendigo West, whom we all hold in great regard, is sub-clause (2). Sub-clause (1) if it remained alone would finish the whole matter. Sub-clause (2) does not finish the matter. It still leaves the way open for litigation, because the employé, having got the amounts set out in the schedule, may still bring an action for compensation for further injuries. He may be stirred up by a certain class of legal gentlemen, and induced to bring that action.

Mr. SNOWBALL.—If he took the amount in full settlement that would finish it.

Mr. MACKEY.—Sub-clause (2) says that the amount is not to be final.

Mr. SNOWBALL.—Yes, it leaves the matter still open.

Mr. MACKEY.—That is the drawback with regard to the clause. We ought to be prepared to pay a price for finality in these matters. I am sure that both employers and employés would be prepared to do so.

Mr. MURRAY.—Then the honorable member would recommend that we should drop sub-clause (2)?

Mr. MACKEY.—Yes, and afterwards examine the schedule carefully.

Mr. MURRAY.—Is the honorable member for Bendigo West prepared to accept that?

Mr. SMITH.—Yes.

Mr. MACKEY.—I may add that in actions which are brought to-day under the Employers Liability Act and under the common law the compensation is measured in a lump sum, and is finally disposed of. I admit that there are certain disadvantages in that, but I think that in a great majority of cases the advantages will more than counterbalance the disadvantages.

Mr. SOLLY.—I hope the Chief Secretary will accept the proposed new clause.

Mr. MURRAY.—I will agree to sub-clause (1), which is the vital provision, and will put an end to a great deal of litigation.

Mr. SOLLY.—I would remind the honorable gentleman that last week, when we were discussing the cost of litigation in connexion with a new clause which I proposed, he promised that he would consider the advisability of drafting a clause that would meet my objection. I think, however, that if the new clause now proposed by the honorable member for Bendigo West is carried it will, to a great extent, meet the objection I previously raised, because it has been generally admitted by the lawyers of the House that it will greatly reduce the cost of litigation. Under the circumstances I am very glad that the Chief Secretary has accepted the clause..

Mr. SMITH.—The advice given by the honorable member for Gippsland West is advice that one must certainly pay attention to, and I have no objection whatever to withdrawing sub-clause (2) of my proposed new clause.

Mr. MACKEY.—I move—

That sub-clause (2) be omitted.

Mr. TUNNECLIFFE.—I have no wish to obstruct business in any way, but at

the same time I am afraid that the Chief Secretary is accepting at the table rather more than he is justified in accepting, when he agrees to strike out sub-clause (2) of the new clause. Suppose a man loses a thumb, and gets 30 per cent. under this schedule. Three weeks later tetanus sets in, and the man dies. It is certainly not a fair position that his dependants are not to be entitled to any further compensation.

Mr. MACKEY.—The action could not be brought to a head for about a couple of months after the injury takes place.

Mr. TUNNECLIFFE.—I only mentioned tetanus as an instance. There are other diseases supervening on injury to the head or to the eye. A man may get 25 or 30 per cent. under the schedule, and total or partial paralysis may set in within six or twelve months. The man dies, and his dependants are to be entitled to no further compensation. I am afraid that if sub-clause (2) is struck out we may be inflicting greater injury on workmen than if we allow it to remain where it is. The schedule fixes a comparatively low rate of compensation for various forms of injury. Then sub-clause (2) provides that if any further injury results from the same accident such as total or partial paralysis, tetanus or erysipelas, further compensation may be awarded.

Mr. SNOWBALL.—But in that case there must be total incapacity.

Mr. TUNNECLIFFE.—Yes. There may be a period of total incapacity for two or three years. For instance, there may be a lengthy illness as the result of spinal trouble. This new clause was drafted with very great care after consultation with legal gentlemen, and I think it would be unwise to alter it in the course of debate without considering very fully the effects that would follow the withdrawal of sub-clause (2). We certainly have the promise of the Chief Secretary that the schedule will be considered on its merits, but we are apt to overlook the contingencies that may result from an injury, and to give compensation only for the obvious effects of the accident. I trust the Committee will consider the matter much more fully before agreeing to the amendment.

Mr. MACKINNON.—I share the anxiety which the honorable member for Eaglehawk has expressed. The suggestion was made in a casual way that we should strike out sub-clause (2) of this clause. Now the clause as a whole is probably taken from similar legislation elsewhere, and sub-clause (2) is no doubt intended to serve some purpose. So far as I can see, it refers to a man who has suffered some injury additional to that which was at first ascertained. The general proposal, of course, has been the subject of constant agitation in all countries where legislation of this kind has been in operation. Cases have been fought by the trades unions on one side, and the insurance companies on the other, and both parties have complained about the uncertainty of judicial decisions. One Judge gives a large sum for some particular injury, and another Judge gives a much smaller sum for a similar injury. I do not know how the present proposal will work out, but it is well worth a trial. I think we may assume that it comes from the New Zealand legislation.

Mr. MURRAY.—New Zealand, Western Australia, and Tasmania.

Mr. MACKINNON.—Having accepted the principle, I think it would be rather rash now to cut out sub-clause (2) without very much fuller consideration than we have been able to give it. Personally I do not feel inclined to assent to its disappearing from the clause, because it is obviously put in to safeguard the rights of those who would be otherwise completely shut out from getting compensation. There might be payment made for a trivial injury, and that might be interpreted under the proposed new schedule as the whole of the payment that need be made, and though a person might be suffering attendant injuries, he might be prevented from getting any compensation for them. I would suggest that the new clause be allowed to go through in its present shape; then, at a later stage, if the Chief Secretary deems it advisable, it could be amended.

Mr. BAYLES.—Under sub-clause (2) of the proposed new clause a man who was injured might bring in a claim for compensation many years afterwards. Clause 7 of the Bill sets out how proceedings should be taken.

Mr. SNOWBALL.—That could not arise under sub-clause (2) as proposed. It must arise during the period of incapacity.

Mr. BAYLES.—A claim might be made ten or twenty years after the accident occurred. Total incapacity might

last a very long time. I think that there should be some time limit fixed. I can see that a man might meet with an injury to the brain, which would subsequently result in paralysis, but we should have some time limit with regard to when claims may be made.

An HONORABLE MEMBER.—That is provided for in paragraph (*b*) of clause 7.

Mr. BAYLES.—Under clause 7 claims for compensation must be made within four months of the accident, or within four months of death. If the honorable member for Bendigo West were to fix a reasonable time in the new clause, I do not think there would be any objection to it.

Mr. TUNNECLIFFE.—Will not clause 7 cover the new clause?

Mr. BAYLES.—I think it will.

Mr. SNOWBALL.—No; the new clause is quite unlimited.

Mr. BAYLES.—Under clause 7 a claim must be sent in within four months of the accident. The amount of compensation will be assessed under the new schedule to be proposed, and then the risk will still run if the man becomes ill from the result of the injury. I do not want to prevent any one getting fair compensation, but I think we should fix some reasonable time limit. The new clause would extend the time of sending in claims to an unlimited extent.

Mr. MURRAY.—Would it do so?

Mr. BAYLES.—I think it would. Of course, sub-clause (2) only applies to cases of total incapacity. If a man had his finger chopped off, that would not be regarded as total incapacity. I do not think the new clause goes as far as the honorable member for Eaglehawk says. The Government may promise to consider the matter, and we can discuss it again at the report stage. I am only too anxious to see the Bill become law.

Mr. MURRAY (Chief Secretary).—If sub-clause (1) were carried by itself we would undoubtedly achieve something that was most desirable. We would erect a perfect bar to litigation, and settle the amount of compensation in the arbitrary way proposed in the fourth schedule. Therefore, without sub-clause (2), we see very great advantages in the new clause proposed by the honorable member for Bendigo West. I do not want to deprive any worker who is injured of the compensation he would be entitled to beyond the compensation for the mere accident that is provided for in the fourth schedule. If a man lost a finger or an eye, and it ended there, it would be all right, but afterwards something else might supervene. He might suffer from some form of nervous disease, and completely break down. If sub-clause (1) stood by itself that man, having taken a certain amount in compensation for the accident, would undoubtedly be deprived of any further compensation. I cannot say whether the effect of sub-clause (2) is governed by clause 7, which provides that claims for compensation must be made within a period of four months after the accident. If it is not, instead of getting what we thought we had obtained by the first part of the new clause, we would perhaps be opening up the way to increased litigation. Sub-clause (2) provides—

> Nothing in the said schedule shall limit the amount of compensation recoverable for any such injury during any period of total incapacity due to illness resulting from that injury—

Evidently something is contemplated beyond the mere actual injury that is at first incurred. There is not a single member of the House who desires to shut out by any action of ours any workman from the total amount of compensation which we intend should be provided for him under certain circumstances. Perhaps it would be as well to pass the whole of the new clause. If that is done I will inquire from the Crown Law authorities what would be likely to be the effect of sub-clause (2). If it is not restricted by clause 7, I will propose later on such amendments as are necessary.

Mr. BAYLES.—You would fix a reasonable time limit?

Mr. MURRAY.—If necessary. Take the cases that occur very frequently in the Public Service. A constable may receive some trivial injury from a man he is arresting, or a warder in an asylum may receive some minor injury from a patient. Years afterwards perhaps the injured limb develops weakness, and in every case it is attributed to the accident, which long ago was lost sight of. It would be perfectly absurd if we left it open for a worker, many years after an accident had occurred, to apply for further compensation. The finality we are attempting to achieve under the first portion of this new clause would be largely discounted by the disability under the second portion. I will inquire into the matter, and

see exactly what the effects of the new clause will be. If it is necessary to amend it so as to limit the time in the way I think the Committee desires it to be limited, we will take steps to do so.

Mr. MACKEY. — In view of the undertaking of the Chief Secretary I will withdraw my amendment.

The amendment was withdrawn.

The new clause was agreed to.

Mr. PLAIN.—I propose the following new clause—

> If in any action or proceeding for the recovery of compensation the Court is of the opinion that there has been unreasonable delay in the payment of the compensation, the Court may, if in its discretion it thinks fit, increase the compensation payable under this Act by adding thereto interest calculated as from the commencement of the incapacity or from the death of the worker (as the case may be) up to the date of the assessment of compensation at any rate not exceeding Six pounds per centum per annum on the total amount of compensation in the case of a lump sum, and on the aggregate amount of weekly payments up to the date of the said assessment in the case of weekly payment.

I do not think the Chief Secretary will oppose this proposal. It is just possible that an employer may postpone paying compensation for an indefinite period—say a week or a month——

Mr. J. W. BILLSON (*Fitzroy*).—It might be for years.

Mr. PLAIN.—Yes. The person applying to the Court would have to live in the meantime. He will have to ask a favour from some particular individual to get the provision to carry him over that period. The Court might go into vacation for a month or two months.

Mr. SNOWBALL.—This would not cover that. He would not be entitled under this clause if delayed in that way.

Mr. PLAIN.—The clause covers what is really asked for, and that is 6 per cent. on the money upon the Court deciding that the case is one deserving of consideration. I feel that the Chief Secretary will put no objections in the way of this provision.

Mr. SNOWBALL.—Once he gets judgment the judgment carries interest. That is already provided for.

Mr. BAYLES.—You have to move the Court to do that. It will cost more than the interest to get that done.

Mr. PLAIN.—The clause contemplates such a case as the matter being postponed for some indefinite period through some trifling matter.

Mr. MURRAY.—This would not help the individual if the delay was through the Court's adjournment.

An HONORABLE MEMBER.—In case of unreasonable delay.

Mr. PLAIN.—It is left to the Court to decide whether the delay is unreasonable.

Mr. MURRAY.—The honorable member says that an adjournment of the case may be unreasonable delay.

Mr. PLAIN.—Take the case where the company will not pay.

Mr. SNOWBALL.—Issue execution.

Mr. MACKEY.—It will be rather difficult in the case of Government insurance.

Mr. PLAIN.—Delay may occur in this way. The defendants may say they have witnesses many miles away, and by that means the case may be delayed.

Mr. MURRAY.—That could not be called unreasonable delay. It often takes some little time to bring witnesses.

Mr. PLAIN.—The witnesses may be of little importance, and calling them might be for the purpose of delay.

Mr. MURRAY.—Do you think it likely the defendant would bring witnesses of no importance?

Mr. PLAIN.—The clause will cover that contingency, and will facilitate the working of the Act and prevent any unjust or unnecessary delay. In the event of unnecessary delay, the claimant will have a right to 6 per cent. on the amount from the time the case is decided.

Mr. MURRAY.—I suppose the honorable member means delay in coming to an agreement?

Mr. SNOWBALL.—Harassing delay in putting off the assessments.

Mr. PLAIN.—We could not object to the defendants not coming to a settlement right away, but in the case of unnecessary delay in this matter, the Court might deem fit to grant this 6 per cent. interest.

Mr. SNOWBALL.—I think the suggestion worthy of consideration if drafted in another form.

Mr. BAYLES.—If it is put in clause 7, the judgment will carry interest.

Mr. PLAIN.—If the Chief Secretary thinks it desirable I will put the provision in some other place.

Mr. MACKEY.—I have been looking up the Act to see whether this is provided for, and unfortunately while doing so was not able to give the attention to the honorable member for Geelong's remarks which they are entitled to. I want to find out what the aim is. In the ordinary

courts of law, when judgment is recovered under the Employers' Liability Act, or for breach of contract, the judgment carries interest from the date it is entered up. Does the honorable member desire that when the Court awards compensation, and the compensation is not paid, interest is to run?

Mr. MACKINNON.—Where there has been undue delay.

Mr. MACKEY.—I take it, from the remark of the honorable member for Prahran, that there has been some delay in the legal proceedings in getting the award of compensation.

Mr. COTTER.—Or in the event of an adjournment for an important witness.

Mr. PLAIN.—Some unnecessary delay.

Mr. MACKEY.—I find some difficulty in this matter. The proposal is a complete departure from legal procedure, although that is not a valid objection to it.

Mr. WARDE.—I think it is taken from the New Zealand Act.

Mr. MACKEY.—I have tried to find it there, and cannot. If it is taken from the New Zealand Act it is not well drafted, and is very difficult to construe. In claiming compensation the Bill lays down the procedure, and it is for the Court to say in each case whether an adjournment shall be granted or not, and on what terms.

Mr. SNOWBALL.—The Court cannot tell at the time of granting the adjournment whether it is reasonable or not.

Mr. MACKEY.—I am coming to that. The supposition is that the employer or company has interposed delay. Where an adjournment is asked for in a case of that kind it is only granted on payment of costs and I do not mean the interest the honorable member for Geelong has referred to. There is a pretty strong deterrent against asking for adjournments of that kind. The defendants would lose far more than the interest referred to. The honorable member says that this is his idea. Here is a poor man, with nothing to live on. He is entitled to compensation, but cannot get it; because this plaintiff, perhaps by means of adjournments, for which he is prepared to pay, has been keeping him out of the money due.

Mr. COTTER.—In that case all that the defendant would pay would be the legal expenses incurred.

Mr. MACKEY.—That would be ten times as much as the interest.

Mr. COTTER.—The man bringing the claim is not safeguarded.

Mr. SNOWBALL.—The lawyers on both sides would benefit, but not the claimant.

Mr. MACKEY.—Suppose the amount awarded is the full amount of £400. For how long shall we contemplate the unreasonable delay having taken place? Let us assume six months. Six per cent. for six months would be £12, or for twelve months, £24. I am afraid that would not deter any company or employer who wished to harass the claimant. It would be very cold comfort to the plaintiff to be deprived of £400 for six months and then only get £412.

Mr. ELMSLIE.—It may be a test case where a large number of men are injured.

Mr. MACKEY.—If it was a test case the clause would not meet it.

Mr. SNOWBALL.—If there is unreasonable delay the rate should be 10 per cent.

Mr. COTTER.—Under the Bill a man could delay and not have to pay the £12.

Mr. MACKEY.—The £12 will not prevent delays taking place. What the man wants is to be paid immediately. Speedy trial is what is wanted, and the honorable member will not procure that by means of his clause. The question of speedy trial was what I was going to refer to. The English Act provides that, if the parties do not come to an agreement, the matter shall be settled by arbitration. An arbitrator is selected by both parties, and if they cannot agree as to the arbitrator, the case is to be tried by a County Court Judge. In this Bill, the case must go to a County Court Judge. In some of our districts the County Court is held only twice a year. Must a worker, who is injured, perhaps shortly after the County Court has been held in the district, wait for four or six months before he can get his compensation assessed? There is no unreasonable delay there, because you cannot get a Court. I would suggest that the arbitrator should be a police magistrate, because the magistrates visit the districts much oftener than County Court Judges do. In that way, you would get efficient and speedy trials from people who are as sympathetic, I think, with the workers as the County Court Judges are.

Mr. MURRAY.—Would you suggest that it should be either a County Court Judge or a police magistrate?

Mr. MACKEY.—Where a County Court is not speedily available. Take a case in my own district. Neerim is only

about a dozen miles from a County Court, but the County Court is held at Warragul only about four times a year. Why should a litigant at Neerim have to wait for a County Court Judge? If he does not wait he has to come to Melbourne. What we ought to secure is that these claims shall come to a speedy trial. It is very cold comfort to a worker to say to him that six months hence he will get £100 or £200, or so much a week back pay. His answer is, "What am I to do in the meantime?" In the meantime, he may come to a most unsatisfactory settlement because of his extreme needs. Therefore, I think the Committee should endeavour to secure that there should be a speedy trial. I sympathize completely with what the honorable member has in view, but I think he will not achieve a speedy trial by his new clause. The penalty is so exceedingly small that it will be no inducement to a defendant company to have a speedy trial if it has any purpose to serve by delay.

Mr. SNOWBALL.—I do not think that the intention of this clause is quite what has been indicated by the honorable member for Gippsland West. To me it seems to be clearly intended to apply to a period covered by unreasonable delay before the assessment of compensation. The clause should be altered by providing that the delay should be in the proceedings to assess compensation. The clause refers to "unreasonable delay in the payment of compensation." The Court could not say that there was unreasonable delay in the payment of compensation until the compensation had been assessed. Whatever harassing delay took place on the part of one of the parties, it could not be charged with unreasonable delay in paying compensation until the compensation had been assessed. Therefore, I think the clause should be altered by substituting the words "in the proceedings to assess compensation" for "in the payment of compensation." It is proposed that the Court may, in its discretion, award interest. The rate of that interest should be altered to 10 or 12 per cent. We have a precedent for that in the Supreme Court Act, in which provision is made to allow a jury to assess interest on damages up to 10 or 12 per cent. Six per cent. is so small that it would not influence a party, or deter that party from getting a six months' adjournment during the proceedings.

Mr. MACKEY.—There might be unreasonable delay on the part of the plaintiff.

Mr. SNOWBALL.—It would be on the part of the party trying to evade compensation.

Mr. MACKEY.—A small employer might be anxious to get a matter settled.

Mr. SNOWBALL.—The section of the Supreme Court Act dealing with judgments and interest on damages might be taken as a precedent. It is as follows:—

> Upon all debts or sums certain hereafter to be recovered in any action, the Court at the hearing or the jury on the trial of any issue or on an assessment of any damages may if the Court or jury think fit allow interest to the creditor at a rate not exceeding 8 per cent., or (in respect of any bill of exchange or promissory note) at a rate not exceeding 12 per cent. per annum from the time when such a debt or sum was payable (if payable by virtue of some written instrument and at a date or time certain); or if payable otherwise, then from the time when demand of payment shall have been made in writing giving notice to the debtor that interest would be claimed from the date of such demand. Provided that nothing herein contained shall extend to authorize the computation of interest on any bill of exchange or promissory note at a higher rate than 8 per cent. per annum where there shall have been no answer pleaded.

It is proposed to affirm the principle that juries can, in certain cases, consider the question of delay. We should certainly increase the interest to a rate which will have an effect in preventing unreasonable delay. With the alterations I have suggested, I think the clause would prove acceptable.

Mr. MURRAY (Chief Secretary).—Of course, as drafted, the clause does not carry out at all the object of the honorable member for Geelong. The honorable member for Brighton has pointed out that unreasonable delay cannot take place in connexion with the question of the payment of compensation. It will be in the proceedings prior to the amount of compensation being assessed or fixed. Does the honorable member for Geelong desire to reach those defendant companies which create undue delay by getting adjournments of the Court, and so on? If the Court grants an adjournment, I do not think it could be regarded as an unreasonable cause of delay. I could imagine the honorable member trying to get something introduced into the Bill that would have the effect of making those liable come quickly to an agreement with any

one injured without going to the Court at all. The latter portion of the clause is manifestly unfair. The honorable member proposes to give interest from the time of the death or the commencement of the incapacity of the worker. Now, the worker or his dependants could not be paid immediately an accident occurs. Some time must elapse. Yet the honorable member will impose a further penalty for this unreasonable delay by compelling the payment of interest, which, under the Act, the worker or his dependants are in no way entitled to, from the time of the accident.

Mr. COTTER.—Your Act provides for seven days.

Mr. MURRAY.—Before the worker is entitled to anything. It cannot be expected that, as soon as an accident occurs, compensation should be paid without inquiry. Some little delay must occur before the victim or the victim's dependants can receive anything, even if everything is done as speedily as possible. No one is blamable for that. On the receipt of a telegram or a telephone message, or a letter making application, compensation could not be paid at once. The next question is what is unreasonable delay?

Mr. SNOWBALL.—That is for the Court to say.

Mr. MURRAY.—Unreasonable delay may be held to consist of a company resisting a claim which others might consider a fair one, or a claim about which there might be doubt.

Mr. MACKINNON.—I think that is probably what is aimed at.

Mr. MURRAY.—Yes.

Mr. SNOWBALL.—The Court has discretion.

Mr. MURRAY.—Yes. I am trying to find out what the honorable member for Geelong most desires to accomplish by the insertion of this new clause. We are all at one with him in the view that a payment in order to give the largest measure of relief should be prompt and immediate, and that there should be no unreasonable delay or any vexatious resistance to a claim. Besides unreasonable delay there is also a reasonable delay which must ensue after any accident occurs. The Court itself is responsible more than the litigants can be for the delay when the matter gets before the Court. If a defendant company requests an adjournment, and the Court grants it for the purpose of procuring witnesses who the company may think may give important evidence, and it turns out that the evidence is not of importance, or it does not affect or win the case for the defendant, then the Court, to a larger measure than the company, is responsible for that delay, because with its eyes open it grants such an adjournment. After the matter once reaches the Court I do not think there will be anything that can be construed into unreasonable delay. Before it reaches the Court there are two parties—those entitled to compensation, and those who, under the Bill, have to pay. Certainly the company is not the one to take proceedings. The delay is more likely to be caused by the others. Can you blame a company if it does consider a claim somewhat unreasonable in objecting to the payment. The company may be honestly trying to come to an agreement, and those who are to receive the compensation may be a little unreasonable. There may not be a great deal between them, yet it may be a considerable time before the compensation is assessed, and neither party is culpable. What I think will occur is that from the very outset the company will pay as promptly as possible, that there will be no delay in making the inquiry, and after it has been made they will settle as promptly as it is possible to do all just claims. I would suggest that the honorable member should withdraw his clause at the present time. I think he himself will realize that it is ill-drafted. It does not embody what he desires to effect. It is somewhat vague and rather doubtful. I will give consideration to it, and see if it can be licked into some sort of shape in order to carry out what are the laudable objects which the honorable member is endeavouring to achieve. The clause as drafted could not go into the Bill. It would be a difficult matter to reconstruct it so that it would carry out the honorable member's own intentions, and at the same time be satisfactory to the Committee.

Mr. MACKINNON.—This clause is copied from an Act that has been in force in New Zealand for five or six years. It is difficult to make out what it means. It must be read as part of the New Zealand Act. If the Judge, or the Arbitration Court, comes to the conclusion that a fixed amount should be paid for the loss of both eyes, they award the sum, and if they find that it was a case in which there was unreasonable delay on the part

of the employer in paying the compensation they can add interest. I do not know whether the honorable member for Geelong has looked carefully into this proposal. It also proposes to give the Court certain power, when a man refuses to pay his instalments, to review that matter and add interest for the delay that has taken place. That is covered by the words "up to the date of the said assessment." What really seems to be intended is that the scheme under the New Zealand Act has fixed the amounts for certain. When a man has lost his two eyes the Court has power to say to his employer that he should have paid the compensation at once, and as he had not done so to charge 6 per cent. interest from the time the money should have been paid. That seems to be the main intention of the clause.

Mr. MURRAY.—That ought to be left to the discretion of the Court.

Mr. MACKINNON.—It is left to the discretion of the Court, which can allow less than 6 per cent. interest, for the clause states that it is not to exceed 6 per cent. We are very much in doubt as to the meaning of the clause, because we do not know the law in New Zealand in regard to the payment of interest. In Victoria, in the Supreme and the County Courts, the Judge and jury have power to allow interest in certain cases. We do not know what the law in New Zealand is, and our position is further complicated because this may be designed to fill a gap that exists in New Zealand. I cannot see that we can better the wording of it. The only doubt is as to the exact meaning. It seems to me that the main purpose of the provision is that the law in New Zealand is aiming at arriving at a certainty in a great many cases in order to avoid litigation and costs.

Mr. SNOWBALL.—I trust the Chief Secretary will see his way to allow this slight alteration that I think all of us will be prepared to adopt. Adding the word "assessment" or the words "payment of the compensation" gets over the whole doubt as to the meaning of the clause. Then the clause will be a workable one. The use of the words "up to the date of the said assessment" gives a wider meaning than the honorable member for Prahran imagines. It would apply to something more than such cases as are fixed in respect to compensation in the schedule. It would apply also to cases where the assessment is to be adopted. In both cases the use of the word "assessment" showed that it was something more than a fixed sum to be paid immediately. It could not be said that any procedure to assess the amount payable was to be resorted to where the law fixed the amount payable. There is no assessment in such a case, for the word "assess" means to arrive at something.

Mr. MACKEY.—I would suggest to the Chief Secretary that he should carry out his intention of reviewing the clause with the draftsman. The honorable member for Prahran has shown that it is difficult to understand exactly what the clause is intended to effect. It is taken from an Act that is different from this measure. It may have a purpose to serve in New Zealand that other parts of the Act would make clear. This clause refers to a Court, but these proceedings will not come before a Court, but an arbitrator, who will be a Judge. A Judge will have to decide these things. I would suggest to the honorable member for Geelong that he should take advantage of the promise of the Chief Secretary, who has undertaken to give consideration to the clause, with a view of seeing whether the object desired cannot be attained in some other way.

Mr. PLAIN.—After the promise of the Chief Secretary I shall withdraw the clause.

The new clause was withdrawn.

Mr. TUNNECLIFFE.—I propose the following new clause—

> C. Where a contract to perform any work in any gold mine or coal mine is let directly to one or more contractors who do not either sublet the contract or employ wages men or who though employing wages men actually perform any part of the work themselves such contractors shall for the purposes of this Act be deemed to be workers.

I want to draw the attention of the Chief Secretary to the fact that, in coal-mining and gold-mining districts in particular, a large amount of the underground work, as well as a good deal of the surface work, is done in the form of contract labour. The mine-owners let a contract to two or three, or, perhaps, half-a-dozen, men to take a certain amount of stuff out of a drive, and they are paid so much a yard for the work. They are really contractors in that sense, but in every other sense they are employed directly by the mine-owners and work under their supervision. They stand in a very peculiar position. They

may not be classified as workers, and, in all probability, would be excluded from the benefits of this measure. There is such a large number of them employed that to exclude them would be to do a very grave injustice to a large section of deserving men. The Chief Secretary will readily see the difficulties of the position. The clause has been so carefully drafted that I think it will cover all the ground required, and provide for the compensation that the men should be entitled to. At first sight it may appear as if I wanted to include tributers. The clause is not designed for that express purpose, but to meet such cases as I have referred to. I trust the Committee will take a sympathetic view of the position, for these men, although doing contract work, are really working for wages, and receive less than the ordinary wages men. I trust the clause will be passed as it is, or with such modifications as the draftsman may deem advisable.

Mr. MURRAY (Chief Secretary).—There is nothing complicated about this clause, and we can clearly understand what it means. Whether it is desirable to adopt it or not is another question. The honorable member points out that, although these man have taken the contract, they are not to be regarded as contractors, but as workmen, and should, therefore, be entitled to compensation under this measure.

Mr. TUNNECLIFFE.—They do the work themselves.

Mr. MURRAY.—Yes. Where does this kind of thing occur?

Mr. TUNNECLIFFE.—In coal-mining and gold-mining districts.

Mr. MURRAY.—The honorable member says that the clause does not affect tributers.

Mr. TUNNECLIFFE.—I say it is not specifically intended to do so.

Mr. MURRAY.—If the honorable member will withdraw the clause I shall ascertain the full effect of it. I think if it were limited, as the honorable member leads me to believe it is, there would be no objection to it, for these men are actual workers. They are doing on contract what they might be engaged as labourers to do. They are just as much entitled to the protection of the Act as if they were doing the work in the ordinary way. So far as they are concerned I am with the honorable member for Eaglehawk, but I do not wish his proposal to go further and involve certain employers in a liability that should not be imposed upon them. If the honorable member will withdraw the clause I will consult the law officers of the Crown and see what the effect of it is likely to be. If it goes no further than the honorable member thinks it does I shall be prepared to accept it.

Mr. ELMSLIE.—It is quite true, as the honorable member for Eaglehawk has said, that in the mining industry there are working parties who take contracts. They are working miners all the same, and perform the ordinary work of a miner. They are continuously employed, yet if a clause of this kind were not adopted we would have a method of contracting outside of the Act, which should not be allowed.

Mr. MURRAY.—They might contract outside of the Act under this clause. A man might perform some work himself but might employ twenty wages men, and the clause would apply to him.

Mr. ELMSLIE.—We do not want employers to escape liability, but the men referred to here are all working themselves.

Mr. MURRAY.—But they may employ wages men as well.

Mr. SNOWBALL.—It seems to me that this clause is asking for the recognition of a principle which would appear very dangerous. In cases where work is undertaken entirely independent of and outside the control or direction of the manager of the company concerned, he would have no right to control the operations or define the conditions under which the work is carried on. A party of that kind would have the right of defining the prices at which they take the work.

Mr. TUNNECLIFFE.—It is always on a wages basis.

Mr. SNOWBALL.—It is on a basis which they themselves practically determine.

Mr. TUNNECLIFFE.—It is determined by the custom of the locality.

Mr. SNOWBALL.—The custom of the locality enables them to fix the rate, and they will in the future fix the rate of wages, plus the cost of insurance. They have an absolutely free hand in the way of timbering shafts or drives and as to the appliances they use.

Mr. ELMSLIE.—It is usually specified that the shafts must be sunk and timbered in a certain way.

Mr. SNOWBALL.—The present clause would cover a case where a party of

men bring on to the ground the whole of the plant and equipment. It seems to me that it is too wide. I quite agree that in some cases protection should be afforded to men who have no opportunity of defining the conditions of their work, but in other cases I think it is most unreasonable that the employer should be held responsible. Of course it is not going to be a serious matter so far as expense is concerned, but I think that a party taking such a contract should provide for the accident risk in the rate of pay they determine upon. It may be said that in the end the cost would come out of the pockets of the company, but I think it is essentially a matter which should be left to be provided for in the contract price. Therefore, I hope the clause will not be accepted unless it is made quite clear that it does not extend to the large number of cases to which I refer.

Mr. SMITH.—The clause itself refers to work done in any gold-mine or coal-mine, and it is a matter of impossibility for the conditions which the honorable member for Brighton has mentioned to operate, because both those classes of industry are controlled under other Acts of Parliament, irrespective of whether the work is done by day labour or contract. In either case the inspectors can demand that the work shall be done with every possible margin of safety. Further than that, we cannot conceive that any contractor would take a contract without reserving some right to determine the manner in which the work is to be done. Consequently the whole of the objections raised by the honorable member for Brighton are absolutely untenable. Those who are conversant with mining operations understand the purport of the proposed clause. Sometimes a shaft requires to be sunk, and instead of the company employing men to do the work they will say to a man, "If you can get a team we will pay so much a foot for sinking the shaft." That man is to all intents and purposes a contractor.

Mr. MURRAY.—That is not the danger of this clause. It is the latter portion of the clause that is dangerous.

Mr. SMITH.—Even in the case of a man who works himself and employs other men, though he is nominally regarded as a contractor for the purposes of this Act, he should be regarded as a worker and brought within the provisions of the Bill so far as compensation is concerned.

Mr. MURRAY.—That opens up the whole question of contracting.

Mr. SMITH.—I admit that.

Mr. MURRAY.—I agree that where there are gangs of men engaged to do the work they should be regarded as workers and not as contractors, but there is nothing fair in saying that where a man employs a number of other men he is to be regarded as a worker so long as he does part of the work himself. That goes too far altogether.

Mr. SMITH.—In the mining industry such a man cannot employ a great number of men. If he takes shaft-sinking, for instance, he can only put a certain number of men there—say, three men on a shift, or nine men altogether.

Mr. MURRAY.—In a coal mine he might have 100 men under him.

Mr. SMITH.—That is another thing. In that case the chances are that he will do none of the work himself.

Mr. SNOWBALL.—Supervision is work.

Mr. SMITH.—Where a man is only the head of a gang of workers, he should not be regarded as an employer for the purposes of this Act. I think the clause is perfectly clear. It is only those who understand the actual conditions of the mining industry who can appreciate it.

Mr. MURRAY.—Have you read what the clause says?

Mr. SMITH.—Yes. It means that the man must do some part of the manual work himself.

Mr. MURRAY.—He may do as little or as much of it as he likes, in order to get the benefit of this clause.

Mr. SMITH.—That is a point that may be quibbled over.

Mr. MURRAY.—There is no quibbling.

Mr. SMITH.—I will support the honorable member for Eaglehawk, because I believe that in the coal and gold-mining districts there are conditions which would be met by the proposition he has made.

Mr. McLEOD.—The result of carrying this clause would be that after a company had let to a number of men a contract, say, for putting in a drive, it might give all the material and everything necessary to do the work safely and effectively, and the men might then grossly neglect to take proper precautions with regard to timbering, and so on, yet the company would be made liable for compensation. It is well known that under the Mines Act the mere occurrence of an accident is *primâ facie* evidence of

neglect on the part of the company. That is surely handicap enough without making the company liable for the neglect of contractors. I think it would be a very unfair position in which to put any company. If it can be proved that the company has failed to supply the necessary material to enable the work to be safely performed, the company is already liable under the law. The adoption of this clause would be a direct incitement to a contractor to neglect his part of the work, knowing that he is not responsible. The honorable member for Bendigo West has referred to men who are not conversant with mining conditions. He knows very well, however, that when men are pushing on with contracts in a mine they will often neglect the timbering up which is necessary to make things safe. Many accidents have resulted from that cause. In matters of that sort the contractor should certainly be liable, especially when he is supplied with all the material requisite to enable the work to be done safely. I cannot see the wisdom or the justice of letting the contractor out of his responsibility in connexion with this matter, and shelving it on to the company. That would exactly be the position so far as the working of mines is concerned.

Mr. TUNNECLIFFE.—In view of the sympathetic attitude which the Chief Secretary has taken up, I am quite willing to withdraw the new clause, with a view to its subsequent consideration. The honorable gentleman, I understand, has promised to give it sympathetic consideration, and to endeavour to have it redrafted, so as to secure protection to men who take small contracts directly from the mining companies, but who do not in any sense represent contractors.

Mr. MURRAY.—Men who are real workers and wage-earners themselves.

Mr. TUNNECLIFFE. — Yes. They are only by name contractors. I think the attitude the Chief Secretary has taken is fairly definite. He has promised to give protection to this class of men who take small contracts, and are really wage-earners.

Mr. MURRAY.—To see if it is possible to protect them without placing unfair liabilities on others.

Mr. McLEOD.—The new clause goes much further than that.

Mr. TUNNECLIFFE.—It may go much further. I see the difficulties. There are a large number of men working in mines who though nominally contractors are working miners. I will withdraw the new clause.

The new clause was withdrawn.

First Schedule—(Scale and Conditions of Compensation).

Mr. J. W. BILLSON (*Fitzroy*).—It is provided in the first paragraph to this schedule that the amount of compensation shall be where death results from injury—

> If the worker leaves any dependants wholly dependent upon his earnings a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury, or the sum of £200, whichever of those sums is the larger, but not exceeding in any case £400, provided that the amount of any weekly payments made under this Act and any lump sum in redemption thereof shall be deducted from such sum, and if the period of the worker's employment by the said employer has been less than the said three years, then the amount of his earnings during the said three years shall be deemed to be one hundred and fifty-six times his average weekly earnings during the period of his actual employment under the said employer.

I move—

> That the word "three," line 4, be omitted, and the word "four" inserted in lieu thereof.

Later on I will move that "£400" be struck out, and "£600" be inserted. I desire that we should mark in this Bill an advance on previous Workers' Compensation Bills that have been introduced, and I also want honorable members to recognise that since the Acts of other States and countries have been passed the price of provisions and all the necessaries of life has increased. The Commonwealth Parliament recognised that some time ago, and raised the old-age pensions. I do not know whether that Parliament should not recognise the fact that the price of provisions has gone up to such an extent that the old-age pensions ought to be increased again. I think in connexion with a Bill of this kind when a worker is killed compensation amounting to his earnings for four years preceding the injury should be given instead of for three years. I also think that the maximum amount should be £600 instead of £400. There has been an all-round increase in the price of goods, and amounts that were adequate ten years or even five years ago are altogether inadequate now. The period on which the compensation is based should be extended. We know that we have periods of depression and succeeding years of prosperity, and wages go up and down accordingly. We ought

to recognise these changing circumstances, and, as far as possible, bring the measure up to date. I think the amendment will commend itself to the Chief Secretary. The Government are deserving of credit for having introduced the Bill, and I must give them credit for having accepted some amendments from this (the Opposition) side of the House, which have certainly improved the Bill. I do not think I need say anything further in support of the amendment, because I am sure that the justice of the proposal will appeal to the Chief Secretary. If the amendment does not appeal to his sense of justice, which he was talking about the other night, then the humanitarian views he then spoke of may well be advanced.

Mr. MURRAY.—We are going to adhere to the amounts set out; they have been carefully considered.

Mr. J. W. BILLSON (*Fitzroy*).—We are trying to make this measure right up to date. In England, in the event of death resulting from injury, the minimum compensation is £150, and the maximum £300. Under the Commonwealth Act the minimum compensation is £200 and the maximum £500. Is there any reason why we should not be as up to date as the Commonwealth? Shall we always play second fiddle? Shall we say that the man working for the State is of less importance, or less value, than the man working for the Commonwealth? Are the States always going to occupy this ignominious position of their own volition?

Mr. MURRAY.—I trust the State will never do things in the same extravagant fashion as the Commonwealth has done.

Mr. J. W. BILLSON (*Fitzroy*).—If the honorable gentleman is speaking of the party at present in power in the Commonwealth Parliament, I can fully agree with him. I hope we will never repeat their folly. However, some very wise acts were done by the late Administration which we might follow with great advantage.

Mr. MURRAY.—Leave the Commonwealth, and take another State that usually does things somewhat lavishly.

Mr. J. W. BILLSON (*Fitzroy*).—There is Western Australia.

Mr. MURRAY.—Take New South Wales or New Zealand.

Mr. J. W. BILLSON (*Fitzroy*).—In New Zealand the minimum is £200 and the maximum £500.

Mr. MURRAY.—The maximum of £500 in New Zealand means less than the maximum of £400 in Victoria, because the cost of living is so much greater there.

Mr. J. W. BILLSON (*Fitzroy*).—It used to be, but it is not so now.

Mr. SMITH.—I thought it was only Labour Governments that made things so dear.

Mr. J. W. BILLSON (*Fitzroy*).—That is an argument that fits either way, according to the desires of the great Liberal party. When the Labour party is in power the Liberal party say that the Labour party is the cause of the high cost of living. When the Liberal party is in power they still say that the Labour party is the cause of the high cost of living. I do not propose to ruffle the Chief Secretary by referring to these unfortunate things. I desire him to consent to the amendment I have moved.

The amendment was negatived.

Mr. J. W. BILLSON (*Fitzroy*).—I move—

That "£400" be omitted, and "£600" be inserted in lieu thereof.

This will make the maximum amount of compensation £600. I have just saved the Government from a division. Many of their supporters are not present, and recognising this consideration on my part, I think the Chief Secretary might very well come to an agreement with me. I am prepared to arbitrate with the honorable gentleman, and accept £500 as the maximum.

Mr. MURRAY (Chief Secretary).—The Government have made up their minds not to yield upon these amounts, as they are fixed upon a fairly liberal scale, but I must say that I never felt greater difficulty in adhering to a resolution than I do at the present moment. The honorable member for Fitzroy has been so courteous, so conciliatory, and so nice that he appears to have developed an entirely new side. He has just shown me the most amiable side I have yet seen of his character, and I would like to settle this question straightway. Let the honorable gentleman accept my negative, because, if he continues in such a nice and forcible manner, I am almost afraid that I will be compelled to yield to his importunities. I would ask the honorable gentleman to let the schedule go through. There are several important matters to be dealt with later on. Certain clauses have

to be re-drafted to carry out the desires of honorable members and the intentions of the authors of those clauses, so as to make the Bill as a whole as perfect as possible.

Mr. J. W. BILLSON (*Fitzroy*).—I regret very much that the Chief Secretary will not permit his sense of justice to control him for the time being. I am quite sure that if it rested with him he would yield, but he and the Cabinet appear to have made up their minds on this point and determined to adhere to the £400, notwithstanding that in New Zealand the amount is £500, and under the Commonwealth Act also £500. I do not desire to cause any friction, but really there is cause, I think, for every one to get extremely annoyed with the great Liberal party, who undervalue the lives of their constituents to the extent they do. They consider that, if one of their constituents gets killed, his life is only of the value of £400, while a New Zealander is worth £500, and any one under the jurisdiction of the Commonwealth Parliament is worth £500. I can assure him that the adherents of the Labour party value their people's lives at a much larger figure. We think that £600 is low enough. Certainly I offer the compromise of £500, and I believe that the Chief Secretary would have been prepared to say he would agree, and that the lives of his men were as valuable as the lives of the others.

Mr. MURRAY.—When the honorable member speaks in that light and airy fashion I am prepared to knock off £100 in the value of our people.

Mr. J. W. BILLSON (*Fitzroy*).—I am speaking with a deep sense of the obligation that rests upon me to get the additional £100 rather than risk trying to get £600 or nothing. I should be extremely sorry if the Chief Secretary, in speaking as he did, meant to convey the idea that I am insincere. If I had the numbers behind me I would press for what I want. I recognise that we are in a hopeless minority in this House, and that it is impossible to carry anything which does not commend itself to the Chief Secretary. At the same time, I am compelled to press this matter, and I would ask the Chief Secretary to reconsider his decision. What is £500 for the widow and family of a man who is killed? They are robbed of their bread-winner. The sum of £500 may purchase a house which will bring in not more than 15s. a week.

Mr. SOLLY.—A woman got £50,000 for breach of promise in England recently.

Mr. J. W. BILLSON (*Fitzroy*).—In a case like this I think the £500 ought to be conceded by the Government. I am not so much afraid of the Chief Secretary as of his colleagues. I feel that, if they would only permit him to exercise his own judgment, he would concede what I am asking for. There are others, and they have considered the matter with the Chief Secretary, and have determined on a course of action. It seems to me that I must press my amendment.

Mr. WARDE.—I am very sorry to hear the Chief Secretary state that the Government have already made up their minds in reference to these matters. It appears to me, if the Government make up their mind when a measure is placed on the table, that it is time Parliament was shut up entirely. If there is any argument for unification it is to be found in the fact that measures may be placed on the table here, and the Chief Secretary says that there is no use debating them, because the Government have made up their minds, and are not prepared to make any concession in important matters of this description. I think that is hardly a reasonable position to take up now, seeing that up to the present the Government have dealt very fairly with the discussions. They have allowed honorable members on their own side to do as they thought fit, and it cannot be said that we have not been allowed to express our opinions in a fair and reasonable way. I think this proposition should commend itself to fair consideration on the part of the Government. In England the amount is £300. Under the Commonwealth Act it is £500. Under the Seamen's Compensation Act it is £500, and under the Commonwealth Act dealing with its own employés the amount is £500. In New South Wales the amount is £400, in Queensland £400, in Tasmania £200, in South Australia £300, in Western Australia £400, and in New Zealand £500. From those amounts it is quite evident that the present proposition is not unreasonable under the circumstances. If we allow for the difference in remuneration and other things, I should say that the £300 granted in Great Britain is more than the £400 provided for in this Bill. There is no reason why the amount we ask for should not be granted. It is not likely to lead to any

increase in the premiums, because the premiums discussed here have been on the basis of what is paid in New Zealand. The honorable gentleman will admit that the amount provided for in the Bill is not sufficient to allow a woman to bring up a family until any of the children are at a self-supporting age, and much less until any of them are able to assist in maintaining the family. It is true that the amount which has been mentioned is less than the amount set out in some other places. I was talking this morning to a reverend gentleman who has just returned from South Africa, and he told me that under the Act in that country the amount in case of death went up to £750. I believe that the Acts in operation in several of the States of America provide for £600 or £750 in case of death. The honorable member for Fitzroy is not asking the Minister to follow the lead of those who have been far more liberal. Even £600 is a small amount to meet the necessities of a family. If the Chief Secretary will not accept the £600, I would ask him to reconsider his determination, and allow the £500 suggested by the honorable member for Fitzroy to be the maximum. Supposing a man who meets with an accident is not killed immediately. From the compensation that will be allowed will be deducted the amount of money which has been granted up to the time of his death, and the total amount received by those dependent upon him would not be £406. There may be very heavy debts besides, and very heavy expenses in other ways during the period of a month or two before the man's death, and those expenses will make a heavy inroad on the amount of money which is given.

On the motion of Mr. MURRAY (Chief Secretary) progress was reported.

## CASH ORDER SYSTEM ABOLITION BILL.

Mr. McGREGOR moved the second reading of this Bill. He said—I desire to move the second reading of a Bill entitled "A Bill to Abolish the Cash Order System." I may say that I am not very pleased with the name of the Bill, because it is not intended to prevent in any way cash sales, and I think that, upon a close inspection of the Bill, it will be clearly seen and understood by honorable members that the system which I desire to abolish is detrimental to the true cash system. As the provisions of the Bill are very brief, I will read them to the House, so that honorable members can grasp them readily. Clause 1 provides—

> This Act may be cited as the Cash Orders Act 1913 and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette* which proclamation may be made at any time not later than six months from the date of the passing of this Act.

Clause 2 is as follows:—

> In this Act, if not inconsistent with the context or subject-matter—
>
> "Sale" includes the exchange or other disposition of any goods.
>
> "Cash order" includes any order coupon cover document means or device supplied by any person which entitles the holder thereof to receive from any person firm or company any goods but does not include a cheque, promissory note or bill of exchange.

I may state there was an Act passed at my instance, Act No. 1750, having reference to the abolition of coupons, and if honorable members will refer to that Act they will be better able to understand the second clause of this Bill. The other clauses of the Bill are as follows:—

> 3. (1) No person shall on the sale of any goods accept as payment or part payment any cash order in respect of which there is an agreement express or implied between such person and the person issuing such cash order that such cash order will be redeemed or paid at any sum other than the nominal or face value thereof.
>
> (2) Any person who contravenes this section shall be liable to a penalty not exceeding Twenty pounds.
>
> (3) In any proceeding for a contravention of this section the onus of proof that there was no such agreement shall lie on the defendant.
>
> (4) The person on whose behalf any sale is made by an agent assistant employé or apprentice shall be deemed to be the person who made the sale.
>
> 4. (1) Where any cash order is issued by any person if such cash order is accepted as payment or part payment on the sale of any goods such person shall pay to any person becoming the holder thereof by reason of any such sale cash to the value of twenty shillings in the pound for every pound of the nominal or face value of such order.
>
> (2) Any such holder of a cash order may recover in any court of petty sessions from the person issuing such order the full amount of the nominal or face value of such order.
>
> 5. This Act shall not apply to any person or body corporate specified in paragraphs (*a*) to (*e*) (both inclusive) of section three of the Money Lenders Act 1906.

In order to describe the procedure of the company to which this measure refers, I will read their circular. It is headed, "'Brook' Order—Pioneer of 'Cash Order' in Victoria, 240 Little Collins-street, Melbourne." I may say, before going further, that I do not blame the gentlemen who are connected with this business any more than I blame the gentlemen who were issuing cash coupons, because there is no doubt that this is a very profitable undertaking, and I do not know that there is anything morally against it, and certainly at present there is nothing legally against it. However, I maintain that it is against fair trading, against fair competition, and that this company is a parasite coming between the buyer and the seller.

Mr. J. W. BILLSON (*Fitzroy*).—A kind of agent.

Mr. McGREGOR.—A kind of medium, a third party, a middleman who takes a percentage from both the buyer and the seller, which is not in the best interests of fair trading. The advertisement of this company proceeds—

> This order is to meet the convenience of those desiring to purchase goods from any one or more of about 100 first-class retail shops from whom it would be impossible to obtain small credit, and who would not entertain payment by instalments. You avoid paying time-payment prices as the order is only issued on business houses which have only one price, the lowest, and that marked in plain figures. You procure the order on the house of your selection, purchase the goods you require first—

I want to call the attention of honorable members particularly to that remark—

> and then tender the order which is accepted without any hesitation, as it really represents cash. You then pay the amount to us by instalments of one shilling in the £ per week.

Mr. ROGERS.—What is wrong with that?

Mr. McGREGOR.—I will tell the honorable member. If the honorable member were in business, as I believe he is, he would know that if an order came to him on which he had to pay 15 per cent., he would soon give up selling goods on which he had to pay 15 per cent., or even 5 per cent., to some one who had nothing to do with his business. It is incumbent on those who have cash orders not to say anything to the seller about the order before purchasing the goods, for fear that the seller might get even with them by raising the price of the goods.

Mr. ROGERS.—There is nothing wrong about that.

Mr. McGREGOR.—People going into shops with these cash orders are instructed not to let it be known that they have a cash order, because, if they did, there are some tradesmen who would get even with them. I will point out later on that it is a matter of utter impossibility for any tradesman to exist who has to pay 15 per cent. in connexion with these orders. As I have already said, the purchaser is not supposed to let the seller know that he has cash orders in his pocket.

Mr. SNOWBALL.—That is a reasonable thing, too.

Mr. McGREGOR.—I will give the honorable member for Brighton an ample opportunity of expressing his opinion of the matter, and of showing how reasonable it is. I hope the honorable member will be more reasonable in connexion with this question than he can be on some other occasions. The circular continues:—

> An example: Say that you require an order for £5, you pay us at once 5s. commission, and 5s. one payment (the commission you pay and the discount allowed to us by the house from whom you buy the goods, forms our profit).

Plus the 5 per cent, which they have already charged the lady or gentleman who is getting the cash order.

Mr. MACKEY.—Are those not better terms than a money lender would give?

Mr. McGREGOR.—I have no knowledge of the kind of money lender my honorable friend means—

> We then issue the order, which you treat exactly as you would a £5 bank note. You make your purchases, handing over the order after the completion of the purchase, and repay us 5s. weekly. Shortly stated, you obtain goods at cash prices, at the small cost of say ½d. per £1 per week. Larger or smaller amounts on the same basis. Having decided that you would like to do business, you acquaint us. Our traveller then waits on you and fully explains our methods, and gives the names of the shops from whom you can buy. Householders only. Regular weekly payment is imperative.

Mr. J. W. BILLSON (*Fitzroy*).—What are the fines for those who make default?

Mr. McGREGOR.—There are none that I know of.

Mr. MACKEY.—Do you propose to make this compulsory in all shops?

Mr. McGREGOR.—I do not understand the relevancy of that interjection. These are the different items which can be purchased—

Drapery, clothing, suits, mercery, undercloathing, boots and shoes, bed linen and table linen, cutlery, crockery, electroplate, furnishing ironmongery and every kitchen requisite, furniture, carpets, linoleums, wall-paper, jewellery, artificial teeth, optical goods, electrical appliances, phonographs, bicycles, cameras, and photographic material, and every item of personal comfort. All transactions strictly confidential.

I have in my hand an order for £2. It is as follows:—

240 Little Collins-street (ground floor),
No. 20010. Melbourne, 3/9/1913.
M On Cash Drapery Co.,
Please supply Mr. with goods to the value of two pounds (£2) and on presentation of this order I will pay you cash, less the usual trade discount you allow to me.

E. W. BROOK,
Per E. H. BROOK.

This form is also issued—

"BROOK" [F]

240 Little Collins-street, Melbourne.
*Application Form.*

Name in full
Address

Husband's name
Occupation
Where employed
How long
Landlord's name
Length of tenancy
If under 12 months give previous address

Any previous cash order
If so, where

Amount required
References (trades people). Strictly confidential.
Grocer
Butcher
Baker

Applicant's signature
Representative's report—

Then there is issued a small book, in which the payments are entered. I have now given to honorable members the procedure. If any one wants a cash order, he goes to the company and pays 5 per cent. down. If the order is for £5, then 5s. is paid immediately, and also the first week's repayment of 5s.—there being an agreement to repay 5s. per week for twenty weeks. I have an actuarial report as to what the payments amount to on an order for £100. It is as follows:—

On an order for £100 the sum of £80 is actually paid out, or lent, repayable at £5 per week for twenty weeks—£4 of which is in reduction of the principal and £1 interest.

| | Repaid. | Interest. | Per cent. |
|---|---|---|---|
| Therefore— | | | |
| £80 for 1 week | £4 ... | £1 | = 65 |
| 76 ,, | ,, ... | ,, | = 68·421 |
| 72 ,, | ,, ... | ,, | = 72·222 |
| 68 ,, | ,, ... | ,, | = 76·47 |
| 64 ,, | ,, ... | ,, | = 81·25 |
| 60 ,, | ,, ... | ,, | = 86·666 |
| 56 ,, | ,, ... | ,, | = 92·857 |
| 52 ,, | ,, ... | ,, | = 100 |
| 48 ,, | ,, ... | ,, | 108·333 |
| 44 ,, | ,, ... | ,, | 118·181 |
| 40 ,, | ,, ... | ,, | 130 |
| 36 ,, | ,, ... | ,, | 144·444 |
| 32 ,, | ,, ... | ,, | 162·5 |
| 28 ,, | ,, ... | ,, | 185·714 |
| 24 ,, | ,, ... | ,, | 216·666 |
| 20 ,, | ,, ... | ,, | 260 |
| 16 ,, | ,, ... | ,, | 325 |
| 12 ,, | ,, ... | ,, | 433·333 |
| 8 ,, | ,, ... | ,, | 650 |
| 4 ,, | ,, .. | ,, | 1300 |
| | | 20) | 4677·057 |
| | | | 233·852 per annum. |

That is an actuarial report, and it is vouched for by those who had it prepared.

Mr. MACKEY.—Is that per annum?

Mr. McGREGOR.—Yes.

Sir ALEXANDER PEACOCK.—On the whole transaction?

Mr. McGREGOR.—It is given as per annum. On a cash order for £5, 5s. would be repaid immediately so that the company would have that to reinvest right away. In ten weeks they would have half the money back to reinvest. The actuarial report means that £100 invested and reinvested would earn £223.

Mr. SNOWBALL.—It is the result of the rapid turnover in cash.

Mr. McGREGOR.—I hope there will be a rapid turnover of the honorable member's opinion.

Mr. McLEOD.—Has the honorable member got the figures worked out as to how much interest the borrower pays?

Mr. McGREGOR.—He only pays 5 per cent. If he borrows £5 from the company he immediately pays 5s.

Sir ALEXANDER PEACOCK.—What is the security that the remainder will be paid to the company?

Mr. McGREGOR.—There is no security, but I might say that there is no risk to the company. If I were in the business for about five years I think I could retire. It would be a most profitable investment for a few thousand pounds. The issue of coupons was said, and thought, to be detrimental to the

best interests of trade in this community, but they are not a circumstance compared with this system. No doubt there are honorable members who do not understand the working of the system, and I confess I have not had much time to devote to it, but I know enough to justify me in what I am doing. When I brought in the Abolition of Coupons Bill, men who were giving coupons all over the State said it was in the interests of cash business, and that their trade had increased. Deputations asked the Premier to allow the system to be continued so that they might take advantage of their neighbours. Not everybody was allowed to take the coupons. I do not know whether there is any restriction with regard to the cash-order system, but I do know that some traders have to pay 15 per cent. when they take a cash order to the company to be redeemed. They may make special arrangements with certain traders. I know that 5 per cent. is the charge to whoever obtains an order, and I am sure that one trader who took an order to the cash order company to have it redeemed had to pay 15 per cent.

Mr. ROGERS.—He knew that before he went on the list.

Mr. McGREGOR.—Certainly; but the honorable member must know that there may be several men in a street who want to get all the trade they can, and the experience will be just the same as it was with the coupons. I warned one trader that there would be a difficulty with the coupons. I told him that he had a monopoly, and that if some one else came into the field he would find out the difference. He went to the Premier and said, "Don't allow Mr. McGregor to abolish that system." I remarked, "Wait until some one else buys those coupons outside." Subsequently he told me, "A gentleman came into my establishment and asked me if I wanted to buy any coupons. I thought I would bluff him, so I asked him if he had 1,000. He said 'I have 10,000 and if you like I will find you 50,000.' However, I told him that I was trading with a company." The coupons were issued at a half-a-crown per 100, but that man bought them from the public and redeemed them. He went across the road to another trader and sold them at 1s. 9d. The coupon company supplied the trader I have been referring to with 100,000 coupons with which to fight the others We have heard of the boy who found a packet and did not know whether it contained sand or gunpowder. He put it in the fire to try it, and found it was not sand. If this system is allowed to go on a number of traders will find that it is gunpowder that will blow them sky-high financially.

Mr. ROGERS.—It has been in existence in Sydney for over twenty years.

Mr. McGREGOR.—Yes, and to the detriment of trade. The larger the number of people who come in between the buyer and the seller the greater must be the cost of the goods, or the less the profits. I do not know so much about the drapery trade as about groceries. It is a matter of utter impossibility for any grocer to take these cash orders and redeem them. No grocery business would stand it for twelve months. The grocer would have to raise the prices considerably. He cannot reduce the wages, because they are fixed by a Wages Board. It would be necessary for the grocer to do something in the interests of his own trade, and I maintain that this is not fair trading. It is a parasite on fair business.

Mr. ROGERS.—There are no grocers on the list.

Mr. McGREGOR.—There is nothing to keep them off. I am speaking about the system, and showing what it would be if applied to groceries. The trades I have mentioned give a big profit. I want to let honorable members know what a certain big trader has said about this system. This is what he says—

> It is distinctly a parasite organization feeding on the general trade and the public alike, charging the customer 1s. in the pound for the use of the money for five months, and blackmailing the trader for 15 per cent. on the transaction.

This is a trader who could redeem the orders if he desired, but who will have nothing to do with them, because he does not think they are in the interests of fair trade.

> Now, as there is no business in the State today that can show a profit of 15 per cent. on its turnover, or an equivalent in turning it over, say, 2½ times a year of 37½ per cent. profit on the trading capital (a trading impossibility), one inference can be deducted only, that those using the system must pay the increased impost. The business created by the system is distinctly illegitimate trading from the fact alone that from two separate purchasers of the same goods the trader in one case received his full profit, while, on the other hand, the cash-order system, he received 17s. in the pound only—surely shady trading.

They do not send the cash order to every one. They get lists of men willing to cash these orders. As in connexion with the coupons, a great number of the traders are afraid that their opponents opposite will take on the system, and so get part of the business they are doing. Now, I suppose there are men in Melbourne and the suburbs who take these orders because others iu the same line of business do so.

> The system distinctly encourages unfair trading and sharp practices, and results in many cases in an increased price being obtained from those presenting a cash order, a class, as a rule, that ought to be protected instead of exploited.

He maintains that the buyer should be protected, because in the end if the buyer has to pay 5 per cent. for the use of the £5 for twenty weeks—

Mr. ROGERS.—Does it not save travelling?

Mr. McGREGOR.—It saves a lot of things. It saves keeping books for instance, and it saves bad debts. I do not say that there are not some advantages, but I say that no advantages that the system offers warrant any trader in giving away so much of his profit. In fact no trader can live and legitimately give away 15 per cent.

Mr. ROGERS.—It is done every day by commercial men.

Mr. McGREGOR.—The honorable member will have every chance of expressing his views. This is the first time in the history of the party to which he belongs that a member of it has taken the part of the middleman. I thought the usual belief was that the nearer the buyer gets to the seller the better it is for the buyer. The honorable member will have an opportunity of expressing himself as clearly and as forcibly as he likes, but he must allow me the same privilege.

> The legitimate trader, with restricted hours and paying Wages Board rates, should not be penalized by such unfair competition. We are submitting from an actuary the actual working profit per annum for every £100 invested by the person issuing these orders—which speaks for itself. Needless to say, the old coupon system abolished by Parliament was a mere trifle in comparison with this.

Honorable members have heard an explanation of the system, and I think it will be indorsed by a great many business men who understand what is being done. If the seller of goods is to give 15 per cent. of his profit to a third party, whether a company or an individual, it stands to reason that he must by some method get back the 15 per cent., because his business would never stand the third party living on him and taking such a percentage out of the profits. According to the list I have read, it is not every trade that can stand 5 per cent. That was evidenced by the coupon system. The coupons were a burden on the traders, and they were very anxious to get them abolished. It was in the interests of fair trade that they were abolished, and I think it will be in the interests of legitimate trade if the House will look carefully into this matter. I am sure that the House will take steps to protect those who are willing to do fair business.

Mr. ROGERS.—I expected when this Bill came before the House that it would propose to stop this system. If honorable members look at clauses 3 and 4 they will find that that is not the intention of the Bill. All the honorable member for Ballarat East desires is that people shall get the full value for the cash orders.

Mr. MCGREGOR.—That will stop it.

Mr. ROGERS.—It will not stop Mr. Brook and others who are now trading. They will do what any other ordinary man will do. Instead of charging 5 per cent. they will charge up to 10 and 15 per cent. That will be the result if the Bill is carried. Clause 4, sub-clause (1), states—

> Where any cash order is issued by any person if such cash order is accepted as payment or part payment on the sale of any goods such person shall pay to any person becoming the holder thereof by reason of such sale cash to the value of twenty shillings in the pound for every pound of the nominal or face value of such order.

The honorable member is going to penalize the persons who are getting these cash order advances. He is going to allow Mr. Brook, and those connected with this system, to go on exactly as at present, but they will increase their charges to those who borrow the money, and the trader will be paid the full value of the cash order. This system has been in operation in Sydney for about twenty-seven years, and in Victoria for a considerable period. I am opposing the Bill because I have a request from nearly 5,000 people who use the system, asking me to oppose the Bill. That is mainly why I am opposing the Bill. The signatures represent most of the suburbs about Melbourne.

Mr. SNOWBALL.—And you believe it is fair to oppose it.

Mr. ROGERS.—I certainly do. I am satisfied that the honorable member for Ballarat East has had a reasonable opportunity of getting all the details of the system in operation in Victoria. Some time ago he was invited to inspect the books of the largest trader here, namely, Mr. Brook. On 6th August, 1912, the honorable member was invited to inspect the books of Mr. Brook, who is supposed to be doing the largest turnover in Victoria in the cash-order business. The honorable member failed, however, to turn up.

Mr. MCGREGOR.—It is true that Mr. Brook did make me that offer, and I want now to apologize publicly for having forgotten my promise to him.

Mr. ROGERS.—I have here a balance-sheet which I am satisfied is correct. It will show the honorable member the awful amount of profits that a man is able to make. It shows that last year one man had a turnover of £11,911, on which he made a gross profit of £2,309, or £19 7s. 8d. per cent. Working expenses amounted to £1,405, leaving a net profit of £904, or £7 11s. 7d. per cent. Not only that, but there was in that year no less than £1,239 owing by his customers. If customers in this business do not pay up, the man who is running a cash-order business has not the same protection that is given to a time-payment furniture man. Suppose a man gets a cash order for £5, and buys a watch. That watch immediately becomes his own property, and he can sell it half-an-hour afterwards. All that can be done is to summon him for the money owing. I understand that during the time this cash-order system has been in existence in Victoria very few cases have been brought before the Court owing to default in payment. I cannot understand how any honorable member can oppose a system of that kind. In what other way can a person secure such advantages at a cost of only 5 per cent.? No bank will lend money at 5 per cent.

Mr. MCGREGOR.—Does the man in this case not pay more than 5 per cent.?

Mr. ROGERS.—No. If he gets a cash order for £5, he simply pays the first week's instalment in advance.

Mr. MURRAY.—He never gets £5. He only gets £4 15s.

Mr. ROGERS.—Yes, because he pays the first week in advance. At the end of the twenty weeks he has paid £5 5s.

Mr. MURRAY.—How much interest is that per annum?

Mr. ROGERS.—I am not talking of interest per annum. I would like the honorable member for Ballarat East to listen for a moment to a letter which was sent by a very large trader in Richmond to a cash-order company—

> Dear Sir,—As we are doing such a large turnover with both the Metropolitan and Brooks' Cash Order Companies, we are surprised your account is not increasing, and can only account for it that your discount to us is only 12½ per cent. instead of 15 per cent. If you could send us a larger volume of trade, we would pay you the 15 per cent. instead of 12½ as at present. Please give bearer an answer, and see if we cannot improve matters.

This was signed by Mr. Head, one of the largest drapers in Richmond, and it speaks for itself. One would imagine from what has been stated that the traders who work under the cash-order system are only the small men, but in looking down the list I find that they include practically the cream of our traders in almost every trade. The most remarkable point is that not a single one of them has ever been asked to go on Mr. Brook's list or any of the other lists. They go on voluntarily. Not only that, but there are no canvassers out asking people to get a £5 or £10 order. They come to these places voluntarily. No doubt there is a large amount of work to be done in collecting the money afterwards. Let us take the names of some of the traders who appear in some of these lists. Among the drapers we have Austin (of Carlton), Brown and Scott, Bussell, Robson Proprietary Limited, Craig, Williamson and Company, Hattam and Hattam, Walter Davies, Myers, Harcourt, Prichard and Company, E. Roberts, and Robertson and Moffat.

Mr. MCGREGOR.—Some of those people advocated the coupon system, and then prayed for it to be abolished.

Mr. ROGERS.—Probably they did, but that is an entirely different matter. I understand that one trader does £2,000 worth of trade a year under the cash-order system, and that this has enabled him to dispense with the services of two travellers. Very much the same thing has occurred in other cases. Under this system the customer has the option of dealing with any trader he likes to go to, so long as he goes to some one who is

on the list. He buys the goods at cash price, and it is only then that he produces his cash order for the amount. I think that is a reasonable and proper way of doing business. The system would be no good if the shopkeeper knew that a particular customer was buying with a cash order. If he knew that he was going to pay 15 per cent. discount on the goods, he would ask the customer to pay more than the goods are worth. In the boot trade the list of shops includes Young's Stores, Spry, Richards, Leeming, and a large number of other leading traders. As I say, these people are not asked to put their names on the list, and if the whole of the traders were to keep away there would be no cash-order system in Victoria. It seems to me the system is a right one. Clients are asked to fill up an application form, and due investigation is made. Suppose an order is issued for £3. The sum of 3s. has to be paid for the order, and purchasers are instructed to settle the price of the goods before producing the order, so that there is no opportunity for the salesman to increase the price. I have a number of letters here from persons who have been dealing under this system for a number of years, and they point out very plainly that it possesses great advantages. It enables them to buy a suit of clothes, a pair of boots, or a watch under what they regard as reasonable conditions. Therefore, I think it would be unwise for this House to make any alteration. In my opinion clauses 3 and 4 of the Bill would only make the system very much worse than it is. I may say that there is something far worse than the cash-order system, and that is the time-payment system in the furniture trade. We see people advertising the conditions under which they sell their goods. Possibly, if the honorable member for Ballarat East had a little more time he would extend this Bill, so as to stop people being fleeced under the time-payment system.

Mr. MACKINNON.—I think there is room for legislation in that direction.

Mr. ROGERS.—Take the advertisement issued by Maples, a large furniture firm. First of all, it offers 15 per cent. discount for cash. That is precisely what Brook is getting. Then we find that if customers pay up the full price on an article within six months, they are to get that discount refunded to them, besides which the firm offers to pay freight to any part of Victoria.

Mr. MCGREGOR.—Do you not approve of that?

Mr. ROGERS.—I do not approve of the system. If the object of this Bill were to stop that kind of thing I would have been in favour of it. As it is, the Bill is only brought in in the interests of a few traders, who have been unable to secure certain advantages. I know one gentleman who interviewed the honorable member on this question. That man has two shops. One of them is run on the cash-order system, and the other is not.

Mr. MCGREGOR.—Do you mean to say that there is a monopoly, and that the monopolist will not give them to some shops?

Mr. ROGERS.—No. The cash-order firms ask nobody to go on their list. I have been approached by business people in Bourke-street, who have asked me if I know Mr. Brook, or any of the gentlemen engaged in the business, and, if so, would I say a word with a view to getting them put on the list. Mr. Fiske, mayor of Caulfield, was one of the gentlemen who asked me to get his name put on the list, if possible.

Sir ALEXANDER PEACOCK.—On what list?

Mr. ROGERS.—On a list of tailors, which is printed so that any persons can see it.

Mr. MCGREGOR.—It is a favour to get on the list?

Mr. ROGERS.—Any person can get on if he desires to.

Mr. MCGREGOR.—Then, why did this man appeal to you?

Mr. ROGERS.—Simply because he knew I was interested in stopping the passage of this Bill, which has been on the notice-paper for two years. I have gone into the matter thoroughly. Any honorable member can see the list of names that I have referred to. A large number of these people are poor people, but some of them are in well-to-do circumstances. They believe in this system and see great advantages in it. I have a number of letters from people fairly well up in the world who deal under this system, and they say that they are opposed to Parliament interfering with it. I am quite satisfied that the system is a good one. I am quite satisfied that it is very much better than the time-payment system which is in operation with regard to pianos and furniture. The time-payment people are at the head of

this movement to stop the cash-order system. They want it stopped simply because it is taking the money away from them. Under the cash-order system, people who used to have to buy goods under the time-payment system are able to buy for cash. I have looked into the Sydney cash bonus system. It is extending——

Mr. McGREGOR.—There are a lot of things in Sydney that we do not want here.

Mr. ROGERS.—The cash-order system is more favorable to people buying goods than the time-payment system. The 15 per cent. or 12 per cent. that is charged to the trader may seem somewhat high, but if a man does not give it, of course, he does not get on the list. I know one shopkeeper in Footscray who had no less than £2,000 put in his pocket in one year through one cash-order firm. The people trading with that man do not live in Footscray, but they go there because he is on the list. Custom which he would not get otherwise is brought to him. We know very well that drapers are always prepared to give a large discount for cash, and that is particularly the case in connexion with boots. I notice that, under clause 5, money-lenders are exempted from the Bill. Does not the honorable member for Ballarat East think that the money-lender is bad enough?

Mr. McGREGOR.—Can't I leave you something to do?

Mr. ROGERS.—It does not seem to me that the Bill is going to benefit anybody, except the time-payment people and pawnbrokers who are fleecing the people. I am sure that the House will not pass the Bill. The Bill has been on the notice-paper for two years, and I have endeavoured repeatedly to get a copy of it, but I was unable to do so until the House met this evening.

Mr. SNOWBALL.—We had it three years ago.

Mr. McGREGOR.—This is the first time it has been in print.

Mr. ROGERS.—Now that the debate has taken up some considerable time, I would ask the honorable member for Ballarat East to consent to the adjournment of the debate.

Mr. MURRAY.—Suppose you allow the Bill to go through up to the report stage.

Mr. ROGERS.—I am not speaking for the purpose of blocking the Bill. I do not believe that that is a right thing to do. We know that a private member has to wait a considerable time to get a Bill through the House at all. I only want to put the facts before the House as far as I can. I am totally opposed to the measure. I do not believe the honorable member for Ballarat East has the same interest that I have in the people that I belong to, inasmuch as if the Bill is carried it will allow Mr. Brook, and those persons interested in the cash-order system, to charge 10 per cent. or 15 per cent. for the loan of their money, while the persons using the system will have to pay full value for the goods they receive. I hope that the honorable member will allow the debate to be adjourned for a reasonable time—say, two or three years.

Mr. SNOWBALL.—Notice was given of this measure by the honorable member for Ballarat East in 1910, and a good many honorable members went into the matter then very carefully, with an honest desire to see if legislation in this direction was called for. I took a good deal of interest in the matter, and went out of my way to find out the facts regarding the system that was being aimed at, and to see to what extent it could be called unjustifiable. I felt at the time that it was a system which enabled those people who could not make purchases of a certain class of goods without securing credit from some source, to obtain goods of that class. The only source from which they were able to get credit was, of course, the money-lender, unless some system, such as the cash-order system, was provided. That class of people consists of those who cannot get credit as a rule with the traders.

Mr. McGREGOR.—Do you say that the people who use the cash-order system are people who cannot get credit?

Mr. SNOWBALL.—As a rule, the persons who take advantage of this system are those who cannot get credit for the goods they desire to purchase. Unless they have assistance of this kind they are driven to the money-lender to raise the funds to make the purchases they desire, and, therefore, I felt, after looking very carefully into the matter, that it was a system we should not destroy without good reasons. I went out of my way in 1910 to go to a cash-order depôt and have a look at the books there. I got the figures from the balance-sheet for that year, which showed me the profits made

in connexion with the business, and I am quite confident that the books were not prepared for the purpose of being shown to me. For the preceding twelve months the profit had amounted to 7.11 per cent. The honorable member for Ballarat East took individual cases and worked them out. He argues that if the persons taking advantage of this system made their payments regularly, owing to the rapid turnover, there would be a great amount of profit. We know that the rapid turnover of goods or money does mean a large profit, but we know that those who do take advantage of this system do not all pay regularly, and some of them do not pay at all. There is a good deal of expense in collecting. I noticed at that time that there were bad debts on the books in respect of orders, some of which were two years overdue, amounting to £1,239.

Sir ALEXANDER PEACOCK.—Somebody has got to pay for those bad debts.

Mr. SNOWBALL.—Somebody has to pay. The names of certain traders, who accept these cash orders, have been mentioned to-night. I got a list of them at the time myself, and they include some of the leading traders in the city. We know the enormous losses that traders have to face in connexion with credit business. The losses are a terror to them. They have to face a loss of from 20 per cent. to 30 per cent. on a certain class of customers' accounts. The good customers have to pay, of course, for the losses made on the other class of customers. There may be something to be said in justification of the 15 per cent. discount, that has been referred to, disappearing, but the advantages that are afforded to a certain class of purchasers far outweigh any disadvantages. We know that it pays leading retail establishments to offer discounts of 10 per cent., 12 per cent., and 15 per cent. to people to pay cash. Our newspapers tell us that every day. The honorable member for Ballarat East has failed to convince me that there is any justification whatever for the Bill. Taking the facts he gave himself, there is no justification for it. I would not venture to speak on a measure of this kind if I had not gone to some trouble, quite disinterestedly, to investigate the matter. I think the facts I have stated to the House show that there is no necessity for legislation on this matter. I do not think the Bill itself would achieve the objects with which it is stated to have been introduced. However, that is a different matter altogether. The principal proposition we have to consider now is whether we are going to pass legislation dealing with this class of business or not. I say that nothing has been said to justify the House stopping the cash-order system. With regard to the statement made, quite without any certainty, I admit, by the honorable member for Ballarat East that up to 15 per cent. is charged to the sellers of the goods, I may say that I inquired of the cash-order depôt, and found that the invariable rate was 10 per cent.

Sir ALEXANDER PEACOCK.—Is there only one company?

Mr. SNOWBALL.—I think one company does most of the business. I believe that the Brook depôt does practically the whole of the business in this way. I got a letter which had been sent by one of our leading boot manufacturers and salesmen, stating that he had adopted the system in connexion with all his establishments; that at first the system appeared to him to be a dangerous one, but that he found such advantages from it in connexion with the cutting down of the heavy losses he had to face and of the bad debts, that he felt it was a system that would benefit traders, and one they should support. When we find a large section of the community taking advantage of this system as being a benefit to them, and as one which enables them to avoid losses by bad debts, honorable members will see that it is a system that they might well support and encourage in the interests of trade generally. But I am opposed to the Bill because I believe it will do more harm than good, and will remove many of the advantages the poorer classes have of securing credit they would not otherwise obtain. We know what a fearful effort it is for a small householder to raise £10 or £15 to make a purchase for cash. He has to pay interest to the money-lender exceeding in the end the interest he pays for this assistance. In addition he has to give a bill of sale for the furniture.

Mr. WARDE.—If he buys on time-payment he will pay half as much again.

Mr. SNOWBALL.—He pays 5 per cent. for this assistance, and by paying as regularly as he can he will have no penalties. I have examined the contract these people enter into, and I see that there are no penalties imposed at all, so that the

person issuing an order of this kind could not impose any penalty in connexion with the failure to make any payment. The contract is as follows:—

> In consideration of your undertaking (for now paid for your agreed commission from me, and on my signing hereof), the payment of (less the usual trade discount allowed to you) to M for goods received by me from them, I hereby undertake and agree to pay you the sum of by weekly payments of on the day of each and every week until the said sum of is paid, and if default be made in payment of such weekly instalments the whole amount shall become immediately due and payable.

Mr. WARDE.—Has the storekeeper any knowledge that the man is going to buy with the cash-order when he goes into the shop?

Mr. SNOWBALL.—No. The person to whom it is issued is told that he is to find out the cost of the article, and keep the cash order in his pocket, then make his purchase and present the cash-order.

Mr. MCGREGOR.—So that the storekeeper will not know he has a cash order.

Mr. SNOWBALL.—Certainly. The honorable member is endeavouring to make a great deal out of this wise precaution. It is all in favour of the purchaser.

Mr. WARDE.—They do not want him to be skinned by the storekeeper.

Mr. MCGREGOR.—And we do not want the storekeeper to be skinned by the cash-order system.

Mr. SNOWBALL.—The honorable member must know that, with credit accounts, merchants lose far more than 10 per cent.

Mr. MACKINNON.—Not in Ballarat.

Mr. SNOWBALL.—It will be an advantage to Ballarat when it applies there, as I hope it will in time. Honorable members will see from this list that the whole system is restricted to a certain class of goods.

Sir ALEXANDER PEACOCK.—It can be extended.

Mr. SNOWBALL.—It could not apply to groceries, because a person who buys groceries has to pay cash.

Mr. MCGREGOR.—There is one thing that might be added to the list, and that is solicitors' costs.

Mr. SNOWBALL.—That is about as silly an interjection as could be made. There is not a grocer on the list. We want to deal with this as rational men. The honorable member must have known that the system would never apply to the grocery business. People are not likely to borrow money to pay their grocery bills. That is a lack of thrift which I think our working classes, who are the principal people benefited by this system, are not likely to resort to. The class of traders to whom this system is restricted at the present time are tailors, furniture dealers, dealers in electrical appliances and glassware. Those are classes of trade in which the ordinary working man frequently requires more cash than he can take out of his weekly wage. The Chief Secretary suggests that the benefit also applies to dentists and the sellers of go-carts. The principal item in the list that will interest honorable members is that it applies to gramophones. I think honorable members will feel that this is a system which must commend itself to them when they realize that many people are driven to obtain the help of money-lenders. With this system every care is taken to see that the purchases are made at bedrock prices. If a man gets goods on credit we know how he is penalized.

Mr. SOLLY.—Time-payment is robbery.

Mr. SNOWBALL. — Time-payment should be dealt with, but this system strikes at the time-payment system. I feel that if anything will deal with the time-payment system that we are anxious to stamp out it is the maintenance and encouragement of a system of this kind. We find that, under this system, the merchant is relieved from the great burden of bad debts, and that the purchaser is saved from the necessity of borrowing money. It seems therefore that, from whatever aspect we look at it, it is a system deserving in no way of censure at our hands, and a system we are not justified in legislating against.

Mr. MACKEY.—I have some difficulty in making up my mind in regard to this Bill, and I think a good many honorable members must be in the same position. This measure must be looked at from one or two points of view. The customer who makes use of this system, I should say, is, as a rule, a poor man. If he cannot avail himself of this system he must go to the money-lender, or to the time-payment man. If he goes to the money-lender he has to pay a far higher rate of interest than he pays to the cash-order people, and he gets very much worse treatment. I think we all know, in regard to time

payment, that, in many cases, though not by any means in all, the man who buys on time-payment does not get the same article at the same price at which he would get it if paying cash. He is asking for terms from the shopkeeper, and must take what is given him, within reason, of course. And the shopkeeper dealing in furniture does not sell him the goods. He lends him the goods. There is a special agreement by which the goods are lent to him until he has paid the last instalment, and he is subject to rigid conditions. The contract can be brought to an end if he does not keep up his payments, and the goods may be resumed. I would not like to include all the persons who sell on time-payment.

Mr. WARDE.—Some are very good.

Mr. MACKEY.—But very often the treatment received from time-payment people is of the harshest, and I think this cash-order system must come as a great relief. People get a loan of £5, which costs them 5s. It is really more than 5 per cent., but it is nothing like the interest they would pay to the time-payment person, or to the money-lender. There is no bill of sale, and no penalty of any kind. If people fall into arrears they can only be sued for their arrears. The position of the man who avails himself of this cash-order system is infinitely preferable to that of the man who avails himself of the time-payment system or the money-lending system. This system, it seems to me, is one providing poorer classes of people with cheap money. It seems to do that. I do not speak with any confidence on the matter, because I know nothing of it except what I have heard stated to-night. I do not know any person who is conducting this system.

Sir ALEXANDER PEACOCK.—We country members know nothing about it.

Mr. MACKEY.—In this matter certainly all I know is what I have gathered this evening. Let us look at the other side of the picture, in regard to the shopkeeper. The honorable member for Melbourne has furnished us with a list of the shopkeepers who take advantage of this system. We see eminent firms like Robertson and Moffat; Leeming, the boot dealer; and Maples, the furniture people.

Mr. MENZIES.—Maples is not in the list.

Mr. MACKEY.—I thought it was. However, Robertson and Moffatt, Richards, and other leading firms are in the list, and these are not people who require an Act of Parliament to protect them. They go into the system voluntarily, and, apparently, they are not charged 15 per cent. discount, but only 10 per cent. Now, what do these shopkeepers get for that discount of 10 per cent.? They have not to send out collectors to collect sums due to them. There are no bad debts. They practically get rid of bookkeeping, and they, by this system, get customers which they would not otherwise have. On the other hand, those customers are able to deal with the best shops, which, under any other system, they would not be able to deal with.

Mr. MURRAY.—But does not the system help to crush out the small traders?

Mr. MACKEY.—I do not think there is any fear of the small trader being crushed out by the system. It seems to me that the shopkeeper who avails himself of this system gets something very near a *quid pro quo* for the 10 per cent. discount. Under these circumstances I certainly cannot, without fuller information, vote for this measure. I am not satisfied that the Bill will effect a good purpose, and I do not think that this Parliament should rush through any measure unless honorable members have given it full consideration and are satisfied that it will effect the purpose intended, and that that purpose is a sound business one.

Mr. MACKINNON.—I have very much the same feeling with regard to this Bill as the honorable member for Gippsland West. I cannot profess the same ignorance of the principle of time-payment as the honorable member has done, but I confess I am unable to see where the hardship of the position is. There is no hardship, it appears to me, to the purchaser, who, after all, as representing the great body of the people, is the party to be considered. Neither can I see any great hardship to the tradesman or merchant, while I can see very considerable profit to the gentleman who is said to be like the cuckoo, laying his eggs for other people to hatch out.

Mr. MURRAY.—An all-round benefit.

Mr. MACKINNON.—It is really an all-round benefit. This man has gone in for a system on a large scale, which appears to benefit the tradesmen themselves as well as the purchaser, because he acts as a collector of customers—he collects customers and sends them along

to the trader. It seems to me to be obvious that he must be able to do this cheaper for the tradesmen than the tradesman can do it for himself, and undoubtedly there appears to be a demand for this system of buying goods by persons who earn salaries or wages. There is no evidence that any trader is compelled to enter into this cash-order system, and under those circumstances I presume that no trader would do so unless he could see there was a benefit for him in doing so. On the other hand, the system, it appears to me, can do no harm to the purchaser. Then there is the third party, the party who runs the system in an economical and systematic manner. He also derives considerable benefit from it. I must say, however, that I sympathize with what fell from the honorable member for Melbourne in regard to another form of trading, that is the instalment system, which, in my opinion, certainly requires a good deal of watching. In many cases, under that system, there are very hard bargains made which operate very injuriously to people who are practically compelled to buy on the time-payment principle. I have had frequently brought under my notice cases in which people who bought furniture and other household goods on this system suffered gross ill-treatment. There is no doubt that the time-payment system, however, is carried on to an enormous extent. When I was in Paris with the Premier, I went to one place where the firm had no less than 3,000,000 customers who bought furniture on time payment from them, those customers being spread all over France. The magnitude of the time-payment business as regards furniture is pretty considerable also in the suburbs of Melbourne, and I have had a good many cases of unconscionable bargains in that trade brought under my notice. No doubt, as has been interjected by an honorable member, some furniture dealers who sell on the time-payment system act with fairness, but there are other less scrupulous tradesmen who grind the faces of the poor in this way. I would suggest to the honorable member in charge of this Bill that, having given his measure a pretty good run to-night, he should let it hang over until honorable members have received some further information with regard to it. There is little doubt that several honorable members will, after this discussion, hear from their constituents on the subject. Another reason for postponing the Bill is that it has been somewhat hurriedly prepared, and there are several things in it which obviously need considerable amendment. For instance, the definition of "cash order" would render illegal such things as dock warrants and wharfinger warrants. There are also several other things in the Bill which would require re-drafting. Under these circumstances, I would suggest that we should give the honorable member in charge of the measure a *locus penitentiæ*. I am sure the honorable member for Gippsland West will assist, as I am willing to do myself, in making the Bill more perfect than it is at present. At the same time, I am afraid that the principle of the measure is a vicious one, and not altogether desirable, although the Bill has been brought in with the best intentions. For these reasons I am not prepared to vote for the second reading of the Bill at this stage, and even if its imperfections in phraseology are cured, I can hardly accept the principle of the measure, unless some further light is thrown on the subject, such as bringing forward cases of hardship which we have not yet heard of. My present idea is that we should pass the second reading to-night, and that the Bill should then be held over until the honorable member can bring it forward again in a more up-to-date form.

Mr. WARDE.—I have listened to a great deal that has been said in connexion with this particular Bill, and I may mention that one or two persons have interviewed me with regard to the matter. I have a perfectly open mind in connexion with this question. I remember when the matter was under consideration in another form—when we had a Bill before this House dealing with a matter that was entirely different—I refer to the coupon system. It was then alleged that the goods which were given for those coupons were nowhere near the value which the coupons were supposed to represent. I thought at the time, from the evidence which was then submitted to me, that that system was a fraud upon the persons who received those coupons. However, that was quite a different system from that which we have now under consideration. I have not heard any evidence as far as this debate has gone to-night of any fraud that has been perpetrated or attempted in connexion with the cash-order system. It

is really questionable whether this system does not render a service to those unfortunate people who are forced into the position of having to do business under this particular method.

Mr. McGREGOR.—The coupons only mulcted the trader in 5 per cent., whereas, under this system, he has to pay 15 per cent.

Mr. WARDE.—The desirability of protecting the public was my reason for voting for the abolition of coupons. As far as the trader is concerned, I think he is pretty well able to protect himself. It is the public that I am concerned about protecting every time against either the money-lender or the unscrupulous trader who takes advantage of him—not because the public have not intelligence enough, but because they are frequently in the position that they are compelled to accept terms which they cannot avoid. In regard to this particular proposal, we have only to look at the list which has been furnished by the honorable member for Melbourne to see the large and reputable firms which participate in the system. Amongst the drapers we find such firms as Bussell and Robson Proprietary, Craig Williamson Proprietary, Robertson and Moffatt, Richards, and so on—some of the largest firms doing business in Melbourne. It is fair to assume that these firms, which are certainly of high and reputable standing, are satisfied of the fairness of the system.

Mr. McGREGOR.—Some of those people were satisfied with coupons.

Mr. WARDE.—These people are satisfied that this system is conferring a distinct benefit on their trade. If you take boots and shoes, you will find the names of some leading men in the list—men who would not be connected with anything like dishonest business. Among the list of drapers and tailors there is the Trade Union Tailoring Company. I am certain that that company would not lend their august support to the system if it inflicted hardship.

Mr. McGREGOR.—But do the cash-order companies make the 15 per cent.?

Mr. WARDE.—It is a question of what service they are rendering to the public who desire credit—to men who want to relieve their necessities or purchase goods to beautify their homes. Supposing a man who is only moderately situated in the world has a daughter about to be married, and he wants to give her a start in life. Is it not better for him to go to a cash-order company and get £25 or £30 at 5 per cent. for the purpose, than to some time-payment firms who charge higher rates, and whose goods would be more shoddy, than those of the respectable firms on this list? When a person purchases goods on time-payment, he knows that they are time-payment goods. I believe that the goods sold on the time-payment system are not likely to be of such a high quality or of such good value as those sold to the cash order purchaser. I do not for a moment say that the time-payment people have not rendered some service to a large body of people in this community. In the working-class suburbs, I am pleased to know that a large number of our artisans take an interest in their homes, and they struggle to have their children taught a little music. Many of the instruments in those homes have been bought on the time-payment system. I am rather of the opinion that the extra cost would be nearer 30 or 40 per cent. compared with the 5 per cent. additional that these cash-order people have to pay. No one condemns these people for trying to get a little music about their homes, and interesting the young in it. The honorable member for Melbourne says that one cash-order firm is doing something like £2,000 business in a year.

Mr. MENZIES.—Is that the turnover or the profit?

Mr. WARDE.—It is the turnover. They are actually commercial travellers to these business houses as well. The honorable member for Brighton read an agreement, and he considers that there is nothing in it which is not fair and reasonable. I was puzzled as to whether there was any means of identifying a man as a purchaser under this system. If that were so, then there would be an opportunity for getting an unfair advantage over the purchaser in connexion with the quality of the goods handed to him.

Mr. McGREGOR.—Would they not know him the second time he goes?

Mr. WARDE.—He is not so foolish as to go in a second time. Supposing a man has purchased a piano. There are not many workmen who can pay £50 for a piano. To their credit, they like a fairly decent instrument. If a man goes in and purchases a piano, he is not likely to have to go in for a second one during

his life time. The same thing would apply to a man who wants to give his daughter, who is about to be married, a respectable send-off. Then there are the dentists. We are told that one of the main causes of illness is bad teeth. Supposing it costs £5 to get a decent set of teeth, and a man or woman has not the money, then he or she can easily borrow it on the 5 per cent. basis. Neither is likely to want another set of teeth. There are a thousand-and-one things which show that these firms render a real service to the community. I believe that a number of people have been enabled to get respectable homes around them as the result of the time-payment system.

Mr. MENZIES.—The bad debts under the system are heavy.

Mr. WARDE.—I suppose the bad debts are pretty heavy under any system.

Mr. MENZIES.—They are particularly heavy under this.

Mr. WARDE.—If that is so it shows that the people advancing the money are not getting a very high return for the services which they render. I think the honorable member for Brighton said that they got a little over 7 per cent. There is nothing extortionate or usurious about that.

Mr. MENZIES.—A big loss takes place somewhere.

Mr. WARDE.—I believe that it takes place in all such transactions. All sorts of fraudulent practices, I understand, are heaped on money-lenders, with the result that the unfortunate person who is in low water has to pay high rates. A clerk in a money-lending establishment told me that the returns did not work out at anything like the high rates mentioned in Courts. They have to deal, not with one particular case, but with hundreds of cases. I was told that there were a number of men who worked money-lending establishments throughout the State. They would live in a house for a little time, and one of them would become a borrower, the other indorsing his signature. Then they disappeared. They worked this game in various parts of Australia. It is well known that in the time-payment business the same sort of thing also goes on. The annals of our Courts show that men have furnished houses to the value of £150 or £200. They have been well-dressed, respectable-looking people, and they have paid their deposits and their first payments. Then it is suddenly announced that the houses are to let, and that the goods have been sold in an auction room. The persons who furnished the houses are not to be found. The honorable member for Ballarat East knows perfectly well that in any business a certain sum would be set aside for bad debts. If the bad debts did not reach that amount, then perhaps the wife would get a new dress, or the children an outing. In another year it might be found that the amount was slightly exceeded. When we examine this cash order system, there is nothing detrimental to the person forced to borrow the money to be found. I know from cases that have come before the Courts that great hardships have been experienced by some who were unfortunately compelled to purchase time-payment furniture, but, all the same, this fact remains that respectable firms give every latitude to purchasers. Those firms do not desire the unenviable notoriety of seizing the goods which any person has partly paid for. It is the worst advertisement they can get to seize such goods when the purchaser is sick or out of employment. These time-payment firms do charge high rates for the services they render to the community, but, notwithstanding that, I venture to say that not only in Melbourne, but throughout the country districts, there are many homes which, as a result of the system, are a credit to the people who occupy them. If further evidence can be brought before the House to show that there is something in this cash order business detrimental to the public, I am sure the House will be prepared to wipe the thing out, as was done with the coupon business. That will be done if it is shown that the general public are suffering. We have these men, who offer 5 per cent. and act as commercial travellers and collectors. The honorable member for Melbourne has informed me of a case in which one of these men brought £2,000 worth of business to a firm. Is there a firm in the city that would not be prepared to pay a legitimate commission for such business? If a man were prepared to pay cash down and save all the expense of commissions and much trouble, I venture to say that any firm in the city would consider that they were rendered a service worth 10 per cent. in getting the business.

Mr. MCGREGOR.—15 per cent.

Mr. WARDE.—I am informed by the honorable member for Melbourne that it is from 10 to 15 per cent., but I will make it 12½ per cent. I suppose the honorable member will admit that many of the lines mentioned in the list are carried on at an average profit of 35 per cent.

Mr. McGREGOR.—Drapery!

Mr. WARDE.—I suppose the profit in the drapery business amounts to anything up to 200 per cent. If a man can put £2,000 worth of business into my establishment, I am prepared to give him 12½ per cent., if I can average from 30 to 35 per cent. profit. He has honestly rendered me a service, for which I ought to pay him commission. If other people are not prepared to act on the same progressive lines, they deserve to suffer from the competition, which is just as far as I can see. It is my opinion that Parliament is here to protect the consumer in the main. It appears to me that a man in financial difficulties gets his money at one-third the rate that he would pay to the ordinary money-lender if borrowing on a promissory note for a small amount. In addition to that he gets goods from the shop at the lowest cash price that his own judgment will permit him to pay. Further, he can depend on the quality of the goods, because until he produces his cash order they do not know but what he is a cash purchaser. I think the debate should be adjourned, so that every opportunity may be afforded to see if there is any more substantial reason for preventing this system from operating.

On the motion of Mr. McLEOD, the debate was adjourned until Wednesday, October 15.

## ADJOURNMENT.

ALLEGED GOVERNMENT LABOUR BUREAU.

Mr. WATT (Premier) moved—

That the House do now adjourn.

Mr. ELMSLIE.—I wish to call the Premier's attention to a matter before the House rises. I do not think the information supplied to me is correct, but I should like the Premier to look into it for fear it may be. I have received a communication from some of the unemployed in Melbourne, who were told yesterday by Mr. Wood, of Messrs. Kemp Bros. and Wood, that if they came to their bureau to get work they would have a chance of getting it, as all the Government work would go through it.

Mr. WATT (Premier).—The statement is entirely without justification. I do not know whether the individual referred to made the statement, but I can say the Government would not be a party to any such proposition.

The motion was agreed to.

The House adjourned at twenty minutes to ten o'clock.

# LEGISLATIVE ASSEMBLY.

*Thursday, September 4, 1913.*

The SPEAKER took the chair at four minutes past eleven o'clock a.m.

## POLICE PROTECTION FOR GOLD MINES.

Mr. A. A. BILLSON (*Ovens*—Minister of Mines), in compliance with an Order of the House (dated August 21), presented a return showing the amounts paid by the Virginia Gold Mining Company and the New Prince of Wales Gold Mining Company for police protection.

## COURTS OF PETTY SESSIONS.

Mr. BAYLES (in the absence of Mr. ROBERTSON) moved—

That there be laid before this House a return regarding each of the Melbourne Suburban Courts of Petty Sessions, showing—

1. The number of cases adjudged during the year 1912 for goods sold and delivered, the total amount claimed, and the total costs awarded.
2. The number of cases adjudged for moneys due on promissory notes, the total amount claimed, and the total costs awarded.
3. The number of cases adjudged under the Imprisonment of Fraudulent Debtors Act for goods sold and delivered, the total amount claimed, the total costs awarded, and the total of the terms of imprisonment ordered in default for non-compliance with the orders.
4. The number of cases adjudged under the Imprisonment of Fraudulent Debtors Act for money due on promissory notes, the total amount claimed, the total amount of costs awarded, and the total of the terms of imprisonment ordered in default for non-compliance with the orders.
5. The number of warrants of commitment issued under questions 3 and 4 respectively.

The motion was agreed to.

## GEELONG HARBOR TRUST BILL.

The debate (adjourned from August 21) was resumed on Mr. Watt's motion for the second reading of this Bill.

Mr. LANGDON.—In addressing a few remarks on this Bill, I must claim the indulgence of honorable members for a little while. My speech will be somewhat reminiscent, perhaps a little historical, and in the end I hope it will prove of a progressive character. Many honorable members will no doubt recollect that in 1901 I moved for, and succeeded in obtaining, the appointment of a Select Committee to inquire into the question of handling grain and other produce in bulk or otherwise. As a member of this House, and as one who took an early part in the movement I have described, I will state what was done, and who were my colleagues then. As it appears to be the wish of the Government, as indicated by their publishing the names of those who took action in connexion with the inquiry into the Geelong Harbor Trust, that the names should be put on record, I will also take the liberty of having the names of my colleagues on that occasion published in *Hansard*. That Commission was appointed in 1902, and was authorized to inquire into the handling of grain and other produce in bulk or otherwise. It consisted of myself as Chairman, the Hon. Geo. Graham, M.L.A.; J. H. Dyer, Esq., M.L.A.; W. S. Keast, Esq., M.L.A.; M. K. McKenzie, Esq., M.L.A.; A. G. C. Ramsay, Esq., M.L.A.; and Geo. Sangster, Esq., M.L.A. The Commission went fully into the matter submitted to them, in this and the adjoining States, but before submitting the report I determined to visit Great Britain. This I did at my own expense, and made personal and full inquiries into the matter there. I visited the ports of Cardiff, Bristol, Liverpool, and Manchester, where I inspected an elevator capable of holding 40,000 tons of wheat; also Newcastle-on-Tyne and Glasgow, where I saw the elevators at work; but I am not going into the question of elevators just now, because I expect to have an opportunity of dealing more fully with that question on another occasion. I also visited Leith, and, of course, London. I saw all kinds and modes of handling grain. At Newcastle-on-Tyne I saw a ship from Montreal. Her cargo consisted of 300 live bullocks, and a certain quantity of lumber, and the balance was wheat in bulk. The whole of that cargo was unloaded in a couple of days. On my return to this country I related what I had seen, and I strongly urged the Commission to make some kind of recommendation on this important matter. After the Commission again visited Geelong, and made further inquiries, it made the following recommendation, which is to be seen on page 46 of the Commission's report—

> That your Commission is of opinion that the scheme for the construction of a high-level pier off the North Shore, Geelong, as submitted by the Railway Department, should be carried out as early as possible, as its use would greatly conduce to expedition and economy in the shipment of grain and other produce, particularly that produced in the northern and north-western portions of the State; obviate the detention of railway rolling-stock; give to Geelong the free use of the existing piers; and to a considerable extent relieve the undue pressure at other ports during the height of the grain export season.
>
> That your Commission is compelled, in the interests of producers, to express regret at the absence of practicable efforts being made to advance the shipping facilities of the port of Melbourne in a manner commensurate with the great development of the mercantile marine during recent years.

Mr. MURRAY.—What date is that?

Mr. LANGDON.—The report was submitted in 1903.

Mr. MURRAY.—Was it unanimous?

Mr. LANGDON.—I will give the honorable gentleman the signatures. They are: Thos. Langdon, President; Geo. Graham, John H. Dyer, Alex. Ramsay, Geo. Sangster. The date of the report is 26th February, 1903. Shortly after that I became associated with the Irvine-Bent Government, and I strongly urged the securing of the frontage to the North Shore, Geelong, which was eventually carried out. Some time afterwards the Geelong Harbor Trust was brought into existence, and began business. Here I want to request the close attention of honorable members. It began business, but I contend that its extravagant expenditure was altogether outside the limit of Harbor Trust work. The business it began with was the purchase of Osborne House and lands in the neighborhood, the starting of the Sparrovale Farm, the works on the Barwon River, and other matters altogether outside the legitimate work of the Harbor Trust. To this day one of the principal objects then desired has not been touched. I refer to the construction of what is known as the Corio Quay, North Shore. This and the deepening of the Hopetoun Channel were

the main works then proposed to be first carried out. That was strongly advocated, and I know that a certain amount of work has been done in that channel, but the main work then proposed to be first carried out has not been attended to. With the exception of dredging in the Hopetoun Channel, not one 6d. has been spent in connexion with the North Shore scheme, except what the Railway Department has spent in laying down rails. It was generally anticipated by the farmers, particularly by those in the north-west, that this North Shore scheme would be brought into immediate existence. Correspondence to that effect appeared in the press during 1908. That is five years ago. One correspondent wrote stating that the farmers were hoping that the local Harbor Trust would have sufficiently matured its proposed work by the next harvest to enable ships to load grain by gravitation, which would materially help the grain-grower of the north-west districts and save double handling. It may be well to direct attention to the amount of money granted for these Harbor Trust works. In the first instance, £200,000 was advanced; afterwards it was sprung to £400,000; and now it is proposed by this Bill to advance another £100,000, making a total of half-a-million of money. But when this matter is calmly looked at, how can it be expected that the work aimed at can possibly be attained by the expenditure of £100,000, when £400,000 has already been frittered away in merely touching the fringe of the important work so anxiously desired by the people of this country, and by this Parliament? The deepening of the Hopetoun Channel and the effective carrying out of the long-promised Corio Quay at the North Shore should be proceeded with without delay, and the Government should see that that is done. It is well known that nearly the whole of the Wimmera wheat and all the wheat grown around the Willaura district, together with the increased production all along the railway line recently opened, must go to Geelong, and what will be done with it then? Only a small portion of it can possibly be dealt with there, and the farmers will have to pay freightage for an additional 45 miles for the wheat to be taken to Melbourne. Whose fault is that? I have given much time and taken great interest in this matter, and it appears to me that there has been lack of earnestness on the part of those in authority. They foolishly and unwisely spent the large amount I have mentioned without insuring proper export facilities at Geelong for the producers. I contend that with a more faithful administration and a more energetic movement on the part of the Geelong Harbor Trust this could have been done. The Railways Commissioners could also have materially assisted the producers. Have they done so? I want to draw attention to this important fact. No assistance has been rendered at the starting or terminal ends. No sheds have been erected anywhere by the Department. Where farmers desired protection they have had to erect their own sheds, subject to the approval of the Commissioners, and those sheds eventually, I assume, will become the property of the Commissioners. In New South Wales sheds are put up at every wheat centre, and the grain is never allowed to be damaged by the weather. In Victoria we have to put it in big heaps and piles at the various railway stations. I say that the Railways Commissioners have not helped the producers in the manner they ought to have done. I will point out what the Government have done for the producers, with the exception of wheat-growers. They have put up cool stores for fruit and for butter, and other perishables. Cattle and sheep are sold in the open market, and so is wool, but there is no open corn exchange for our wheat and other grain. Our wheat production is worth between £5,000,000 and £6,000,000 at present. The production will materially increase every year. This year there are nearly 500,000 acres more under cultivation than there were last year, and we may naturally expect increased returns also from the Riverina. We may reasonably ask, what has been done to improve the facilities for handling this increased production? Practically nothing has been done. There are no permanent and solid sidings for ships to come alongside; no sheds to shelter the wheat, and no docks. There will be the same old way of weighing, handling, and shipping the grain. Surely it is time we made some good, sound progress in this important business. I have here the recommendations of various Commissions and Committees with regard to this matter. In

1912 the Royal Commission on the Geelong Harbor Trust reported as follows:—

> The Hopetoun Channel and approaches should be deepened and widened as soon as possible. To facilitate this a suction dredge should be obtained.
>
> That at least three berths be constructed immediately at Corio Quay to accommodate wheat ships, and up-to-date appliances for loading installed.

I thank the Chairman of that Commission, who has just returned from England, for supporting what I advocated some eight or nine years ago. The following is another paragraph from the report of the Commission:—

> Certain concessions can be and should be made to the Trust. The provision in the Act No. 2012, section 87, under which one-fifth of the port revenue must go into the consolidated revenue, should certainly be repealed.

I believe the Bill provides for carrying out the recommendation of the Commission in that matter—

> The extension of this claim to the Trust's revenue from trading operations, which is the Auditor-General's interpretation of the Act, would be fatal to all efforts by the Trust to raise revenue from what may be called side enterprises. There is no reason why the port of Geelong should be subject to this handicap.

Then, again, I would call attention to the report of the Wheat Commission recently presented. I will place the names of the members of that Commission on record, so that my progeny will know what action I took in connexion with this matter in the interests of the producers, and how hard and energetically I have worked for the benefit of the producers. The members of the Commission were—Messrs. Thos. Langdon, M.L.A., chairman; John Joseph Carlisle, M.L.A.; George Frederick Holden, M.L.A.; William Stephen Keast, M.L.A.; John Lemmon, M.L.A.; Wm. Plain, M.L.A.; and Robert Stanley, formerly M.L.A. In submitting our progress report we made the following recommendation:—

> That in view of the need of modern accommodation for the shipment of export products at Williamstown your Commissioners advise the Government to have an investigation made of the proposal for the construction of a dock at Williamstown at the mouth of the River Yarra, and that, pending such investigation, the site proposed, and the approaches thereto, be reserved.

I saw the Chairman of the Melbourne Harbor Trust the other day, and although what he told me was somewhat privileged, I am very pleased indeed to find that the Trust propose to take action in the direction the Commission has recommended. The report also contained the following:—

> That in order to facilitate the shipment of wheat, and provide much needed storage provision, your Commissioners are of opinion that large sheds of a temporary nature should be erected without delay at Corio Quay, Geelong, and that adequate provision be made for loading bagged grain into ships by conveyors. Further, that in order to permit ships of heavy draught engaged in carrying wheat to take full cargoes the work of deepening the entrance to the Hopetoun Channel in Corio Bay be at once taken in hand.

That is in anticipation of the adoption of the system of handling grain in bulk. From 1903 onwards Royal Commissions have been appointed to inquire into this matter, and have made recommendations in the interests of the producers, but, as a matter of fact, nothing in the direction of handling wheat in bulk has been done. The members of the Wheat Commission in their travels found that in Sydney there is a large shed about half-a-mile long, which is portioned off to the different merchants. There are a number of weighbridges alongside this shed, and each truck of wheat is weighed, unloaded, and the tare of the truck taken on the spot. The ships come right alongside the shed, and are loaded by machinery. There is very much less handling of the grain there than there is here. If we could only get this temporary arrangement at Geelong, in anticipation of the large yield of wheat, it would be a step in the right direction. There is no doubt that in the future more substantial arrangements must be made. The Wheat Commission also reported as follows—

> The wheat industry is absolutely dependent upon the railways, and the Railway Department is vitally concerned in the success of the wheat-farmers from a revenue point of view, and also from a national stand-point. Victorian wheat-producers are well aware how greatly their welfare and general prosperity is reflected in the well-being of the State as a whole, and they are also aware of the big share they contribute to the revenue of the Victorian Railway Department. Being of this mind, they often murmured, and at times protested, against the lack of sympathy which they considered the Victorian Railway Department had always shown them, and, as may be perceived in the evidence, some witnesses even went so far as to charge the Department with being, not only indifferent, but really parsimonious, in matters affecting the progress of the industry.

I think I have shown that the attention of the Government should be specially directed to the handling of our produce. In reading the newspapers yesterday, I

was pleased to find that the great ship *Ceramic* had succeeded in coming through the Heads—the great entrance to our port. I feel sure that ships of this character will carry our produce much cheaper, and, therefore, I think everything should be done to encourage such vessels to come here. The Commission early in their career affirmed the desirability of improving the port of Melbourne generally to encourage large ships to visit us. In Hobson's Bay we know we have a depth of 34 feet, and in certain portions of Corio Bay, but only in the main channel. It was suggested that there was rock in that channel, but that has been proved to be a delusion. A depth of 40 feet can be easily reached. There is another thing I wish to make brief reference to, and that is what an American gentleman who was engaged to report to the New South Wales Government tells our farmers. This report was furnished, I think, a few days ago, and in it he says—

> As a result of what I have seen, I am astonished at the extraordinary waste and loss that is evidently being experienced on all hands by those interested in wheat production, and the waste is apparently suffered in a peculiarly complacent manner; so much so that I can only conclude money is made so readily in this country that wastage is a mere bagatelle. But I must say that in my country no one could possibly stand it.

I hope the Government will not overlook for even one day the question of improving the harbors to which I have referred.

Mr. BAYLES.—We are now discussing a corporation whose work, according to the Ministry, has been one of the brightest features of Victorian developmental operations. When, like Jeremiah the prophet, I dealt with this Trust in the old days, my friends said to me, "Give it enough rope, and it will hang itself." Now that is exactly what has happened.

Mr. GRAHAM.—It is not dead yet.

Mr. BAYLES.—No; but it has to be resuscitated and spoon-fed, because it departed from the four corners of its Act. Instead of being a Harbor Trust it became a trading concern, and has been landed high and dry. It cannot get money outside, and has to come to the Government for assistance. The late honorable member for Warrenheip, who was Chairman of the Trust, stated this about me, as reported in *Hansard* in the year 1911, on page 63—

> The watch-dog of the Geelong Harbor Trust has been rather well fed lately, and, I think, it has resulted in a bilious attack.

Mr. WATT.—He was not referring to you.

Mr. BAYLES.—Well, he said the member for Toorak. I have been much over-fed lately. The Premier has overfed me in such a way that if I wanted to exult over my information——

Mr. WATT.—Exultation would sit very badly on you.

Mr. BAYLES.—It sits much better on the Premier's head. On the 24th July last, the Premier said this in regard to Mr. Holden—

> He was pursued throughout his career with a relentless ferocity and a savage hatred that were truly amazing.

I do not know whether this was so. My facts were gathered from answers to questions in the House, from reports I got from the Ministry, from balance-sheets, and from most damaging reports of the Auditor-General. The Premier proceeds—

> Yet what he did was a marvellous thing, notwithstanding all the criticism, and notwithstanding the filtered stuff that comes through the honorable member for Toorak, the source of which we know. The man referred to before Mr. Holden's appointment to the Trust, suggested to Mr. Holden that he could get him a position on the Trust, but when he found that Mr. Holden had been appointed by the late Sir Thomas Bent without any application from Mr. Holden, this man never got over it, and he never will. There is hardly a man on this (the Government) side of the House who has kept his eyes and ears in the proper position who does not know the man I am referring to.

The man, I presume, is Mr. Bostock. The report proceeds—

> Mr. BAYLES.—He never applied for it.
>
> Mr. WATT.—Technically, the honorable member is right.

I repeat that, whenever I opened my mouth, there came rolling across the floor, like King Charles' head, the statement that I was getting stuff from a disappointed applicant. I stated that Mr. Bostock would put up a sum of money, and it would be left in the hands of the Premier, with the object of having the question settled. On the no-confidence debate, the Premier again brought this red herring across the trail. Mr. Bostock's offer is still open if the Premier wishes to make the charge again. If the honorable gentleman can prove it, Mr. Bostock will be prepared to forfeit the sum I mentioned to any Geelong hospital. Now I wish to explain my attitude towards the

Geelong Harbor Trust during the past seven years. I have been in Parliament seven years, and I have taken the same attitude throughout. We have a Bill before us asking us to deal with the financial arrangements of the Trust, though the balance-sheet of last year has not yet been supplied. Eight months have gone by, and yet we have not received it. The honorable member for Ballarat East is a member of the Trust. Why have we not got the balance-sheet, seeing that eight months of this year have passed away?

Mr. SOLLY.—A very pertinent question.

Mr. BAYLES.—It is a most surprising thing that the balance-sheet of a small concern, with a capital of £400,000, should not yet be made available for last year.

Mr. WARDE.—I suppose they do not want to boast over their successes.

Mr. BAYLES.—It ought to be issued on the 31st of December.

Mr. MACKINNON.—It is made up to the 31st of December.

Mr. BAYLES.—It looks like lax management, and I think the Premier, in fairness to the House, should produce the balance-sheet as soon as possible. We require a proper balance-sheet such as the honorable member for Prahran compelled the Trust to produce when the Commission was sitting. I will later on quote from that balance-sheet. Parliament is asked to give the Trust £100,000 more to spend, and we do not know what the results for the last twelve months have been, apart from the figures given by the Premier—figures which I accept, of course, as correct. Before we advance any further money we should have a balance-sheet showing the actual position of the Trust. According to the Premier, the ex-Chairman is the Napoleon of Harbor Trusts. He is a man who previously had never met his Waterloo. Of course, he met it at Geelong, but his St. Helena was a good fat billet. He was not treated like the other Napoleon, who was sent to an island on which very little conversation was carried on. My object has been to make the Government, whether it was the last Government or this one, see that the Geelong Harbor Trust carried on its business within the four corners of the Act. Most damaging statements were made by the Auditor-General, charging the Trust with illegality and unlawful dealings. The most objectionable feature of the whole business was that the Trust would spend a small sum on an undertaking, and the Government would come down and say, "The money will be wasted if you stop the work." Then we would be asked to throw good money after bad. The Trust has reached its present position through being allowed to wrongly spend money, and then chase it to get it back. Another thing I objected to was the making of misleading statements. Everything was painted in the brightest and most roseate hue until at last the position became unbearable, and the Chairman retired from his position, and a new man was appointed. Then we got the whole horrid truth put before the House. I would now like to refer to the Sparrovale Farm, and show how it was started. In the 1908 volume of *Hansard*, page 1442, is published a letter written on 8th July, 1907, by Mr. Holden to the Hon. J. M. Davies, who was then Acting Premier. The latter portion of that letter states—

> It is requested, therefore, that the Government will be good enough to introduce an amending Act during the next session, making the position clear upon this point.
>
> Such an amendment could be made by the addition of a new clause in section 4 thus—
>
> No. 6.—The Commissioners may establish or conduct any business on such land or other property for any of the purposes of this Act, subject to the restrictions herein contained.
>
> An amendment of this character will also make more clear the powers of the Commissioners to provide for cool storage, the erection of stores for which has already been decided upon, and is covered by section 46 of the Act, and which has already been approved by the Government.

There is also the following letter, which was sent by the Premier's Secretary to Mr. Holden—

> 16th July, 1907.
>
> Sir,
>
> With regard to your letter of the 8th inst., I am directed by the Acting Premier to say that this Government is willing to ask Parliament to give power, as desired, to the Geelong Harbor Trust Commissioners to lease on the share system portion of the lands which were handed over to the Trust.
>
> I have the honour to be, Sir,
> Your most obedient servant,
> (Signed) ROBERT ROGERS,
> Secretary to Premier.

There was not a word about the freezing works or the improvement of the Sparrovale Farm. Later on, I will quote figures relating to those two bright pieces of developmental operations. I would now like to read the following extracts from an

article which appeared in a well-known paper—

On a motion for adjournment in the House of Assembly yesterday, Mr. Bayles revealed a series of most questionable transactions by the Government and by the Geelong Harbor Trust, of which Mr. Holden, M.L.A., is chairman. It appears that the Statute No. 2012 of 1905 constituted the Harbor Trust. . . .

It left no loop-hole for misunderstanding or evasion—a certain duty was imposed upon the Government, and no species of discretion to suspend it or ignore it was either expressed or implied. Nevertheless, the Bent Government, which had framed and passed the measure, deliberately disobeyed the will of Parliament.

The Act does not give the Geelong Harbor Trust any power to indulge in money jobbing, but little cared either the Trust or the Government for that. The Trust was formed for the sole purpose of managing the port and providing harbor facilities for shipping, but it cherished ambitions far beyond the scope of its limited authority, and, with the connivance of the Ministry, it did not hesitate to bring them into practical operation.

It illegally erected a number of buildings on the land, to which it has no title, at a cost of £2,866 8s. 3d., out of moneys which it should have devoted to other objects, and it spent a further sum of £3,032 3s. 7d. in stocking the land with live stock. The Trust has not the slightest tittle of authority even so much as to improve any land that is not expressly vested in it by operation of law; and farming is altogether outside the scope of its functions. It is stated that the Trust's unlawfully occupied and managed farm is a *bonâ fide* undertaking, but that is no excuse for the flagrant lawlessness of its conduct. The Auditor-General declares in his report that "to enter upon a business of a large scale of a character which has nothing to do with ports and harbors, without the specific and clearly expressed sanction of Parliament, is, in the broadest sense of the word, illegal—it is unlawful, improper." With that dictum, public opinion will cordially agree. With the financial results of its improper undertakings we have no concern. The Trust may have made money out of its illicit trading, but the facts remain that it has broken the law of the land, and that the Government, whose duty it was to administer and enforce the law, consented to its violation behind the back of Parliament. In this matter, a principle of great public consequence is at stake. We have more than one Harbor Trust and many Boards which manage important public utilities. All these authorities have been created by Acts of Parliament which define their obligations and limit their activities. Like the Geelong Harbor Trust, each has some clearly outlined public function to fulfil, which could not be transcended without the commission of a serious legal offence and a grave breach of faith. But all that has been altered now. The precedent established by the Geelong Harbor Trust has to all intents and purposes swept away the statutory restrictions. Henceforth, if any Board or Public Trust desires to step into the industrial arena and become a trading organization, it need only plead the Geelong Harbor Trust precedent to offend with impunity. The Government cannot sanction an illegal undertaking by one such body and penalize another for similar conduct. The Government, therefore, has virtually set all its nominee Boards and Trusts above the law, and has given them *carte blanche* to become money-lenders, farmers, stock jobbers, or anything else they choose. Acts of Parliament doubtless intervene; but Bent administration has shown us, in the case under review, how worthless Statutes are.

The first essential of good government is that the public or quasi-public finances shall always be subject to rigid Statutory and Parliamentary control. In departing from that principle, the Bent Administration has broken faith with the people, and opened the door wide to all sorts of speculative mismanagement and fraud. It cannot but come as a shock to the Victorian electors to learn that their Parliamentary representatives entirely misapprehended the gravity of the disclosures made by Mr. Bayles, and permitted the Government's action to pass without censure.

That is taken from the columns of our great morning paper, the *Age*. According to that journal, not much good has come out of my mouth, so that I take those remarks as a great compliment. Knowing that the *Age* has great weight with the Premier, I am sure he will pay some attention to that article.

Mr. WATT.—I notice it says, that even though the honorable member said it, it was probably true.

Mr. BAYLES.—Perhaps so. At all events, none of my facts can be doubted, and I think I shall be able to prove before I finish that some of the Premier's own statements require a good deal of proof.

Mr. MACKINNON.—What was the date of that article?

Mr. BAYLES.—November 19th, 1908.

Mr. WATT.—That was the other Government.

Mr. BAYLES.—Yes, it was. I am glad the Premier has made that interjection. The present Government come into power in January, 1909. The Bill was read a first time on the 16th November, so that for nearly twelve months this Harbor Trust went on dealing illegally with its funds. The Bill was held over until just before the dying hours of the session, and I took up a very strong stand that a committee of investigation should be appointed. I did my best to stop the passage of the Bill, but I was appealed to by the Premier and other honorable members, who said that they did not want to sit on after Christmas. During the period from January to December, the Government had the power to bring in that Bill in order to put right what was admitted on all hands to be an illegality. The Premier made his speech on the second

reading of the Bill on 20th December. All these months were wasted, and the Government were allowing the Harbor Trust to carry on without any legal authority. Then a Gold Washing Bill was brought in, giving the Harbor Trust power to obtain a further sum of £100,000.

Mr. MACKINNON.—Why do you call it a Gold Washing Bill?

Mr. BAYLES.—Because the object of it was to give the Harbor Trust a wash of gold, so that they might get debentures. As I say, the Premier moved the second reading on 20th December, but the Bill was not proceeded with further until 22nd December. Now I would like to quote from what the Premier said on that occasion.

Mr. WATT.—That quotation will be the best part of your speech.

Mr. BAYLES.—In his speech on the second reading of the Bill that is now before us, the Premier said—

> When I saw this Trust launched first of all—it was not my Act—I offered no opposition to it, and I thought that there would be more money spent in the early days on the North Quay scheme. However, the Trust took the other road, and I have never done more at any stage than explain the facts in regard to the work that was proposed when asking for legislation in respect to it.

I will now quote from one or two speeches of the Premier, which I do not think quite bear out that statement. In moving the second reading of the amending Bill, on 20th December, 1909, the Premier is reported in *Hansard* as follows:—

> The Commissioners prepared a scheme which is referred to under clause 9 for the improvement of the natural capabilities of the port, and for the provision of the most modern conveniences for the economical handling of freight, and of facilities for slaughtering stock and the freezing, preservation, and export of perishable commodities. The Government of the day was consulted, and approved of the scheme of the Commissioners, and a commencement was made.

The Government of the day did not approve of the scheme.

Mr. WATT.—It did.

Mr. BAYLES.—There is no record of it. The only thing was that before the money was spent a letter was sent by the Acting Premier to the Chairman of the Trust, stating that he could lease the Sparrovale Farm on the share system. The scheme was started without the sanction of Parliament. The Premier went on—

> A considerable portion of the work contemplated is now in course of being carried out, and in connexion therewith provision has been made for the production of light and power required.

Mr. BAYLES.—You say that they have already started those works?

Mr. WATT.—Yes.

Mr. BAYLES.—Where did they get the authority?

Mr. WATT.—Section 46 might easily be held to cover a large number of the powers now to be conferred under clause 10. As I have already frankly admitted, I do not propose to rely upon that, and if there are doubts in the minds of honorable members they should be set at rest.

Mr. BAYLES.—Why did they not come to Parliament and ask for larger powers?

Mr. WATT.—As a matter of fact they did go to the Minister.

What right had the Minister to allow the Trust to go outside its powers?

Mr. WATT.—Do not blame me. The first session we were in office we brought the law right up-to-date, in spite of the opposition of the honorable member.

Mr. BAYLES.—Yes. In the dying hours of the session.

Mr. WATT.—No. It was in November.

Mr. BAYLES.—That is actually contrary to fact. It is true the Bill was introduced on 16th November, but the second reading was not gone on with until 20th December, three days before Parliament closed. We had no chance of debating it.

Mr. WATT.—There were five weeks to think it over.

Mr. BAYLES.—The Bill was not circulated until a considerable time after it was introduced.

Mr. WATT.—It was a good Bill anyhow, was it not?

Mr. BAYLES.—It was a very good Bill. It must have been, because it came from Bill Watt. Further on the Premier said—

> I think those of us who have seen the port since the Harbor Trust took it over will realize what a blessing the late Government conferred upon that particular part of the country and the district which that port is to serve by the passage of the Geelong Harbor Trust Act.

Later on, I will give some information on the question as to whether the Geelong people are so enamoured with their Harbor Trust. Later on, during the Premier's speech, I asked, "Why not make them comply with their Act?" and the Premier answered—

> Some things which the honorable member describes as illegal may be of great industrial and social benefit.

In other words, the end justifies the means.

Personally, I believe that a most beneficial Act was passed when the Trust was constituted, and that the work that the Trust has performed

since has been one of the brightest features in Victorian developmental operations.

Mr. WATT.—Hear, hear.

Mr. BAYLES.—I would like honorable members to consider those remarks of the Premier on that occasion as showing his judicial mind. All those benefits were to be obtained at other people's expense. Anybody could make a splendid success of a scheme of that kind if he was not required to make it pay? Let me say here that so far as the Harbor work is concerned, I have never offered the slightest criticism. I am not a harbor expert, and am not in a position to judge. I am told that some of the work that has been done is good, but that money has been expended in wrong directions. That is the whole extent of my argument. The Premier went on to say—

I do not say this because the Chairman of the Geelong Harbor Trust is a member of this House, but because I believe in giving praise and honour when praise and honour are due. It has been a revelation to many honorable members of this House hitherto opposed to the Trust to see the vast amount of beneficial work it has carried out since its inauguration.

Further on he said—

I can understand that there may be a great difference of opinion as to whether the Trust in conducting farms is within the law. I have been thoroughly frank. I want a covering Act sufficient to meet cases where there has been possibly a technical disobedience of the law.

An HONORABLE MEMBER.—Success has justified it.

Mr. WATT.—The successful work conducted by the Trust justifies a further extension of authority and of our confidence.

Mr. WATT.—Which Parliament gave it.

Mr. BAYLES.—We had to give it.

Mr. WATT.—In defiance of your advice.

Mr. BAYLES.—Yes, in defiance of my advice, but the chickens are now coming home to roost. We know now that the Trust has spent all this money, and has to come to Parliament for more money with which to carry on the work. All I asked was that the Government should grant a Committee of Inquiry to go into the matter. The Premier went on to say—

The Chairman, in conversation with me, estimated that nearly £20,000 would be this year's revenue.

There never was a revenue of anything like £20,000.

Parliament should consider the Trust in the light of its past operations and its future prospects. Judging by the past, and it is the only lamp to guide our feet, if this extension is given, the Trust is likely to contribute not only safe revenues, but to do a vast amount to prevent centralization in directing the traffic to Melbourne which this scheme was designed to frustrate.

I think that was hardly in accordance with the facts, and hardly in accordance with the results of what the Trust had done. But I do not want to go into all these questions. The honorable member for St. Kilda, in 1909, as reported in the *Hansard* of that year, on page 3335, objected to the advancing of another £200,000, unless he was satisfied that the Trust was in a position to pay interest. The honorable member said—

Perhaps a committee should be appointed to examine into the working of the Trust, and into its future prospects before the power to raise this loan is granted.

Then he went on to say—

Undoubtedly, there is some soreness in the city over the matter.

I am sorry that the Chief Secretary is not present in the House at this moment, because I have here his opinion on the Geelong Harbor Trust in 1909. The honorable member for St. Kilda said—

The financial position of the city of Melbourne is A1.

Then we had this interjection—

Mr. MURRAY.—I do not think it is in any sounder financial position than the Geelong Harbor Trust.

To compare the Geelong Harbor Trust with the city in respect to their financial position is rather farcical. The Government did not listen to any of the statements that were made on that occasion, but they made bald assertions which have not since been borne out. After that interjection by the present Chief Secretary, who was then Premier, the honorable member for St. Kilda said—

I think the Premier in that matter is a little optimistic. It is not clear to me now that in proposing this loan there is a sufficient prospect of additional revenue coming into the Geelong Harbor Trust to pay the interest.

There is another point in connexion with this debate in 1909, when the honorable member for St. Kilda was showing what misleading statements were made. The following passages are reported in *Hansard*—

Mr. McCUTCHEON.—I say that land was given to them, but I do not think it was intended that they should use capital to improve the land and start farming operations.

Mr. HOLDEN.—The Act distinctly provides that the money borrowed under the Act may be spent for improving the very lands that honorable members speak of.

Mr. McCUTCHEON.—That is another point. Can the honorable member show that the House intended the Trust to carry on farming operations?

Mr. HOLDEN.—Parliament said that the Commissioners may improve, drain, and so on, and lease the land. Instead of leasing it for so much, it has been worked on shares. Instead of getting £90 for it, we are working it ourselves and getting £1,300.

That was in 1909. On turning up the report, I find that they have made a loss of £471, without deducting a penny for depreciation of £14,000 or £15,000 on buildings. Those are the statements I complain of—statements made to the House that are not fair. Subsequently, a Commission was appointed—a Commission I was struggling for from the beginning—and it discovered that the whole thing, as regards these trading concerns, was not paying, and that it was absolutely rotten in its financial position.

Mr. MACKINNON.—The honorable member cannot say that of Sparrovale.

Mr. BAYLES.—I will deal with that on the honorable member's own figures. They have spent up to £54 an acre on it. I shall be able to prove that from the honorable member's own mouth later on. The next thing I have to deal with is this: The Geelong Harbor Trust, until a few weeks ago, was the one bright and useful corporation in the whole State, and it was said that it was going to be a success. The present Premier stated in one year that the Geelong Harbor Trust were going to make 12 per cent. on the capital expended on the freezing works. When the matter is boiled down it is seen that it is doing nothing of the sort. Statements like those influence honorable members, who are made to think that the affairs of the Trust have been going on in a splendid way. I would here congratulate the honorable member for Ballarat East on his pluck in coming to the rescue and in going to the Minister in this matter and telling the whole truth. If the Minister had the information, he is to blame, and if Mr. Holden supplied information which is not correct, then he is to blame. On the shoulders of one or the other must lie the blame of misleading this House, and of trying to make out that the Trust is one of those concerns which are going to do such grand things. If the Trust had spent its money in the right direction the results would have been much better. It went up like a rocket, made a great curve, burst with a lot of gaudy colours, and came down like a stick, with a thud. That is the position when the House is told that the Geelong Harbor Trust is not paying, and that unless it gets this money it cannot carry on, and that the only way, indeed, in which it can carry on is to turn it over to Melbourne. I shall quote from the Premier's speech, to show that what I have said about his statements is correct. The Premier on the 21st August of this year said—

> As to the future of the Geelong Harbor Trust, I must say it is perfectly plain that if we expect the Trust to exist indefinitely as an independent organism, we shall have to subsidize it, or assist it in some other way.

We heard the honorable gentleman say in the past that the Geelong Harbor Trust was going to bring in a safe return on its expenditure. We were told that the Sparrovale Farm was going to be a profitable concern. We were told that all these various excrescences, as they are called in the report of the Commission, were going to become profitable, and would assist in making the port of Geelong payable. The fact is that it is a regular failure. The position of the Trust reminds me of the Biblical story of the prodigal son. He got his portion, and went into a strange country, and there he wasted his substance in riotous living and gambling.

Mr. ELMSLIE.—He had a good time.

Mr. BAYLES.—At other people's expense, as well as his own. When he had wasted his substance he had to come back and say, "Get me employment somewhere; get me employment by the Government." Before he got that he had to go to Sparrovale, and look at the pigs and cows, if not actually to eat the husks, and then he went to the Minister and said, though not publicly, "I have gone astray. Now what will you do?" The whip is cracked, and Parliament passes the Bill. He is washed of the mire of the Sparrovale mud flats, and is then raised up to the position of Chairman of the Melbourne Harbor Trust. What is the result? The people who have done good work promptly and well have been turned out, and they are replaced by a man who has been a failure in the only Harbor Trust he had to do with, and an honorable member who, I believe, lives 7 miles from an ancient sea, is appointed in his place on the Geelong Harbor Trust; and I hope that this honorable member's knowledge of Harbor Trust business is greater than

that of the late honorable member for Warrenheip.

Mr. MACKINNON.—They have not killed the fatted calf.

Mr. BAYLES.—I think the prodigal son had all the best of it. The prodigal son went contrary to his father's wishes, or the wishes of Parliament, and did everything according to his own sweet will, and spent his money riotously. Why should he get these fat billets, and displace men who had earned their position by good, solid, earnest work?

Mr. MACKINNON.—The honorable member has not given the parable quite correctly.

Mr. BAYLES.—I know my Bible, and I expect the honorable member knows his quite as well. The only difference is that the prodigal in the Biblical story came back, and said he had done wrong, while Mr. Holden and the Premier say that he has done right. The honorable member for Gippsland West said that the only thing the Geelong people wanted was to get Mr. Holden back. Let him go back to these affairs he started. But I will speak about that later. I am like my friend the honorable member for Korong. I want to be reminiscent, and also a bit historical. I have stated what the Government did in the first place for the Trust. I will now refer honorable members to Mr. Holden's letter, published in the *Hansard* of 1910, at page 3530. It is too long for me to read it to honorable members, but it is to this effect: The Government handed over 1,100 acres of land, 50 miles of foreshore, and £300,000, which had already been spent on the harbor for repairs, cutting channels, and reclaiming a large area in the vicinity of the port. The Osborne House and lands were also handed over, subject to a payment of £6,000 to the Government. This was a place the Trust afterwards turned into a boarding-house, with a 40-guinea carpet. I do not know where the carpet has gone to. The Geelong Harbor Trust gets no rent for Osborne House. There is a college conducted there, but the Trust gets no money for Osborne House. Mr. Holden, in his letter, says—

> This great asset was handed over subject only to a payment of £6,000 to the Government in respect of the Osborne House lands, and payment to the Victorian Railways Commissioners of an amount afterwards fixed at £12,075, and paid.
>
> The value of the port and these properties so handed over is scarcely to be calculated, and, although in relation to this part of the endowment of the Trust, there could, of course, be no power of sale conferred, still, from a revenue point of view, the value is, and must be, very real, the possibilities are enormous and amply justify very extended borrowing and expenditure in order to induce trade, and, as a consequence, increased income.

Mr. MCGREGOR.—Do you think the railway pier should have been given over to them without the payment of the £12,000?

Mr. BAYLES.—No; I am quoting from Mr. Holden's letter. The honorable member must not think I am complaining about everything. The honorable member knows so much about the Geelong Harbor Trust that he does not know what the Napoleon of Harbor Trusts means. The Napoleon of Harbor Trusts came from the same country as the honorable member, but he was considerably further away from the sea.

Mr. MCGREGOR.—I would not like to say anything about your origin.

Mr. BAYLES.—My origin is all right. The honorable member must not get personal. He has been honest. The other man has not been honest to the House. What did the Geelong Harbor Trust do with all the wonderful endowment they got? According to the Premier's figures, they spent £184,133 on harbor improvements. On unremunerative trade gambles they spent £188,000. They spent £10,221 on bathing boxes at Barwon Heads.

AN HONORABLE MEMBER.—On what?

Mr. BAYLES.—They could not have spent the whole of the £10,000 on bathing boxes, but they spent £10,000 on the Barwon Heads scheme. The amount spent on the power station was £20,367. The amount spent on freezing works, £100,009. The amount spent on Sparrovale, £39,373.

## DISTINGUISHED VISITORS.

Mr. WATT (Premier).—It has just come to my knowledge that a distinguished visitor—the Speaker of the House of Representatives—is paying a visit to the Chamber. I think we ought to do him the courtesy of a distinguished visitor's reception. Therefore, I move—

> That chairs be provided on the floor of the House for the Honorable William Elliot Johnson, M.P., the Speaker, and Charles Gavan Duffy, Esquire, C.M.G., the Clerk, of the House of Representatives of the Parliament of the Commonwealth of Australia.

When our Speaker visited the House of Representatives a similar privilege was bestowed upon him, and I think it is the proper spirit to show between the two Houses.

The motion was agreed to.

## GEELONG HARBOR TRUST BILL.

Mr. BAYLES.—I was drawing attention to the expenditure of the Geelong Harbor Trust on works which have produced no benefit to the financial side of the undertaking. What I object to is that in every case the bright side of things is quoted. Let us take the case of Sparrovale Farm. I will give the figures taken from the balance-sheets of the Trust, and also the figures given by Mr. Brentnall, after carefully analyzing the balance-sheets. In 1908, the profits of Sparrovale Farm, according to the balance-sheet, were £1,350, but Mr. Brentnall says the profit was only £638. In 1909, according to the balance-sheet, there was a profit of £1,860, but when Mr. Brentnall "put the acid" on the figures, to use a vulgar term, he showed that there was a loss of £471. In 1910, there were profits of £2,436, according to the balance-sheet, but Mr. Brentnall showed that there was a loss of £700. The Trust, in its report for 1911, says, at page 8—

> The returns from Sparrovale were of a satisfactory nature, and are on the upward grade. After deducting cost of feed, fuel, stores, repairs, and manager's proportion, a total of £906 13s. 5d. stands to the credit of the working account for the year.

Under the heading of "Properties controlled by the Commissioners," the following appears—

> Returns from Sparrovale show a steady improvement. The farm is becoming more profitable every year.

According to the Trust's figures, there was a credit balance on the undertaking of £3,343. Mr. Brentnall dissects the figures, and, without allowing one penny for depreciation on £18,000 worth of buildings——

Mr. WATT.—Or for appreciation of the land.

Mr. BAYLES.—I am coming to that. I will show to what extent the land has appreciated in value. Mr. Brentnall shows that, although the Trust puts down the credit balance as £3,343, there should have been a debit balance of £499. That shows the wonderfully bright, roseate view the late member for Warrenheip took of these things. The Premier called them the brightest feature in Victorian developmental operations.

Mr. WATT.—That was with regard to the whole thing.

Mr. BAYLES.—The honorable gentleman said this was "the brightest thing."

Mr. WATT.—One of the brightest.

Mr. BAYLES.—If Mr. Holden supplied the Premier with misleading figures, then the blame rests on his shoulders, but if Mr. Holden supplied the Premier with the proper balance-sheets, then the blame of misleading the House rests on the Premier's shoulders. The honorable gentleman made the House believe that the trading concerns of the Trust were financially sound and making large profits. The Premier stated on one occasion that the freezing works would make 12 per cent. on the capital outlay. There has been no such profit made, though nothing has been allowed for depreciation of £50,000 worth of machinery. When the "Gold Washing Bill" was introduced to give money to the Trust——

Mr. WATT.—You mean the "Cleaning-up Bill."

Mr. BAYLES.—No, this is the Cleaning-up Bill.

Mr. WATT.—Then you are not the watchdog, but the washerwoman.

Mr. BAYLES.—The honorable gentleman is doing the washing, and I am trying to see that he does it properly. The honorable member for Daylesford is reported, at page 3739 of *Hansard* for 1910, as follows:—

> I want to know, as far as possible, how this £100,000, for which the country is asked to become liable, is to be spent, and what guarantee there is that it will be spent in accordance with the conditions of the loan. Will it be devoted to the improvement of the port and harbor, or will it be used in experiments which may prove dangerous? I believe that this Trust has done good work in improving the port and harbor of Geelong, in providing facilities for the export trade and in establishing freezing works; but it has gone in for other experiments which have apparently been carried on at a loss—at any rate there is not sufficient money to go on with them. What guarantee does the Government ask when adopting this new principle of taking over the debentures of the Trust? The Government should have some control which would enable them to see that the money by which Parliament is asked to supplement the amount already spent is devoted, not to experiments not contemplated when the Trust was formed, but purely and simply to port and harbor improvements.
>
> Mr. WATT.—I suppose you would not object to money for completing the freezing stores, supposing £5,000 or £10,000 was necessary?

Further on the honorable member for Daylesford said—

> What guarantee have the Government that the money paid for these debentures will be devoted to port and harbor improvements or the freezing works?
>
> Mr. WATT.—Our control is very close and effective if we exercise it.
>
> Mr. McLEOD.—So long as they say they have the necessary control and will exercise it, that is all right—those are the points on which I desired to have an assurance from the Government.

On the 14th October, 1911, nine or ten months after the Bill was passed, I got a return. The Premier assured the House that only £5,000 or £10,000 would be spent on the freezing works.

Mr. WATT.—Did I? Prove it.

Mr. BAYLES.—When the honorable member for Daylesford was contending that the money voted by Parliament should not be devoted to experiments that were not contemplated when the Trust was formed, but purely to port and harbor improvements, the Premier interjected—

> I suppose you would not object to money for completing the freezing stores, supposing £5,000 or £10,000 was necessary.

Mr. WATT.—Will you prove the assurance?

Mr. BAYLES.—I am proving it. I cannot say that the Premier used the actual words "I assure the House"——

Mr. WATT.—Then withdrawal ought to be made properly.

Mr. BAYLES.—The Premier really did assure the House, in answer to the honorable member for Daylesford. He led the House to believe that only certain sums of money would be spent on the freezing works.

Mr. WATT.—Where did I give an assurance?

Mr. BAYLES.—The Premier misled the House on every possible occasion.

Mr. WATT (Premier).—I think the honorable member should withdraw that statement, Mr. Speaker.

The SPEAKER.—The honorable member for Toorak must withdraw that statement.

Mr. BAYLES.—I withdraw it. The Premier said, by way of interjection, when the honorable member for Daylesford was speaking—

> The desire of the Goyernment is that with the exception of those works the money should be spent for port improvements, and our hold on the Commissioners is that they are responsible to us for their office.

The Premier says that he did not assure the House.

Mr. WATT.—I asked you to prove the assurance.

Mr. BAYLES.—It does not matter what the Premier says, I am going on with my speech. He may keep on chirping like a dicky bird on a bough.

Mr. WATT.—The dicky bird has a laugh sometimes at the toy terrier.

Mr. BAYLES.—I think I have proved to the satisfaction of the House that the Premier gave an assurance. He said that the desire of the Government was that a certain sum should be expended.

Mr. WATT.—I accept the apology.

Mr. BAYLES.—When the Premier was speaking on this question I never interrupted him. He said it was the desire of the Government that only £5,000 or £10,000 should be spent outside harbor works. I was not present when the Premier made that statement, but I asked honorable members in the Government corner, who were present, and they came to the same conclusion as I did. They came to the clear conclusion that the Premier would insist on the whole of the money except £5,000 or £10,000 being spent on harbor improvements.

Mr. WATT.—Your major premise is wrong.

Mr. BAYLES.—Only £37,000 was spent. The return I got showed that £5,379 was spent on the channel and £9,295 on the wharfs. Only £1,808 was spent on Sparrovale, and £20,516 was spent on other works outside harbor works not contemplated when the money was asked for. In *Hansard* of 1910, page 3735, the Premier, speaking on the Geelong Harbor Trust freezing business, says—

> This year they have handled 170,000 sheep and lambs, and besides bringing to the port the extra revenue that these conveniences must mean, the work has yielded, after paying all expenses, over 12 per cent. on the total capital cost involved in the provision of cool storage. For the second or third year it is a remarkable result. It means that 12 per cent., after paying all charges, can be set aside for interest and depreciation.

The amount that could be set aside was £6,000.

Mr. WATT.—All those facts are provable.

Mr. BAYLES.—I have the facts, and my facts are correct. I will give the figures from the balance-sheet prepared by Mr. Brentnall. In his second-reading

speech the Premier stated that the net loss for the freezing works for four years has been £1,752. That does not include a farthing for depreciation for four years, although there were £50,000 worth of buildings and £50,000 worth of machinery. The Premier also spoke about the sinking fund. Now, the latest figures which I have been able to get show that on the 31st of December, 1911, the sinking fund amounted to £700.

Mr. WATT.—What is that per cent.?

Mr. BAYLES.—I have not worked it out.

Mr. WATT.—It has no relation to depreciation whatever. It is the sinking fund.

Mr. BAYLES.—If you have a sinking fund, it is no good carrying it on for thirty years, because the life——

Mr. WATT.—The sinking fund does not deal with the life of a proposition; depreciation does.

Mr. BAYLES.—I am pointing out how insignificant the sinking fund is for such a large sum of money. I would like to ascertain when the Premier first knew of the state of the Geelong Harbor Trust's finances. If he knew at the end of last year he should have told us. If he did not know, then the late member for Warrenheip was doing us an injustice. If the position had been known to the public then I do not think their judgment on Mr. Holden's appointment would have been any the less scathing. I now want to deal with the report of the Commission, and I may here be allowed to express my pleasure at seeing the honorable member for Collingwood, who was a member of the Commission, once more in his place in this House. On page 16 of the Commission's report it is stated—

> Their object seems to have been to make revenue by encouraging the establishment of industries by establishing the freezing works to create freight and attract shipping, and to improve their endowment lands so that they might become more valuable and earn a larger income.

If Parliament had given them the necessary power originally, the Trust would have been justified in doing so. However, Parliament did not give them that power. On page 17 of the report it is stated—

> Many witnesses stated that in their opinion the most important duties of the Trust on its establishment were the deepening and widening of the channel and the improvement of existing port facilities, and they objected to large sums of money being expended on other works, which, while necessary for the development of the port, were not of such an urgent nature as the first-named.

I think every honorable member will agree with that. On the next page the Commission says—

> The evidence of business men in all lines tends to show that the business of the port would in all probability be increased by the deepening and widening of the channel, even without the complete establishment of new business ventures which the Geelong Harbor Trust Commissioners are endeavouring to foster. It would certainly make the port more attractive to shipping and ship-owners. Pilot McWilliam stated that the margin between the width of the channel and the beam of a vessel such as the *Shropshire* is so narrow that, though the depth of water is ample, under certain weather conditions she must be kept going at a speed very much in excess of that permitted by the regulations of the Trust to prevent her from drifting towards the bank.

Now I come to the point which I wish to emphasize—

> Had the *Thomas Bent* been working from the commencement sixteen hours a day instead of eight, and a suction dredge operating in the approaches, the completion of the channel, which Mr. Bell rightly describes as "the key to the port," would now be in sight, while, even under the most favorable conditions, it will now be about four years before it can be open to traffic to its full width and depth.

Instead of us having an up-to-date port at the present time the Government permitted a large sum to be squandered on things which had nothing to do with the port, so that, according to the engineer's estimate, with the *Thomas Bent* working alone one shift, it will take seven years, and two shifts four years, before the channel is completed. The Commission's report shows that the Trust neglected the port for other things.

Mr. WATT.—You agree with the recommendations of the Commission.

Mr. BAYLES.—I agree with them that more attention should have been paid to the harbor.

Mr. WATT.—You agree with the Commission, and this Bill agrees with it. Therefore you agree with the Bill.

Mr. BAYLES.—I am in favour of the Bill, and I can compliment the honorable gentleman for attaching a schedule to the measure because it is the only way of binding these people down. If it had been done before, the position would have been very different. After various works had been started, the Government came down and said that if the House would not pass the white-washing Bill the works would have to stop.

Mr. WATT.—I asked Parliament to validate what had been done before I had any power to touch it.

Mr. BAYLES.—That is correct, and I do not wish to attribute anything unfairly to the Premier. However, the Premier said they were right, and I said they were wrong.

The SPEAKER.—As I observe the honorable member for Collingwood again in his place, I would like to congratulate the honorable member on his return to health, and to assure him that we are all glad to see him back.

(*The House adjourned for refreshments at one o'clock p.m. The Speaker resumed the chair at two o'clock p.m.*)

Mr. BAYLES.—When the House adjourned for lunch, I was dealing with the freezing works of the Geelong Harbor Trust, and the Premier wanted to know what return I was quoting from. I have now the return, and it is only fair to read the information which I asked for on the 5th of September, 1911. On that date I moved—

That there be laid before this House a return showing—

1. The amount expended by the Geelong Harbor Trust out of the advance of £100,000 made by the Government—(*a*) on the channel; (*b*) on the wharfs; (*c*) on the Sparrovale farm; (*d*) on other works outside the above mentioned.
2. The width and depth of the shallowest part of the channel at low tide at the date the Trust was created, and the width and depth of the shallowest part of the channel at low tide at the present time.
3. The total amount spent in deepening the channel, and also the total amount spent to date by the Trust.

The return which was furnished in compliance with that motion showed that the amount expended by the Geelong Harbor Trust out of the advance of £100,000 on the channel was £5,378 14s. 1d; on the wharfs, £9,295 7s. 5d.; on the Sparrovale farm, £1,808 15s. 5d., and on the other works outside the above mentioned, £20,516 13s. This bears out the statement which I made previously. With regard to the freezing works, the Commission brought in a report that it was advisable to have a proper balance-sheet, and I think every one will agree with that view. The Commission wanted the accounts of the freezing works shown in a proper commercial balance-sheet, and they called upon Mr. Brentnall to do this work. Mr. Brentnall tore the figures to pieces, and put them in their right order. He showed that the profit for 1909 was £1,654. That was in the year in which the present Premier said it would be 12 per cent., which shows that the honorable gentleman was taking a somewhat rosy view of the result of the workings of the farm. If honorable members look at the figures they will see that the total amount of the sinking fund at the end of December, 1911, was the magnificent sum of £707 1s. 3d. As I said before, there were £50,000 worth of buildings, and about £50,000 worth of machinery — I am giving the round figures. Now, I would ask, what would be the depreciation in three years' time in the value of that machinery?

Mr. J. CAMERON (*Gippsland East*).—It is in good running order now.

Mr. BAYLES.—Of course, the Honorary Minister (Mr. Cameron) is an expert, and I presume that all other commercial people, all other men who run commercial industries, are a lot of idiots in allowing anything for depreciation during the past three years. I would ask the honorable member what he would give at the end of three years for machinery which was worth £50,000 three years before? Would he give the same amount for the machinery at the end of three years as he would have done when it was first erected?

Mr. MACKINNON.—Is there not a lease now?

Mr. BAYLES.—There is a lease for two years.

Mr. H. MCKENZIE (*Rodney*). — Two years is a pretty limited lease.

Mr. BAYLES.—They have two full working years.

Mr. H. MCKENZIE (*Rodney*). — This season was commenced before the lease was taken up.

Mr. BAYLES.—When did they get their lease?

Mr. H. MCKENZIE (*Rodney*).—In August.

Mr. BAYLES.—They cannot be working at full capacity now, because there is very little butter, and there are very few lambs. The freezing works, therefore, will be practically lying idle for another month or six weeks. All they are getting for this is 6 per cent., or £5,950.

Mr. MCGREGOR.—The exact amount is £5,980.

Mr. BAYLES.—I apologize. It is better to be quite accurate. The total outlay on the freezing works is £100,009.

Therefore, they are not getting quite 6 per cent. Apart from that, however, every other business concern writes off so much every year for depreciation of buildings and machinery. It is usual to write off about 10 per cent. According to the figures supplied by the Premier, the total profits from the freezing works were £5,705, and the total losses £7,457, leaving a net loss of £1,752. That is with a sinking fund of £707 1s. 3d., but without a farthing being written off for depreciation. That shows that the freezing works are not the glorious commercial success that has been represented. A little later on I will submit a proposal which, if it is adopted, and proves a success, should be very acceptable to the people of Geelong and its surroundings. The only bright spot in connexion with the Geelong Harbor Trust is one that has to do with log-rolling. The log-rolling proposition that was proposed by the late Chairman may be claimed as a success. I refer to the works of the Oriental Timber Company. I understand that that is the only bright piece of work on the part of the Trust that has proved successful. It has not been successful to the company itself. I understand that it has to pay a sum of money every year to the Trust, besides which it has sunk a tremendous amount of money in the timber works. Of course it is not the fault of the Harbor Trust that those works have not been a success. I understand that the logs which are brought in there are not of the proper description. The next point I wish to deal with is with regard to the power-house which the Trust has erected. According to the figures given by the Premier the cost of the power-house is £20,367. For that amount, so far as I can gather, the only return the Trust gets is £924 8s. 1d. for the year. If they get any other facilities in addition I do not know what they are. That sum represents not quite 5 per cent. on the outlay, allowing nothing for depreciation, or for the cost of running the power plant. Another matter that we have not heard anything about lately is the boarding-house. The honorable member for Prahran interjected a little while ago that with regard to this boarding-house the Trust has done very good business. The Naval College has taken it over. That is a very good thing for Geelong, but it is not very satisfactory to know that the Federal people got it for nothing, because I understand that they would not pay rent. That is not much help in running the Geelong Harbor Trust and in giving better facilities for the shipping of wheat from the Western and North-western districts. Therefore, I do not think that from a commercial point of view that particular proposal would commend itself to a business man or to a Harbor Trust, which is formed specially for the purpose of running a Harbor. Before referring to the Sparrovale Farm let me refer to the expenditure incurred by the Harbor Trust at Barwon Heads. According to the Premier a sum of £10,221 has been spent at that place. No details are given as to how it was spent. I understand the money has been spent chiefly in beautifying the place. There is no harbor there unless it is for fishing smacks. What return that outlay brings in I do not know. If it brings in any return that return cannot be very much, but it does not seem to me that it is of much advantage to the harbor for the Trust to build bathing boxes or band pavilions.

Mr. MACKINNON.—Do you say that £10,221 was spent at Barwon Heads?

Mr. BAYLES.—I am only giving the figures which were quoted to us by the Premier. I do not know whether they are right or wrong. Perhaps the honorable member for Ballarat East, who is Chairman of the Trust, will give us some information with regard to this expenditure. What was that £10,221 spent for? Was it spent to benefit the exporter of wheat from the mallee? Is it intended that the mallee farmer shall wash his wheat in the bathing boxes, or bathe there himself?

Mr. MURRAY.—That is what he will do—he will bathe there.

Mr. BAYLES.—As to Sparrovale Farm, let us see what the Commission has to say. According to the Premier the expenditure on that farm has amounted to £39,573. The area of the farm is 727 acres. At that rate the amount now spent at Sparrovale is £54 8s. 10d. per acre. I do not know how much land has been reclaimed. With regard to Sparrovale the Royal Commission say at page 26 of their report—

> Assuming that these lands can be made highly productive by financially sound measures of river improvement and reclamation, there can be little doubt that the Commissioners' action in arranging for a postponement of realization was justifiable.

We have to assume that the lands can be made highly productive by financially sound measures of river improvement and reclamation. They go on to say—

The land, therefore, became an important asset of the Trust for the reason indicated. At the time it was occupied by the race-course trustees, the revenue derived from this land in agistment fees was about £90 per annum.

Honorable members will note that the amount was £90 per annum. But what does Mr. Brentnall show? He shows that £54 8s. 10d. per acre was spent on the land. How much land has been reclaimed, I do not know. I am waiting to be informed. They were then getting a return of £90 per annum. What is the position now? They lost in the year 1911, £499. Therefore, as a business proposition, it does not seem to be a very sound one.

Mr. LANGDON.—They should not have been allowed to spend the money on Sparrovale.

Mr. BAYLES.—I am quite with the honorable member. The report goes on to say—

The Commissioners accordingly determined to establish a large dairy, and to work it on the share or profit-sharing system. The figures show that the share agreement made with the share farmer Baird was decidedly favorable to the Trust, and Baird had to be helped from time to time, in order to give him enough to live upon. (See Mr. Brentnall's report, Appendix B.)

The installation of the farm is most complete. It is not merely a dairying and agricultural farm of a highly progressive type, but it is also a combined drainage and irrigation proposition. It is also a stud farm for draught horses —two stallions being kept, and stud dairy cattle are kept. In addition to this, it has become a sort of agricultural college for students in search of practical experience. The provision for housing and regulating this many-sided activity is necessarily very elaborate and costly; and building, fencing, and tramway construction represent a large outlay. Buildings have cost £10,609 19s. 4d.; fencing, £2,253 14s. 2d.; roads and tramways, £1,263 2s. 7d., or a total of £14,126 16s. 1d., or more than £19 per acre. The stock on the farm are valued at £5,581 8s. 9d., and plant and machinery appear in the books at £2,939 9s. 7d. Now it is obvious that a great deal of this must be dead capital when the object of the establishment is accomplished, namely, the preparation of the land for subdivision and realization.

That is the result of the work of the great Napoleon of Harbor Trusts. The report continues—

Neither, in our opinion, was it necessary expenditure for the purpose of earning an interim revenue.

So all this money has been thrown into the deep blue sea. The report continues—

We cannot but regard a large amount of this expenditure as needless, more particularly the outlay on buildings, fencing, tramways, plant, and machinery.

That is the report, as far as Sparrovale is concerned. As to the Commission's opinion whether it was wise to go on with this is another matter. I am not quite clear as to the amount that was spent; but, according to this report, there was an expenditure of about £14,000 on buildings, which will have to be scrapped when the land is sold. Now, as to this success of the Sparrovale Farm. The balance-sheet shows in 1908 a profit of £1,350. Mr. Brentnall shows that the profit was only £638. In 1909 the balance-sheet shows a profit of £1,863. Mr. Brentnall shows a loss of £471. In 1910 the balance-sheet shows a profit of £2,436. Mr. Brentnall shows a loss of £700. In 1911 the balance-sheet shows a profit of £3,433, and that the farm was becoming more profitable every year. Mr. Brentnall says there was a loss of £499. That shows that the statements brought before this House were misleading, to say the least of the matter. I would rather go by Mr. Brentnall's report. The rule has been put over that by the honorable member for Prahran and the honorable member for Carlton, and I think it may be taken as correct. The Commission continues—

Mr. Brentnall's statement shows that, after charging 4 per cent. on capital expenditure and allowing ½ per cent. for sinking fund, the loss over the four years 1908-1911 has been £1,033 10s. 3d., or £258 7s. 4d. per annum. The weakness of the position is manifestly in the expenditure upon capital works. We have already given some of this expenditure. Up to 31st December, 1911, no less than £25,469 had been laid out in reclaiming the flats, the erection of improvements, and the purchase of stock. With regard to the reclamation work, the method adopted is, so far as we can judge, sound, but in the absence of complete protection from flood waters it can hardly be called effective, and its real value can be ascertained only by actual experience.

The first thing they should have done, if they were going to reclaim the land, was to build levees to keep the water off in flood time. The report continues—

The reclamation is carried out by means of large main drains which are fed by subsoil drains. The main drains are shut against the river by flood-gates and the water is then pumped into the river. Irrigation is used for the purpose of leaching the accumulated salt out of the land. The cost of reclamation, in Sparrovale, is estimated at £25 14s. 8d. per acre.

I want to know how much land has already been reclaimed. The Premier, on page 904 of the *Hansard* of this year, said that the appreciation must have been enormously higher than any sum spent on the land. I will come to that question again. The Commission's report, at page 29, states—

> If the flood water can be kept off the crops, and settlers can be induced to have confidence in its producing crops such as the experimental plot furnished, we should say that £50 per acre would not be an out of the way estimate of value. We cannot, however, at present regard the reclamation as beyond the experimental stage; and, even if the Commissioners' reclamation is as successful as they hope it will be, it will take them all their time to get back on the sale of this land the whole of the expenditure which they have put into it, unless they can reclaim the balance of their similar land at a much smaller cost.

So that the appreciation so loudly talked about by the Premier can be written off as not worth consideration. Now I will deal with the dairy farm. The Commission also said—

> Much of the criticism levelled against the Trust in respect of Sparrovale was based upon the fact that farming operations are in no sense within the province of a port authority.

I think honorable members will see that farming operations of such a character should not be conducted by a Trust in control of a port which requires large sums of money to be spent upon it. The Trust should not have squandered £40,000 on Sparrovale with a chance of not getting very much back. They may get back some of the expenditure, but not the major portion of it. The report continues—

> It must be admitted that the establishment and maintenance of something in the nature of a model dairy and experimental farm is outside a Harbor Trust's natural vocation. With all respect to the Commissioners, we doubt whether they knew very much about that class of business.

There was a report by Mr. Hamar about this matter, which showed the great bungling that had taken place in the carrying on of the farm. The report continues—

> We are satisfied that the farm returns and records have been carefully kept, and the office work is everything that it should be. Share dairying, even on the land-owner's side, requires both shrewdness and experience, and it is not clear that Mr. Baird, the share-farmer, knew much about dairying. In this case the business is complicated by the carrying on of other farming operations as well as dairying on a large scale. The Commissioners themselves, when they were in difficulties about the produce returns, had to call in Government experts to advise them.

I believe the advice tendered by the Government experts was in language which would hardly come under the heading of parliamentary language. The report also states—

> The Trust's loss is largely due to the Trust's neglect to keep flood-waters off the farm.

This is another case of putting the cart before the horse. The Trust did that in connexion with the harbor, and also in connexion with Sparrovale. They spent huge sums of money on Sparrovale, and forgot that periodically the land is flooded with salt water. This shows the wonderful grip of dairy farming that the Napoleon of Harbor Trusts had. The Commission also stated—

> The reclamation work is not harbor reclamation, and, while the same engines can be made responsible for both works, the same plan cannot be used for both. The whole business is really an excrescence on the natural work of the Trust.

I am sorry the Premier is not here to listen to this report as to the advisability of the Trust carrying on a farm of this kind. The report continues—

> We feel that it would be in the interest of the Trust itself that it should be relieved of the responsibility, and therefore recommend that Sparrovale and all other lowlying lands on the Barwon River be handed over to the State Rivers and Water Supply Commission on terms to be arranged.

We know that Mr. Mead is a keen business man, and I doubt very much if the State Rivers and Water Supply Commission, so long as he is at the head of it, will take over a venture such as this, saddled with such an enormous debt.

Mr. SNOWBALL.—What did the land cost per acre?

Mr. BAYLES.—Up to the time the Premier made his speech, about two weeks ago, the cost was £54 8s. 10d. per acre. Under this Bill it is proposed to spend another £5,000. That means that they will add another £6 17s. 6d. per acre to the cost. I am sorry the honorable member for Dandenong, who is a great expert, is not here, because I would take his judgment on land questions before that of any one in the House. The whole of the 727 acres will have to be sold at £61 6s. 4d. per acre.

Mr. MURRAY.—It is worth about £100 per acre.

Mr. BAYLES.—The Royal Commission thought that possibly £50 per acre might be obtained. The Chief Secretary

forgets that the Trust has yet to spend £25 14s. per acre on the land that has not yet been reclaimed. They have to add that on to the capital value.

Mr. MURRAY.—You do not propose to add that on to the capital value of Sparrovale Farm?

Mr. BAYLES.—The Premier told us that the Trust is doing this work to get revenue. He said that the appreciation of the value of the land must have been enormously bigger than any sum spent upon it. I am showing that the appreciation of the value of the land is nothing. The land cannot be sold for anything near what has already been spent upon it. The honorable member for Prahran knows as well as I do that to get £60 per acre you want "spud" land.

Mr. MURRAY.—No; lucerne land.

Mr. BAYLES.—The Trust will have to get £61 6s. 4d. for the little piece they have done.

Mr. MURRAY.—Good lucerne land is worth £100 per acre.

Mr. BAYLES.—This is not good lucerne land. It is land which has yet to be proved, and levees have to be put up big enough to carry off the biggest flood. Would the Honorary Minister (Mr. J. Cameron), who is a walking expert on land, be prepared to pay £61 per acre for the 727 acres? If he says he would be prepared to do so, no doubt there are people in Melbourne who would finance him.

Mr. J. CAMERON (*Gippsland East*).—I have paid £60 odd per acre for land.

Mr. BAYLES.—The honorable gentleman would have to pay £61 per acre for the 727 acres, and £25 per acre to reclaim a large area of other land. I think the appreciation of the value of Sparrovale Farm may be written down as nil. In years to come, when these 727 acres are cut up and sold they will never realize £61 6s. 4d. per acre. The report of the Royal Commission further says—

> The Trust's policy has been to secure its assets, and to provide in advance for all possible requirements of port development before complications arose, or before the enhancement in values, as a result of its own operations, made resumption unduly expensive.

That is a very nice way of saying they have spent a large sum of money that will never be returned. The report continues—

> To those who do not believe in the possibility of the successful reclamation of the waste lands, some of these purchases must appear an unnecessary locking up of money required for port development.

I believe that is the truth. The Commission said—

> Our advice would, therefore, be to delay the erection of expensive levee banks (except that designed to protect Sparrovale) and the installation of a large drainage system, until the whole Sparrovale scheme has justified itself as a drainage and irrigation proposition by permanent and indisputable results.

The Trust were going to cut a channel through Lake Connewarre. They were going to put in levee banks there and fill the place up. The report continues—

> It would be well to let this beneficent natural action have free play before embarking on an expensive undertaking, which, even if it succeeded, may never show more than a 4 per cent. net return on the outlay.

I am sorry that I have taken up so much time. There has been such a lot of talk about the success of the Geelong enterprises, of which I have doubts, that I thought I was justified in giving my views on the subject. The Trust rushed into the spending of money illegally, and we had to follow it up. Now I come to the present position of the Trust. The Premier, on page 902 of *Hansard* this year, is reported to have said—

> The net loss for the seven years covered in the operations of the Trust, after making provisions that I shall have occasion to refer to, was £1,563.

If the Premier's figures are correct—and I think they are—it was the trade gambles that brought the Trust into its present position. The net loss on the freezing works for four years was £1,752. If the Premier's figures are correct the harbor proposition is not a bad one at all. I am sorry the Premier is not in the Chamber at present, because I wish to refer to the following statement he made:—

> A good many have assets, although they may have very little money jingling in their pockets. There may be some such men in this House.

I hope honorable members have plenty of money jingling in their pockets. In another part of his speech, the Premier said—

> It becomes a matter of opinion in the end as to whether the Trust has gone too far as a business proposition in the work of reclamation. If I had been a member of that Trust I do not think I would have spent so much money on Sparrovale.

It is a pity he did not take up that position some years ago. He further said—

> The Commission, after careful investigation, comes out with a different opinion, and it was composed of both town and country members. Supposing Sparrovale is put down as a failure, what I would ask is the extent to which it has failed? The answer is £1,800 from 1907 to 1912.
>
> Mr. FARRER.—Not so great as the freezing works.
>
> Mr. WATT.—That shows that the very great amount of criticism was really much ado about very little from the stand-point of finance.

The Premier suggested that the Melbourne Harbor Trust should take over the work of the Geelong Harbor Trust, and carry it on. Why should the Melbourne Harbor Trust take it over? Why should it be saddled with £200,000 worth of assets that are not earning their salt?

Mr. J. W. BILLSON (*Fitzroy*).—The profits of the Melbourne Trust might cover the Geelong deficiencies.

Mr. BAYLES.—Yes; but we should not allow that to be done. The Geelong harbor is, of course, a national matter, but why should the Melbourne Harbor Trust be saddled with a lot of gambles? That is what I call the enterprises that do not belong to the harbor works, and that is all they are. I have never opposed expenditure on the Geelong harbor. The Trust has spent £184,000 on the harbor, and £188,000 on outside works which bring money into Geelong. The men engaged in working there spend money in Geelong. The people who live round about Geelong get the benefit. They get the benefit from the expenditure of £188,000 on these works, and why should not the Geelong people take charge of these works? My suggestion is to separate the harbor works and the gambles from each other. We have heard from the honorable member for Gippsland East that these works that I call gambles are a splendid thing. We have heard the Premier and the honorable member for Ballarat East say that they are a good investment. Why, then, should not Geelong take them over? What I contend is that the various municipalities in Geelong should take these works over. The annual rateable value of the property in these municipalities amounts to £240,000.

Mr. J. W. BILLSON (*Fitzroy*).—Can you tell us why these municipalities should take over Government failures?

Mr. BAYLES.—It would be more rational to ask them to do so than to ask the Melbourne Harbor Trust. The Premier said that the Melbourne Harbor Trust should take over the Geelong Harbor Trust, but I contend that the municipalities of Geelong should take over the works or, at any rate, the enterprises that are foreign to harbor improvements.

Mr. MENZIES.—Did the Premier say that definitely?

Mr. BAYLES.—Yes; he said they should amalgamate. The freezing works are an excrescence. Why should the Melbourne Harbor Trust be saddled with an expenditure of £10,000 on Barwon Heads? What has Melbourne to do with Barwon Heads? The Premier made the proposal and quoted the figures. It is all in *Hansard*. The Government will give up £3,000, and allow the Geelong Harbor Trust to have an endowment worth an incalculable amount. They charge the Melbourne Harbor Trust, however, £60,000 for their endowment. Is Geelong to pay nothing in return? I am perfectly willing that Parliament should give the Trust a bonus if they are short for legitimate harbor works, but why should the Government be saddled with the trading works? If the Government give up something, why should not the Geelong municipalities also do something? A penny rate would mean £1,000.

Mr. SNOWBALL.—But you say that they are rotten investments.

Mr. BAYLES.—The Government say that they are splendid investments. If that is so, why not let Geelong have the benefit of them? It has been said that Mr. Holden and Mr. Lascelles were splendid members. Why not give Mr. Holden so much out of the expected profits to manage the works? One honorable member said that if Mr. Holden returned to Geelong everything would be right again. If anything is done in the way of amalgamation then the trading concerns at Geelong should be separated from the harbor. Let Geelong carry on those trading works, and get a profit from them if they are so good. If not, let them strike a rate up to, say, 3d. in the £1. They would then be giving the same sum as the Government propose to forego under this Bill. Those who get the benefit of the works ought to pay for it.

Mr. MENZIES.—Would you advocate the municipalization of the freezing works?

Mr. BAYLES.—Anything to prevent them becoming a burden on the taxpayers of Melbourne, or the whole State. The

honorable member for Prahran says that they are paying.

Mr. MACKINNON.—I would not be surprised if you could get a cheque tomorrow for the whole thing.

Mr. BAYLES.—If the honorable member can do so he should get it. I think the Government would be very glad to get their £100,000 back, and the Trust would be very glad too, because they could spend the money in improving the harbor.

Mr. WATT.—There are still a few enemies of the freezing works in the trade.

Mr. BAYLES.—Well I am not in the trade. We have had this financial failure put before the House.

Mr. MACKINNON.—There is a good demand in Australia for freezing works.

Mr. BAYLES.—Yes, and in New Zealand as well. When I was in New Zealand, eighteen months ago, all the freezing works were run by private enterprise. There were no State freezing works there, at any rate, and their meat sells at a higher price than that from Geelong. The Bill will have my support, but I would ask the Premier if, before it passes, he will give us a balance-sheet, showing the position of the various institutions.

Mr. WATT.—The Auditor-General gets that, but you say that it is not in the form you would like. I admit that it can be put on more commercial lines, but that would need an amendment of the Act.

Mr. BAYLES.—We could amend it now, and we could take up the position of declining to pass the Bill until they give us a balance-sheet. The Trust must get money to carry on. I do not wish to block the Bill, because I will vote for the second reading.

Mr. WATT.—Then what is all this speech about?

Mr. BAYLES.—One has to admit that an extra superfine coat of varnish has been put over a lot of damaging statements.

Mr. WATT.—You feel you should vindicate yourself.

Mr. BAYLES.—My statements require no vindication. They have been borne out by the Premier.

Mr. J. W. BILLSON (*Fitzroy*).—Yes, you set out to prove that it is bad, and you have proved it, and then finish by saying that you will vote for the Bill.

Mr. BAYLES.—I asked the Premier, in the first instance, to make them spend their money on the harbor.

Mr. J. W. BILLSON (*Fitzroy*).—And you find he has not done so.

Mr. BAYLES.—I propose that a penalty should be inserted in the Bill when it reaches Committee.

Mr. J. W. BILLSON (*Fitzroy*).—A penalty on the Premier.

Mr. BAYLES.—We cannot do that. He says that he has complete control over the Harbor Trust, but the Premier must admit that the Government have not seen that the expenditure of the Trust's money has been in connexion with the port. Before it gets a loan a municipality has to give a schedule to the ratepayers, showing how the money is to be spent. The Geelong Harbor Trust asked Parliament to give it increased borrowing power. The Trust was accordingly asked if the money was to be spent on harbor works. That was the desire of the Government, but it was not carried out. What was the penalty? The Government placed Mr. Holden in the chairmanship of another Trust. That was the only penalty imposed upon him for doing something which he was not to do. The honorable member for Lowan said that he did not hear the Premier's statement about the Melbourne Harbor Trust taking over the Geelong Trust. In his second-reading speech the Premier is reported to have said—

> Why should not the finances of that trust and of the smaller outer trust of Geelong be linked together for the purpose of mutual support?

I have now had my say on this matter, and I think I have indicated the position which I have taken up during the last five or six years. During that time, I have had all sorts of taunts hurled at me, and all sorts of personal motives attributed to me. I care nothing for those charges, because honorable members know that they are quite false. I only did what I thought it was my duty to do; and as for the gentleman who has been charged with supplying me with information, I may say that he gave me very little indeed; I got most of my information from official documents and returns. In conclusion, I would say that if we go in for anything of this kind again—if the Government intends to go into any other trading concern—it will be well, I think, for them in future to come to this House and ask its sanction for the

expenditure of money before that money is spent, instead of adopting the back-door system of spending certain sums of money and then coming down to the House for authority. Take, for instance, their action in connexion with the South Melbourne market site. They first spend £10,000, and then they come along to the House and ask the House to say that it is right.

The SPEAKER.—The honorable member must not discuss another Bill which is before the House.

Mr. BAYLES.—I may be wrong in doing so, but I only wished to point out that the case of the Geelong Harbor Trust is exactly on the same lines as the action of the Government in connexion with the South Melbourne market site. The Government went in for this business, and spent money in connexion with it, and then they came down to Parliament and asked for further money to go on with—in fact, asked Parliament to legalize something which the Trust had done illegally. The Geelong Harbor Trust stands convicted of getting Parliament to do things which, if it had known the real truth beforehand, it would not have sanctioned. I do not think that Parliament, with its eyes open, would have allowed these people to go in for freezing works and a dairy farm—which was really a kind of wild-cat, land-boom scheme—if it had known the amount of money that would be required. Parliament would have said to the Geelong Harbor Trust, "You can spend money on the harbor and after you have got that perfect, after you have had the channel deepened and widened, then you can come to us, and we will say whether it will be wise to go in for freezing works, milk farms, or any other kind of farms such as you propose." If the proper course had been followed, the Geelong Harbor Trust would not have been landed in the mess into which they have fallen.

Mr. McGREGOR.—I have listened, and honorable members have listened, to a long tirade of abuse, particularly of the late chairman of the Geelong Harbor Trust.

Mr. BAYLES.—I rise to a point of order. I must ask you, Mr. Speaker, to ask the honorable member to withdraw the statement which he has just made. I have never "tiraded." I desire to ask your ruling, Mr. Speaker, as to whether the honorable member is in order in referring to my speech as a "tirade of abuse"?

Mr. McGREGOR.—What else was it?

Mr. BAYLES.—It was the truth, and I cannot help it if it was unpalatable.

The SPEAKER.—I think it would have been better, as a matter of taste, if the honorable member for Ballarat East had couched his remarks in different language.

Mr. McGREGOR.—At any rate, I have listened for two hours to the honorable member for Toorak, and I must say that the condemnation which he indulged in was divided between the late chairman of the Geelong Harbor Trust and the members of the Royal Commission, being sometimes varied by condemnation of the Government.

Mr. ELMSLIE.—What is there wrong about that?

Mr. McGREGOR.—Perhaps the honorable member desires to justify the condemnation of the honorable member for Toorak. That honorable member has constituted himself the watch-dog of the Geelong Harbor Trust. But I should have thought that, after he had read the report of the Royal Commission, he would have run to his kennel yelping, with his tail between his legs. I will draw the attention of the House to some of the remarks of that Commission, which was appointed chiefly owing to the determined and persistent attitude of the honorable member for Toorak with regard to the Geelong Harbor Trust. This Commission, as honorable members are aware, was composed of members from both sides of the House; and I will read an extract from their report, which will show their opinion of the chairman of the Geelong Harbor Trust. The Commission states—

> The policy of the Trust must inevitably be influenced by the facts mentioned if it proceeded on rational lines. We may say here that, if our long and careful scrutiny of the operations of the Trust has disclosed anything, it has most fully demonstrated that the Commissioners have acted with conspicuous energy—

Mr. BAYLES.—Yes, misguided energy, diseased activity.

> and, in the lines which were followed, with undoubted zeal and ability. It must also be admitted that everything that the Trust has done has been undertaken in compliance with carefully thought out lines of policy, and its action has been as consistent as circumstances would allow.

Mr. SNOWBALL.—Some lawyer wrote that report.

Mr. McGREGOR.—The report goes on—

> Finally by way of general remark and before proceeding to examine and pass judgment upon the policy of the Trust during the six years of its existence, we should like to say that we accept to the fullest extent what is really a commonplace among authorities on harbor development, namely, that an up-to-date port should be many years in advance of present day requirements, and that, *a fortiori*, the policy of a live port authority should anticipate the future to a similar extent.

I think that honorable members who are acquainted with the late chairman of the Geelong Harbor Trust will agree with me that, for administrative ability, there is no man who can surpass him in this State. I also maintain that the establishment of the freezing works and the reclamation scheme, of which the Sparrovale farm was the basis, were all done in the interests of the port and in the interests of decentralization.

Mr. BAYLES.—The Sparrovale farm! Do you say that was in the interests of decentralization?

Mr. McGREGOR.—The Sparrovale farm was the basis of the operation of the reclamation works, in connexion with which the salt marsh land, which was almost valueless, was made into a very valuable asset.

Mr. LANGDON.—What had that to do with the question?

Mr. McGREGOR.—I would point out that there are various kinds of ports. Geelong is primarily a port for export. The exports at Geelong are double the imports, whereas in Melbourne the imports are double the exports.

Mr. BAYLES.—Can you tell me how much of the Sparrovale land has been reclaimed?

Mr. McGREGOR.—The honorable member has asked for that information about fifteen times. The answer is 1,000 acres.

Mr. BAYLES.—There are only 700 acres in the farm.

Mr. McGREGOR.—I am talking about the reclaimed land. Now the revenue of the Trust from its inception in December, 1905, to the end of 1912, was £176,217, and the expenditure £177,784, leaving a deficit of £1,567. It must be remembered, however, that provision was made for expenditure which will not recur, amounting to £11,219. A sum of £9,020 was expended, owing to the loss of those dredges, which, I think, every one regretted not so much for the material loss, as because of the loss of life when the dredges were being brought from South Africa to this State. Then there was an expenditure of £315 for flotation expenses, £304 for increases in the office, and £1,269 which it will cost the Trust for the inquiry which was asked for by honorable members on this (the Ministerial) side of the House. I am not sure what it cost the Government.

Mr. WARDE.—What did it cost the Trust in law expenses?

Mr. McGREGOR.—Law expenses are included in the £1,269. The last item is £311 for sundries, making a total of £11,219. Out of revenue, the Trust has a sinking fund of £6,450, and also a reserve fund for depreciation, amounting to £2,000, making a total of £8,450. Moreover, the Trust has been compelled under its Act to pay into the consolidated revenue one-fifth of certain revenue, and that contribution, up to the end of 1912, amounted to £18,037. It has also allowed the railways to get coal free of wharfage dues, which would have amounted during the same period to £16,440; and, during the term it has been in operation, the Trust has paid £13,400 per annum interest. Now it is not to be expected that works such as have been mentioned by the honorable member for Toorak, and which are now in a developmental stage, are going to give anything like a return until the industries which they were expected to develop have got into fair working order. We have heard a great deal of talk about the freezing works, and it is a question whether such an enterprise is part of the work which should be allotted to Harbor Trust Commissioners. I would point out, however, with regard to the freezing works, which have received such strong condemnation at the hands of the honorable member, that until last year, which was a very adverse year, those works showed a very fair profit. As honorable members are fully aware, the Trust has very limited powers in this direction. It cannot buy, and therefore cannot compete with other buyers of stock in the market. The Trust is not empowered in any way to send out agents.

Mr. LANGDON.—It knew all that when it went into the business.

Mr. McGREGOR.—Certainly; but they had to wait Micawber-like for further powers.

Mr. ELMSLIE.—I suppose the next request will be that the Trust should have power to go out and buy lambs?

Mr. McGREGOR.—I do not know about that. I am simply pointing out that the Trust had very limited powers.

Mr. BAYLES.—Why did it not wait until it got the necessary power before it started out on the freezing works?

Mr. McGREGOR.—I had nothing to do with that. Leaving out last year, the result on the freezing works was a net profit of £2,981.

Mr. BAYLES.—That is without providing for depreciation.

Mr. McGREGOR.—As every one knows, last year was a bad year and the result on the working capital was a loss of £315.

Mr. BAYLES.—The Premier said the loss was £4,735.

Mr. McGREGOR.—I think it was £315 on the working capital. In addition to that, there was the interest on capital, sinking fund and depreciation amounting to £4,417, making a total of £4,732. That was the position of the freezing works up to the end of last December. We have heard a great deal about Sparrovale, and there is a difference of opinion as to whether a farm should be attached to the Harbor Trust, but it is necessary to understand the conditions under which that land was taken over. It was a gift to the Commissioners, and, in my opinion, they have done remarkably well. Some of the best reclamation work in the Commonwealth has been done at Sparrovale. Its showing is not so very bad. The revenue has been £23,583 and the expenditure £19,316, leaving a credit of £4,267, but that does not take into account interest on capital and depreciation. If you add those you will find that there is a deficit on the Sparrovale farm amounting, I think, to £1,815, but I think that in the interests of decentralization the works which have been established have done a great amount of good, not only to Geelong, but to the whole of the State. We have the freezing works in Geelong, and they have employed a great deal of labour. In pursuance of the power we have to allow some one else to operate the works, we have let them for two years to Sims, Cooper, and Company, at a rental of £5,980 per annum. For the next two years, therefore, the works will be assured of having a fair interest on their cost.

Mr. J. W. BILLSON (*Fitzroy*).—What percentage does that rent represent on the capital?

Mr. McGREGOR.—It would have represented 7 per cent. if we had been able to give them possession on the 1st July. We advertised that whoever took possession would date his possession from the 1st July; and from the 1st July of this year until 1st July next year would mean 7 per cent. That is leaving out the two months they were not able to work.

Mr. WATT.—In other words, for the period of occupancy they would pay 7 per cent.

Mr. McGREGOR.—Yes.

Mr. SOLLY.—Does that cover the land as well as the buildings?

Mr. McGREGOR.—The land occupied by the works.

Mr. BAYLES.—What does the Geelong Harbor Trust pay for the money?

Mr. McGREGOR.—Four per cent. I think myself it is a very fair undertaking, especially under the conditions in which the Trust Commissioners are placed. As already stated, they had no power to buy, and were dependent on times of great stress in other freezing works. All the freezing they had to do was when the other works were filled up. Therefore, with the limited power they had, it is not fair to blame the Commissioners, inasmuch as they had not full power to make the freezing works a payable concern.

Mr. J. W. BILLSON (*Fitzroy*).—I think the honorable member for Toorak blamed them for not being able to see that they could not buy lambs when private enterprise could buy lambs and then rent the freezing works.

Mr. LANGDON.—The Trust has spent money for purposes that were not intended. The Trust was to improve the harbor.

Mr. McGREGOR.—The Act gave full authority to the Commissioners to do all that they have done.

Mr. BAYLES.—Not the original Act.

Mr. McGREGOR.—The Act has given power to the Commissioners to do all that they have done. The loan account of the Trust, from 1905 to 1912, showed that £372,812 had been raised. Of that amount £363,000 was obtained on debentures, of which £263,000 was from the general public and £100,000 from the

Government. From other sources about £9,000 was obtained, making a total of £372,812. Out of loan money, the Trust had to pay £31,014. When they took over the railway pier they paid £12,341. I would contrast the action of the Government in that respect with what was done in the case of the Melbourne Harbor Trust, when the latter body took over the Port Melbourne pier. They reduced the contribution they had to pay to the Government by about £5,000, I think. In the interests of decentralization, the demand for £12,341 should not, in my opinion, have been made. The Geelong Harbor Trust also paid £12,000 for Osborne House and grounds, and it has been proven, to the satisfaction of some of us, at any rate, that these grounds were necessary for the Corio Quay scheme if it was to be developed on satisfactory lines.

Mr. J. W. BILLSON (*Fitzroy*).—I think they fell in over Osborne House.

Mr. McGREGOR.—In paying the Government so much—yes. The same remark will apply to Osborne House as to the railway pier.

Mr. BAYLES.—Is there any rent now?

Mr. McGREGOR.—No.

Mr. WATT.—It is the Naval College, and the Federation do not believe in paying rent.

Mr. McGREGOR.—The Federation also insisted on being given land in order that they might erect a woollen mill at Geelong. This mill is now in course of construction, and will be a good thing for Geelong and the State. I cannot understand how any people in Geelong should find fault with what has been done in their city.

Mr. WATT.—Because they are not doing it themselves, in some cases.

Mr. BAYLES.—I challenged the Premier on that before, and I will do it again.

Mr. WATT.—Because they are not doing it themselves, in some cases.

Mr. BAYLES.—That is not fair.

Mr. McGREGOR.—I am very much surprised that any people in Geelong should indulge in hypercritical criticism.

Mr. J. W. BILLSON (*Fitzroy*).—Why not criticise if they think a thing is wrong?

Mr. McGREGOR.—I said hypercritical criticism. There is a difference between being critical and being hypercritical. I think the Commissioners are worthy of the highest commendation. This remark I am not applying to myself. I think it is to the honour of a man like Mr. Holden that all the charges have been answered which were brought against him in this House and before the Commission of Inquiry, which cost £1,269. I cannot understand how any hypercritical judgment could be expressed by people of Geelong with regard to the Trust Commissioners, inasmuch as the Commissioners have done more than any one else I know of for the development of Geelong. From 1910 to 1913 the population of Geelong increased by 10,000.

Mr. ELMSLIE.—Then there are more people in Geelong than in Ballarat.

Mr. McGREGOR.—Not a few people have gone from Ballarat and livened up Geelong. If you want to liven a place up, get a few people there from Ballarat. The honorable member for Toorak has used a large number of figures, and I cannot for the moment remember them all. In my opinion, however, the Geelong Harbor Trust Commissioners have done remarkably well under the circumstances, and they should have the greatest commendation instead of condemnation.

Mr. J. W. BILLSON (*Fitzroy*).—We ought to thank God it is no worse.

Mr. McGREGOR.—I did not know the honorable member had the grace to thank God for anything.

Mr. J. W. BILLSON (*Fitzroy*).—The honorable member is wrong there.

Mr. McGREGOR.—There are semi-public or Government undertakings, and wholly Government undertakings, which will not compare with the Geelong Harbor Trust, because the Geelong Harbor Trust will show better results.

Mr. BAYLES.—That is rather insulting to the State Coal Mine.

Mr. McGREGOR.—I think the Trust has made a very good showing, and will justify its existence.

Mr. WATT.—Do the present Commissioners intend to build a kennel for the watchdog?

Mr. McGREGOR.—No, I am only sorry that the honorable member for Toorak seems to have some feeling of antagonism towards the late chairman of the Trust.

Mr. BAYLES.—I have absolutely none.

Mr. WATT.—The honorable member for Toorak is free from all bias.

Mr. McGREGOR.—The honorable member for Toorak satirically represented

the late chairman of the Geelong Harbor Trust as a Napoleon of finance.

Mr. BAYLES.—No, a Napoleon of Harbor Trusts.

Mr. McGREGOR.—I would leave out the satire and say that, in my opinion, Mr. Holden is a Napoleon of finance. I do not know of any man who has greater administrative ability than the late chairman of the Geelong Harbor Trust. He has been transferred to Melbourne, and I think the result of his control of the Melbourne Harbor Trust will show the House and the country the great ability he has.

Mr. FARRER.—I am not particularly concerned with the origin of the Geelong Harbor Trust. I have not got time to deal with that matter at the length the honorable member for Toorak did. Probably I could deal with it more in the light of absolute facts than he did.

Mr. WATT.—That would not be hard.

Mr. FARRER.—I suppose the honorable member for Toorak is perfectly within his rights in criticising the Geelong Harbor Trust, but if he wants to analyse things he should look at the expenditure on irrigation, and on the works down at the Yarra. He should tell the people how much money has been spent on works on the Yarra. I do not know that the House exactly knew what would be the outcome of the Trust when it was appointed, and I think it was generally anticipated that alterations would be required from time to time as developments ensued. Honorable members are crying out for the improvement of the port of Geelong, and I do not think it is necessary on this occasion to deal with the work of the Geelong Harbor Trust at Sparrovale.. It is not necessary for me to say whether I would have acted in the same way as the Trust did. I think the Premier made a very fair speech, and left people to come to their own conclusions. I do not think the honorable member for Toorak was quite fair in his references to the development of the Port of Geelong. The Trust met with many difficulties, but from their work there have been some very good results. The honorable member did not seem to be able to tell the House what expenditure will not be incurred again in connexion with the operations of the Trust. Whatever the purpose of the honorable member may be, the object of this Bill is to carry out the intention of Parliament in reference to establishing shipping facilities at North Geelong, and to improving the channel for the benefit of the north-western and western districts. We know that even if the best possible methods are adopted a good deal of trouble will be met with. It is unfair for honorable members to hamper the passing of the Bill when they pretend that they are in favour of the development of the outer ports. We are going to spend money at Portland, Warrnambool, and Port Fairy. Is it expected that those export ports will pay right away?

Mr. BAYLES.—You are not going to have freezing works there.

Mr. FARRER.—We do not know what we will have when those places become as large as Geelong. It would be distinctly wrong not to finish the wheat shipping facilities at North Geelong and the deepening of the channel. I do not think the House would make itself so small because of the errors, or supposed errors, for which the House in general, and the Ministry of the day in particular, are responsible. The Bent Government backed the Chairman of the Geelong Harbor Trust up in everything that he did.

Mr. J. W. BILLSON (*Fitzroy*).—Until he voted against them.

Mr. FARRER.—Parliament has sanctioned national works at Geelong, and there is no good reason for quibbling at the Geelong Harbor Trust which is carrying out a semi-public duty. The Commissioners have made considerable improvements, and many of their works will become more profitable. It appears that some people are against the development of Geelong. Until the Geelong Harbor Trust was constituted, Geelong was not favored by Governments. It was distinctly kept back.

Mr. J. W. BILLSON (*Fitzroy*).—It was neglected.

Mr. FARRER.—It was worse than neglected. Geelong was distinctly kept back until all the trade was centralized in Melbourne. Now that all the trade has been centralized in Melbourne it would not be an injustice to ask Melbourne to bear some of the expense of ports other than the port of Melbourne. Before Melbourne was developed ships used to unload at Geelong, and the cargo used to be carted to Ballarat, which was the great place. Melbourne was developed, and everything at Geelong was kept back. We

have to recognise that the improvement of the port of Geelong is necessary in the interests of the State. Why did not the honorable member for Toorak give a long speech about the money wasted on irrigation? Some £3,000,000 has been lost in connexion with our irrigation schemes, and there has been nothing like that loss at Geelong. It is not a proper position to take up to expect everything that the Geelong Harbor Trust does to show a profit the next minute. To criticise the operations of the Trust in that way is absurd. I congratulate the Government on proposing to provide the necessary money, and doing it in a proper way. They have placed the method of expending the money in a schedule, so that we will not have to trust the Commissioners, or anyone else, to spend it on the harbor. I congratulate the Ministry on taking this step so early in the session. It would take some time for me to point out why the Trust has not carried out more harbor works. When the honorable member for Toorak was criticising the Trust, why did he not point out the disability caused by the loss of the dredges? I desire to say briefly that there is no more deserving work than the proper opening up of the Geelong harbor. If we agree with New South Wales in the near future, and the great area of fine cultivation country in Riverina is opened up for wheat-growing, the wheat will be sent down on our railways. Then it will be a good thing to have more than one port of shipment. We cannot deal with the matter too soon. In time of stress Williamstown is absolutely blocked, and the method followed at Williamstown is not the best. We can have a better method at Geelong, and save congestion in the Melbourne yards. The course the Government propose to take, as shown in the schedule of the Bill, is a legitimate and proper course to take, and I am sure, will commend itself to the fair-minded representatives of the people in this House.

Mr. MENZIES.—We have listened to considerable criticism by the honorable member for Toorak as to the deeds and misdeeds of the Geelong Harbor Trust. Whilst there may be some evidence to bear out the contention that the Trust has done certain things that are not strictly legal, still it appears to me that generally speaking the sanction of the House has been obtained to any enterprises embarked upon. I am not so much concerned with the past history of the Trust as I am with the proposition contained in the Bill before the House. The Bill proposes to increase the borrowing powers of the Trust from £400,000 to £500,000, and the money is to be spent as specified in the Bill. There is also a special subsidy from the Treasurer. The work, I understand, is to be extended over eighteen months, and it is thought that the works to be carried out will, when completed, involve an expenditure of something like £200,000. The Premier qualified that statement by saying that it was very difficult at the present time to say exactly what the ultimate cost of the works would be. In introducing this Bill the Premier drew attention to the great disparity between the value of the business coming into Melbourne and Geelong. In and out Melbourne derives a revenue of something like 1s. 3d. a ton, whilst Geelong receives something like 6d. per ton. This in itself may account for the action of the Trust in looking around for some other methods to augment its revenue. We know that it did embark on freezing works and on farming at Sparrovale. I had the pleasure of going through the freezing works some few years ago, and although there may have been a loss in bringing these works into existence, I think we should have no regrets in consequence of the action taken. I believe that we were very much behindhand in the recognition of the value of freezing works at the seaboard. The Trust has done a good service in making this provision for the benefit of the farmers and the producers of this country. As to the leasing of the freezing works, I think we need to be exceedingly careful that any contract entered into shall be safeguarded. We do not want any firm, however worthy it may be, to get a monopoly of the advantages accruing from works brought into existence through the agency of the Government. I paid particular attention to the Premier's utterance with regard to this matter, and I think the interests of the purchasers and of the Government have been safeguarded by the carefully-drawn contract entered into. I think we can rest assured that the conditions of that contract, which will return us 7 per cent., are fairly satisfactory. It is to be hoped that it will prove a permanent source of revenue to the Trust. It appears to me that the Sparrovale Farm was an experiment.

that might have been left alone. However we view the matter, I do not think the duties of a Harbor Trust can be reasonably extended to include experimental farming. On the other hand it may have appeared to men on the Trust, with a considerable knowledge of agriculture, that an opportunity had presented itself in the acquirement of this strip of land for carrying on farming operations. They wished to reclaim the land and make it profitable if possible. After listening to the very strong indictment levelled against the administration of the Trust, it must be reassuring to learn from the Treasurer last week that the net loss on the whole of its operations was only something like £1,563. After all, that loss is a mere bagatelle. Whilst the House may not care to sanction the continuance of this loss, the question we have to ask ourselves is—How is it to be avoided? In dealing with this question, the Premier suggested that the finances of the Melbourne Harbor Trust and the Geelong Harbor Trust might be knitted together for the benefit of the exporter. The Melbourne Trust, as the Premier stated, has a surplus of £122,000. The honorable gentleman's idea is that we might regard them as one authority dealing with the interests of Port Phillip Bay. If we accept such a proposal it should only be on the understanding that we must not lose sight of the importance of decentralization. If we admit that it is a right thing to use for Geelong some of the profits from the operations of the Melbourne Harbor Trust, then it seems to me that an extension of that principle may be asked for. It may be urged that outer ports like Portland, which for a long time must be essentially exporting harbors, should get a look in when they require assistance. That might have far-reaching consequences. Even when Portland is attracting its due share of the trade, which I hope will not be in the dim and distant future, it is likely that two-fifths of the wheat grown in the north-western province must find its outlet at Geelong. Therefore, the Trust should be kept in as strong and healthy a condition as possible. At first blush this proposition to assist Geelong is good, as far as it goes; but, if the principle is to be accepted, its extension to some of the outer ports might reasonably be urged. Are we to expect that at the end of two years the Geelong Trust may be merged in the Melbourne Trust? If so, I think that would be a somewhat retrograde step. The strongest argument that could be used for giving the assistance already granted to the Geelong Trust is based on the idea that decentralization might be encouraged, and the claims of settlers in the north-west recognised. Therefore, anything that would have a tendency to centralize the whole of the administration in the port of Melbourne must almost inevitably lead to a failure to recognise the claims of the port of Geelong as they should be recognised. If that were the result, it would be a very unfortunate thing. The continued recognition of the need of shipping facilities at Geelong could be best guaranteed if there were an active local administration such as would be likely in the administration of the Geelong Trust. I sincerely trust that there is no indication in this Bill that practically at the end of two years the mortuary arrangements of the Geelong Trust are to be entered upon.

Mr. WATT.—There is nothing in the Bill about it. Of course, due notice of the funeral would have to appear.

Mr. WARDE.—They will want some more spoon-feeding.

Mr. MENZIES.—I think it is pretty clear from the operations of the Trust, which are based on an almost exclusively export trade, that they will require some assistance if they are to get on.

Mr. WARDE.—That is the only certain thing about the proposal.

Mr. MENZIES.—I trust that the assistance granted to the Trust in carrying out the work of improving the port——

Mr. WARDE.—Do you honestly think they will be able to finance themselves after this is done?

Mr. MENZIES.—It is hard to credit the extension of trade that may result now that we have a railway tapping the western plains, and, possibly, the freezing works may be placed on a better basis through the activity of the firm or firms——

Mr. WARDE.—The firm or firms will still bring their trade to Melbourne, and export from Williamstown.

Mr. MENZIES.—I am inclined to think that the railway I have referred to will greatly augment the quantity of produce which must come into Geelong. I believe that the establishment of freezing works there, and better facilities for handling wheat, will give a fillip to the importing and distribution trade.

Mr. WARDE.—Will that fillip be sufficient to cover the expenses of the operations?

Mr. MENZIES.—It is very hard to prophesy. I really think that the prospects of the freezing works particularly are very much healthier and better now than they have been in the past. The Trust, in bringing those works into existence, has made it possible for the producers in the north-west to recognise their value. The general manager, who had been in New Zealand, told me when I went over the works that the farmers in Victoria were slow to recognise their value, and it was really necessary to carry out propaganda work in order to prove the benefits of such an establishment. In New Zealand the farmers recognise the value of the works to a greater extent. There they are conducted by private firms. When in Christchurch I had the privilege of looking over the Canterbury Freezing Works. They are in a district which is no richer than the Wimmera plains, yet 1,200,000 lambs were frozen there, while the output of the Wimmera Freezing Works was 200,000. Honorable members can, therefore, see the vast possibilities of expansion when the Geelong works are more generally appreciated. I sincerely trust that the producers may come to recognise the value of the works, and that they may not prove so disastrous as the honorable member for Toorak would have us believe.

Mr. WATT (Premier).—May I express the hope that the House will agree to the second reading of this Bill before we rise to-day. I intimated when I moved the second reading of the measure that there were many pressing needs and that the Trust did not feel comfortable as to the works in which they were engaged and the men who were employed. I should, therefore, be glad if any honorable member who intends to speak on the Bill would reserve his remarks until after the second reading, or, if he cannot do that, if he will be as brief as possible this afternoon. The desire is to come to the assistance of the Trust for immediate and pressing necessities.

Mr. PLAIN.—I desire to say a few words on this Bill, and I do not think the request of the Premier is quite a fair one, especially in view of the proposition which the Government is putting forward for the amalgamation of the Geelong Harbor Trust with the Melbourne Harbor Trust. I think the sooner we know the intentions of the Government the better. It seems to me that the Premier is rather hasty in his desire to get the Bill through.

Mr. WATT (Premier).—By leave, may I say that I do not want to be hasty. I quite recognise that there are special reasons why the honorable member for Geelong, who represents the district affected by this Bill, should have the fullest opportunity of speaking on the measure. I do not wish to curtail the rights of the honorable member, or of any other honorable member, but in the interests of the Trust I wish, if possible, to get the second reading carried to-day.

Mr. LANGDON.—Why not let the honorable member speak in Committee on the first clause?

Mr. WATT.—That would be a matter for arrangement with the Chairman.

Mr. WARDE.—If that is done, how will the Bill be advanced any further?

Mr. WATT.—The Trust has placed the exact condition of its affairs in front of the Government and especially of me, as Treasurer, and they asked that the earliest possible attention should be given to the matter in order that they may not have to discharge any of their employés or fail to meet any of their engagements. If the second reading of the Bill is passed now I propose to exercise the power I have with regard to emergency expenditure and to make an immediate advance to the Trust of £5,000 out of the £100,000 proposed. I have no doubt that when the Bill gets into Committee the Chairman will be willing to allow the honorable member for Geelong to speak generally on the first clause.

Mr. ELMSLIE.—That is hardly good enough. I do not want to raise any unnecessary objections, but I want to conserve the rights of one or two honorable members on this (the Opposition) side of the House. We have had no speakers on the Bill from this side at all. I have no objection to an arrangement being made with the Chairman when the Bill gets into Committee, but that understanding must extend to other honorable members besides he honorable member for Geelong.

Mr. WATT.—That is quite fair, I think.

Mr. McLEOD.—I wish to say a few words on the Bill, but I have no desire to stop the second reading so long as it is understood that honorable members will have the right to speak on the first clause

in Committee. Is that distinctly understood?

Mr. WATT.—All I can promise is that when the Bill gets into Committee I shall assist the Chairman in an arrangement of that kind.

Mr. McLEOD.—Of course, if that is the distinct understanding of the House, the Chairman will recognise it.

Mr. WATT.—I am afraid the Chairman cannot be bound by any such arrangement, but I think it will be done.

Mr. McLEOD.—If the Chairman rules us out of order, where are we?

Mr. WATT.—We are at his mercy.

The motion was agreed to.

The Bill was then read a second time and committed.

Clause 1—(Short title and construction).

Mr. WATT (Premier).—I know that it does not bind you, Mr. Craven, in any way, but during the debate on the second reading I promised honorable members that I would ask you to allow a general discussion on the first clause. I ask you in the exercise of your judgment to allow that to be done when the Bill comes on for consideration next week.

The CHAIRMAN.—We have had similar arangements in connexion with other Bills, and I do not think there will be any difficulty in the matter.

Progress was then reported.

## ADJOURNMENT.

### MELBOURNE HARBOR TRUST.

Mr. WATT (Premier) moved—

That the House do now adjourn.

He said—Last week, three honorable members complained about certain alleged illegal procedure on the part of the Melbourne Harbor Trust. I at once sent those comments on to the Harbor Trust Commissioners and I have received a reply, but I have not yet had time to deal with it. I propose to lay it on the table of the Library to-night so that honorable members may see it.

The motion was agreed to.

The House adjourned at nine minutes past four o'clock, until Tuesday, September 9.

# LEGISLATIVE COUNCIL.

*Tuesday, September 9, 1913.*

The PRESIDENT took the chair at nine minutes to five o'clock p.m., and read the prayer.

## ASSENT TO BILLS.

The Hon. J. D. BROWN (Attorney-General) presented a message from the Lieutenant-Governor intimating that, at the Government Offices on September 9, His Excellency gave his assent to the Ballarat Land Bill, the Willaura Land Bill, and the Consolidated Revenue Bill (No. 3).

## SPECIAL WAGES BOARD.

### PAPER, CARDBOARD, AND CARPET FELT MAKERS.

The Hon. J. D. BROWN (Attorney-General) moved—

That the Council concur with the Legislative Assembly in the following resolution :—

"That it is expedient to appoint a Special Board to determine the lowest prices or rates which may be paid to any persons employed making paper, cardboard, carpet felt, or any similar products."

He said the number of registered factories was three, and the total number of employés was 169. They received an average weekly wage of 37s. 4d. There were 109 males of twenty-one years and over receiving an average weekly wage of 46s. 8d. There were thirty-four males under twenty-one years of age, and their average weekly wage was 21s. 11d. There were fifteen females of twenty-one years and over receiving an average weekly wage of 20s. 2d., and eleven females under twenty-one years of age receiving an average weekly wage of 15s. 11d. The usual number of hours worked was from forty-five to fifty-two per week. The Board was asked for by petition bearing 163 signatures of employés in the trade. The reasons given for the application were—(1) That low wages were now paid; (2) That boy labour was not limited; (3) That no extra rates were paid for overtime or Sunday work; (4) That the rates in various mills were not uniform; (5) That the cost of living had increased. There were eleven male employés receiving 40s. per week and under, fifty-five receiving from 41s. to 45s. per week, eighteen receiving from 46s. to 50s. per week, ten from 51s.

to 55s. per week; fourteen from 56s. to 60s. per week, and one 61s. or over. There were seven females receiving 20s. and under per week, and eight receiving from 21s. to 22s. per week. No objections to the appointment of the Board had been received from the employers.

The motion was agreed to.

## SPIRIT MERCHANTS' LICENCES BILL.

The House went into Committee for the further consideration of this Bill.

On clause 2—

A body corporate may subject to the Licensing Acts apply for and be granted a spirit merchant's licence.

The Hon. J. D. BROWN (Attorney-General) said that Mr. Beckett had given notice of a new clause defining the words, "body corporate."

The clause was agreed to.

The Hon. R. BECKETT proposed the insertion of the following new clause—

A. In this Act "body corporate" means a company carrying on business in the State of Victoria and duly registered under the Companies Act 1910 or under any other Act relating to Trading Companies.

He said that when the Bill was last before the Committee, he pointed out that by using the term, "body corporate," without any definition, they were introducing a term which was well understood in law, but was very comprehensive indeed. It would include any corporation in any part of the world, whether it carried on trade or not. It would include ecclesiastical corporations, it would include certain technical colleges, as, for instance, the Swinburne Technical College, which was a body corporate, and it would include municipal corporations. In connexion with a Spirit Merchants' Licences Bill this seemed to present an extraordinary state of affairs. It must be evident, he thought, that the Bill dealt only with trading companies. That being so, it was necessary to make it definite. The Attorney-General had suggested a slight alteration in the drafting of the clause, so that the last sentence would read, "Or under any Act theretofore in force relating to trading companies." He (Mr. Beckett) thought that the clause as it stood was preferable in that respect, because it would include any such Act whenever passed.

The new clause was agreed to.

Clauses 3 and 4 and the preamble were agreed to.

The Bill was reported to the House with an amendment, and the amendment was considered and adopted.

On the motion of the Hon. J. D. BROWN (Attorney-General) the Bill was then read a third time, and passed.

## EVIDENCE BILL.

The Hon. J. D. BROWN (Attorney-General) moved—

That the following Order of the Day be read and discharged—Evidence Bill—second reading—resumption of debate.

The motion was agreed to.

## OATHS BILL.

The Hon. J. D. BROWN (Attorney-General) moved the second reading of this Bill. He said he understood that in Committee certain amendments would be suggested.

The motion was agreed to.

The Bill was then read a second time, and committed.

Clause 1 was agreed to.

Clause 2—

(1) Any oath may be administered and taken in the form and manner following:—The person taking the oath shall hold the New Testament or in the case of a Jew the Old Testament in his uplifted hand and shall say or repeat after the officer administering the oath the words "I swear by Almighty God that . . ." followed by the words of the oath prescribed by law.

(2) The officer shall (unless the person about to take the oath voluntarily objects thereto or is physically incapable of so taking the oath) administer the oath in the form and manner aforesaid without question.

Provided that in the case of a person who is neither a Christian nor a Jew the oath shall be administered in any manner which is now lawful.

The Hon. W. S. MANIFOLD said that the author of this Bill in another place had adopted the English form of legislation, but, acting upon the advice of a very high authority, who had informed him that it would better fit in with the proposed consolidation of the statutes, if the language were considerably altered, he had fallen in with that view. The amendments which he (Mr. Manifold) was going to propose did not substantially alter the Bill, but merely altered the language of it. To begin with, he moved—

That in sub-clause (1) (line 3), after the word "hold," the words "the Bible or" be inserted.

That part of the sub-clause would then read—

The person taking the oath shall hold the Bible or the New Testament or in the case of a Jew the Old Testament in his uplifted hand.

The amendment was agreed to.

The Hon. W. S. MANIFOLD moved—

That the words "in the case of a Jew," in sub-clause (1), be omitted.

The Hon. H. F. RICHARDSON said he wished to know if the Jew would swear on the Old Testament and the New Testament together, or on the Old Testament only.

The Hon. W. S. MANIFOLD said the Jew would swear on the Old Testament. The amendment would give the option to swear on the Old Testament or the New Testament.

The Hon. R. BECKETT said the Bill, as drafted, made it necessary for the officer of the Court to inquire whether the person taking the oath was a Christian or a Jew. The amendment now proposed would make it unnecessary for any such inquiry to be made. There would not be any question put as to whether the witness was bound by the Old Testament or the New Testament. It was advisable that there should be no such investigation.

The amendment was agreed to.

The Hon. W. S. MANIFOLD moved—

That the words "(with any necessary modifications)" be inserted after the word "followed" (line 7).

The amendment was agreed to.

The Hon. W. S. MANIFOLD moved—

That the words "by law" in sub-clause (1) be omitted, with the view of inserting the words "or allowed by law without any further words of adjuration, imprecation, or calling to witness."

The amendment was agreed to.

Sub-clause (2) was struck out.

The Hon. W. S. MANIFOLD proposed the following new sub-clause:—

"(2) Any oath may be administered as aforesaid to two or more persons at the same time or in the form and manner following—

Each of the persons taking the oath shall hold the Bible or the New Testament or the Old Testament in his uplifted hand and the officer administering the oath shall say—'You and each of you swear by Almighty God that . . . .' followed (with any necessary modifications) by the words of the oath prescribed or allowed by law without any further words of adjuration imprecation or calling to witness, and forthwith after the officer has said the words referred to, each of the persons taking the oath shall say—'I swear by Almighty God so to do'."

The new sub-clause was agreed to.

The Hon. W. S. MANIFOLD proposed the following new sub-clause:—

"(3) Any oath may be administered in any manner which is now lawful."

The new sub-clause was agreed to, and the clause, as amended, was agreed to.

Clause 3 was struck out.

The Hon. W. S. MANIFOLD proposed the following new clause:—

3. The officer shall without question—

(*a*) unless the person or any of the persons about to be sworn voluntarily objects to so take the oath or is physically incapable of so taking the oath, or

(*b*) unless the officer, or in the case of judicial proceedings unless the Court, justice, or person acting judicially, has reason to think or does think that the form of the oath prescribed by sub-section (1) or sub-section (2) of section two hereof would not be binding on the conscience of the person about to be sworn,

administer the oath in the form and manner set out in the said sub-section (1) or sub-section (2) as the case may be.

Provided that no oath shall be deemed illegal or invalid by reason of any breach of the provisions of this section.

The new clause was agreed to.

Clause 4 was struck out.

The Hon. W. S. MANIFOLD proposed the following new clause:—

"4. In this Act 'officer' includes any and every person duly authorized to administer oaths and any and every person administering oaths under the direction of any Court, justice, or person acting judicially."

The new clause was agreed to.

Clause 5 and the schedule were struck out.

The Bill was reported to the House with amendments, and the amendments were considered and adopted.

On the motion of the Hon. J. D. BROWN (Attorney-General) the Bill was read a third time and passed.

## COUNTRY ROADS BILL.

The Hon. W. A. ADAMSON (Honorary Minister) moved the second reading of this Bill. He said that sub-section (2) of section 17 of the Country Roads Act 1912 required the Board to prepare a map of the principal highways, and to send a copy of it to every municipality. The map, in order to give the detailed information required in regard to deviations, would be necessarily a very large one, and something like that which appeared

on the walls of the chamber when the Country Roads Bill was being debated. To send a copy of such a map to every municipality would not only be unnecessarily expensive, but would serve no useful purpose. There were something like 208 municipalities. Clause 2 provided for an amendment of section 17 of the principal Act. With this amendment it would only be necessary to send to each municipality a portion, or a section, of the map of the State showing the roads in the municipal districts. Clause 3 amended the principal Act with regard to the Unused Roads and Water Frontages Fund. Section 38 of the Country Roads Act provided *inter alia* that all fees received under the Unused Roads and Water Frontages Act 1903 should be paid into the Country Roads Board Fund. The intention of this provision was that all moneys forming the Unused Roads and Water Frontages Fund should be utilized to constitute the Country Roads Board Fund. Under the Local Government Act, section 485 (5) and section 481 (2), moneys received for the sale of roads were paid into the Unused Roads and Water Frontages Fund, and the amendment suggested in clause 3 was necessary to embrace the moneys received for the sale of roads. Clause 4 dealt with certain members of the Public Service who had been lent to the Country Roads Board. They occupied their positions on the Board without severing their connexion with the State service. While they were relieved, it was desired to fill their old positions, and at the same time preserve their status in case they should return to the State Public Service through the discontinuance of the Country Roads Board or an event of that sort. A similar provision existed in the Water Act in relation to members and officers of the State Rivers and Water Supply Commission. Those were all the provisions of this Bill.

The Hon. W. S. MANIFOLD said he thought no honorable member would take exception to the greater part of this Bill, but he would call attention to clause 3, which dealt with the transfer to the Country Roads Board of the fees paid under the Unused Roads and Water Frontages Act. It appeared that the collection of this money had been in the hands of, he thought, the Public Works Department. There was a good deal of arrears, and it would not be a fair thing to pay these arrears to the Country Roads Board. If the clause was altered so as to provide that all moneys payable after a certain date were to go into the new fund, it would be just enough, but he did not see why the municipalities should lose the money through people being allowed by the Public Works Department to get into arrears. Mr. Richardson, he understood, had prepared an amendment to make it perfectly clear that it was not intended to pay over in this way money that should have been collected previously. As this amendment involved a question of money, it would avoid some little difficulty with another place if it was proposed by way of suggestion.

The motion was agreed to.

The Bill was then read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3—

At the end of paragraph (*e*) of section thirty-eight of the principal Act there shall be added the words following—"and all moneys (less the cost of collection) payable into 'The Unused Roads and Water Frontages Fund' after the thirtieth day of June One thousand nine hundred and twelve under the Local Government Act 1903 or any Act amending the same."

The Hon. H. F. RICHARDSON said he had an amendment to provide that the fees from this fund which had accrued due and payable should be paid to the councils of the municipal districts within which these roads or water frontages were situated. He was moving in the matter at the request of the executive committee of the Municipal Association. Their attention had been drawn to the fact that some of the money due and payable had not been collected, and that the municipalities were entitled to receive the amount. It did not represent very many thousands of pounds, but the money was rather important to some of the municipalities. He would point out that the municipalities had no power themselves to collect these fees, as it was a matter entirely in the hands of a Government Department. It was not fair that the municipalities should lose the revenue that they were entitled to. The Country Roads Board came into existence from a certain date, and it was only from that date that the Board should claim the money.

The Hon. W. A. ADAMSON (Honorary Minister) stated that one-half of the money received from the unused roads and water frontages formerly went direct

to the municipalities in which it was collected, while the other half went into a fund which was spread generally over the municipalities. What Mr. Richardson was asking for was that the whole of the money should be paid to the municipalities in which it was collected.

The Hon. H. F. RICHARDSON said he would only ask for what was fairly due to the municipalities. He would, therefore, move—

That it be a suggestion to the Legislative Assembly that they make the following amendment in the Bill—"In clause 3, there shall be inserted, after line 12, the following words—'Provided that not less than one-half of all the fees accrued due and payable before the said date in respect of unused roads and water frontages shall be paid when collected to the councils of the municipal districts within which such roads or water frontages are situated, and shall be expended by such councils on roads or bridges within such districts.'"

The Hon. A. ROBINSON said he would like to know whether this overdue money would not by law go to the municipalities.

The Hon. W. A. ADAMSON (Honorary Minister) said that half of the money collected in respect to unused roads and water frontages used to go to the municipalities in which the fees were collected. The remainder was pooled, and distributed among the municipalities generally. When the Country Roads Act was passed, all the money went into the fund established under it. At the date of the passing of that Act there were arrears amounting to £4,500. Of that sum, £2,500 had since been collected, and the rest would probably be collected during this financial year. If the whole of the money were returned, it would be distributed in the following way:—Six councils would receive approximately £200, eleven £100, twelve £50, and one hundred and eighteen, £14.

The Hon. R. BECKETT said it seemed to him that the suggested amendment was awkwardly worded. The principle underlying it was one on which they all agreed—that the rights of the municipalities, as they existed before the coming into force of the Country Roads Act, should not be interfered with. In some cases there were debts outstanding, and money not collected. The councils should not suffer through defaulters who had not paid their rents. He doubted, however, whether the amendment made the position clear.

The Hon. D. E. McBRYDE said it seemed to him that the Government were proposing to deal with this money in a just way, and he really thought they would be wasting time in making the suggestion.

The Hon. J. D. BROWN (Attorney-General) said that under the Act of 1903 rents for unused roads and water frontages were to be collected by the Crown and paid into a fund. Not less than half of the amount collected was to be given to the municipalities in whose territories the unused roads and water frontages were. That money had to be used by those municipalities on roads or bridges. The other half of the money went into the Treasury, and the Government allocated it among the municipalities as they liked. Mr. Richardson desired that money due before, but collected after the coming into force of the Country Roads Act should go into the hands of those who would have been entitled to it if that Act had not been passed.

The Hon. R. B. REES.—Are you going to do away with the municipal subsidy?

The Hon. J. D. BROWN said section 38 of the Country Roads Act passed last year provided that an account should be kept in the Treasury, called the Country Roads Board Fund, to the credit of which should be placed among other things—

(*e*) All fees less the cost of collection received by the Crown after the thirtieth day of June One thousand nine hundred and twelve under the Unused Roads and Water Frontages Act 1903.

When that came into force there were fees amounting to £4,500, which were then due, but not collected. Of that amount, £2,500 had since been collected. Mr. Richardson wanted those overdue fees to go into the hands of the councils who would have got them if they had been promptly paid.

The Hon. W. S. MANIFOLD said before Mr. Richardson had informed him that he intended moving in this direction, he had drafted an amendment which seemed to meet the case. His idea was to amend section 38 of the principal Act.

The Hon. R. BECKETT said it seemed to him that the proper way was to amend section 38 of the principal Act. He suggested the addition of the following words, "In respect of moneys becoming due or payable after the 30th June, 1912."

The Hon. R. B. REES said he would like to know whether they were to under-

stand that this was certain money due in 1912, and not paid, or that the money, instead of being hypothecated for the purposes of the Roads Board, was to go to the municipalities. He thought it was only the commencement of a squeeze of the back-country municipalities whose endowments and fees were devoted to the maintenance of the Board. In the northern municipalities there was considerable alarm as to the loss which would fall on them in the near future—whether it was this year or next year. The Committee should not only carry Mr. Richardson's amendment, but should agree that the fees should be paid to the municipalities as heretofore. Otherwise, considerable trouble would arise in the northern municipalities. From present appearances, it would take years before they would receive any benefits from the Country Roads Board, which was spending its time in very fully investigating the roads in the metropolitan and southern districts. He did not know when the northern districts would receive any benefits from the Board, but immediately the Act came into operation the municipalities there were deprived of these fees. He knew that some of the shires were already feeling the pinch.

The Hon. D. E. McBRYDE said he would like to know where this money was now.

The Hon. W. A. ADAMSON (Honorary Minister) said he understood that £2,500 was in the public Treasury, and it was hoped that the £2,000 outstanding would be collected.

The Hon. H. F. RICHARDSON said he did not think the municipalities were suggesting any repeal of the Act passed last session. When the Act was passed, however, no one thought of the difficulty which had arisen. The municipalities found out afterwards that some of the money they were justly entitled to had not been collected by the Department. The amount due up to the date when the Country Roads Act was passed was all that the municipalities were asking for. He thought honorable members would recognise that there was nothing unjust in their claim. The municipalities were not seeking to take money away from the Treasury, or from the Country Roads Board, but they were only asking for what they were entitled to.

The Hon. A. ROBINSON said that, in his opinion, the amendment should take the form of an amendment of section 38 of the Country Roads Act. It was provided in that section that to the credit of the Country Roads Board Fund there should be placed—

> (*e*) All fees less the cost of collection received by the Crown after the 30th day of June, 1912, under the Unused Roads and Water Frontages Act 1903.

He would suggest that after the words "received by" there be inserted the words, "and accrued due to."

The Hon. W. A. ADAMSON said that, in view of the difficulty which had arisen in regard to this matter, he would ask that progress be reported. This would give honorable members an opportunity of drafting amendments.

The Hon. H. F. RICHARDSON said that he would temporarily withdraw his suggested amendment.

The suggested amendment was withdrawn.

Progress was then reported.

## REGISTRATION OF TEACHERS AND SCHOOLS BILL.

The Hon. J. D. BROWN (Attorney-General) moved the second reading of this Bill. He said that in 1905 the Registration of Teachers and Schools Act was passed, which provided for the appointment of a Board to be styled the Teachers and Schools Registration Board. That Board consisted of ten persons, three of whom were appointed as representatives of the Education Department, four as representatives of schools other than State schools, one as representative of State-aided technical schools, and two persons nominated by the Ministry. To that Board was given the duty of registering all schools and school teachers. The Education Act of 1910 did away with that Board and created a new body—the Council of Public Education. All the powers and duties of the Teachers and Schools Registration Board became vested in the Council of Public Education. From the date when the Teachers and Schools Registration Board came into existence they misunderstood their duties in one or two respects. They thought that they had the power to register all classes of teachers. In the Act of 1905 there was a section in which certain classes of teachers were named, but teachers of shorthand and typewriting were not included. It was assumed by the Board that they were included, and the proprietors

of shorthand and typewriting schools were very anxious that they should be registered. He supposed they assumed that registration would give some added status to their schools. The Board of Public Health had some duties as to the ventilation and other requirements in schools; but the Council of Public Education struck a snag last year. The Board of Public Health reported that some commercial college was not up to the standard required, and the proprietor refused to carry out the instructions of the Council, on the ground that he was not legally required to do so. The opinion of the Crown Solicitor was sought, and his opinion was that the objection was a good one. As a result, the Council of Public Education had been unable to supervise schools of that class. The Government came to the conclusion that it would be wise to include in the category of schools that might be dealt with in this matter, business colleges. It was provided in clause 3 that—

"(1) In this Act 'school' means an assembly at appointed times of three or more persons between the ages of six years and eighteen years for the purpose of their being instructed by a teacher or teachers in all or any of the undermentioned subjects, namely :—

Reading,
Writing,
Arithmetic,
Grammar,
Geography,
English or other Language,
Mathematics,
History,
Any Natural or Experimental or Applied Science,
Book-keeping,
Shorthand,
Accountancy.

The subjects mentioned in the Act of 1905 were reading, writing, arithmetic, grammar, geography, English or other language, and mathematics. He did not think he need detain the House any longer, as the Bill was more a measure for Committee than for discussion on the second reading.

The Hon. W. S. MANIFOLD said he would ask the Attorney-General to consent to the postponement of the debate until this day week. The Bill was a somewhat technical measure.

The Hon. J. D. BROWN (Attorney-General) said he would very much like to do what Mr. Manifold asked; but, on account of the amount of matter on the business-paper, he did not think he would be able to do so. He did not think any difficulty would be experienced in dealing with the measure in Committee.

The Hon. W. S. MANIFOLD said that some honorable members who did not know that the Bill would be gone on with to-night were not present. He moved—

That the debate be now adjourned.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until Tuesday, September 16.

## WIRE NETTING BILL.

The Hon. W. A. ADAMSON (Honorary Minister) moved the second reading of this Bill. He said that under the Wire Netting Act 1909 it was provided, in section 9, that where a man's land abutted on Crown lands he should only pay to the Government 80 per cent. of the value of the wire netting. This Bill provided that the private land-owner in such circumstances might obtain the wire netting at 50 per cent. of its value. He did not think this was a measure which he needed to elaborate very much. Accounts were kept in the Public Works Department with regard to the purchase and sale of wire netting by the Government, and he had had an opportunity of seeing a balance-sheet with regard to the business. While a good many of such enterprises on the part of the Government had come in for criticism, this was one which he thought would bear inspection. He found that, since the Act came into force in 1909, the total quantity of netting supplied to municipalities had been 9,082 miles, of a total value of £237,597. The quantity purchased from Australian manufacturers had been 4,213 miles, and 1,755 miles of netting had been made at Pentridge. The Crown had charged 6s. 6d. per mile for administering the Act and distributing the netting, and the accounts practically balanced. Therefore, he thought it would be admitted that this particular enterprise had been well looked after. In his opinion, if a good many other State enterprises were under the direct eye of Mr. Drake, of the Public Works Department, we would be able to get more satisfactory balance-sheets than had been forthcoming in some cases. The whole cost of distribution of the large quantity of wire netting that he had referred to was only 1¼ per cent. of the total value. He thought the present measure would

appeal to the House. The amount involved, so far as the Government were concerned, was not very great, but at the same time it was a substantial reduction to the private land-owners, besides being a recognition of the equity of the Crown contributing one-half the cost where Crown lands abutted on private lands.

The Hon. W. S. MANIFOLD said he desired to congratulate the Government upon bringing in this Bill. It was a tardy act of justice, and, even now, it was very hard indeed upon a person taking up land adjoining Crown lands that he could only get a reduction of 50 per cent. of the cost of the wire netting. He had to pay all the cost of carting and erecting the fence, and all this had to be done in order to keep out the Government rabbits. However, the Government were now taking a step in the right direction, and he felt sure the Bill would be received with satisfaction by honorable members.

The Hon. FRANK CLARKE said he would like shortly to add his congratulations to those of Mr. Manifold. There were hundreds of men adjoining Government land who had suffered severely from the depredations of Government rabbits, and not only this Government, but past Governments, had universally failed to do what the public in the country regarded as the duty of the Government in keeping down the rabbits on its own lands. There were, of course, very great difficulties in the way of the Government taking efficient action in the way that private owners were compelled to do. This measure was a move in the right direction, and would encourage land-owners, not only to fence off and provide further barriers against rabbits which might encroach upon them from the Crown lands outside, but to tackle the extirpation of rabbits on adjoining Crown lands, and thus do part of the work which the Government itself appeared unable to do.

The motion was agreed to.

The Bill was then read a second time, and was afterwards passed through its remaining stages.

## MINES BILL.

The Hon. J. D. BROWN (Attorney-General) moved the second reading of this Bill. He said it was a Bill to amend the Mines Acts. It was, in fact, nothing more or less than a regulation Bill. There were no matters of any principle involved, unless one called the proposal to create scholarships a matter of principle, or the proposal to deal better with the obtaining of certificates of competency by managers. There was nothing else in the Bill except really amendments which experience had suggested in the regulation of the work of mines. The last time these matters were dealt with was sixteen years ago. The last Act regulating mines was in 1897, and since then we had had an accumulation of experience, and the proposals now submitted in this Bill were based upon the experience gained during those years. Several times during recent years—last year and the year before—efforts were made to deal with this matter, but, unfortunately, the Bill was not reached until late in the session, and time did not permit of its being dealt with. This Bill, as he said, dealt with the regulation of the mining industry, mainly or in a great measure in regard to the safety of the mines and insuring better conditions throughout the mines. The Bill was divided into three parts. The first part dealt with mining generally. The second part dealt with drainage Boards and the question of the reduction of sludge after dredging operations. This question was exhaustively discussed some years ago, and experience had suggested various amendments in the Acts. Then there was another question which had been discussed for years, and that was the abolition of Mining Boards. He thought he would be able to satisfy the House that it was wise not to continue these Boards, which incurred a certain amount of expenditure, and in the opinion of mining men generally their existence did not benefit mining very much. One important matter was the endeavour which was made to have the health of the miners better safeguarded than in the past. Honorable members would recollect that this subject was considered and discussed a few years ago by Dr. Summons, who had prepared an elaborate report on that question. It was an important question. There were about 8,000 men working in the mines of Victoria, and a good deal of sickness, in the nature of tuberculosis and other complaints, existed. One provision of this Bill dealt with that subject. He need not worry honorable members by reading any extracts from Dr. Summons' report, because he was sure that every honorable member who took an interest in mining had already read that report. Mining

managers' certificates was a matter which had been debated at some length. The desire was to train up a class of men to become managers, who, it was hoped, would in future be men of greater skill. He was not passing any reflection on the men of to-day or of past times, but a higher efficiency was now required, particularly in matters of theory. A very fine class of working miners had risen from the lowest occupations in mining and had become managers. In these days of technical education, it was desired to induce the younger generation to better qualify themselves by study for the management of our mines. In Committee, he felt sure they would be able to agree upon a system which would place at the disposal of owners of mines managers who were more highly educated than had been the case for some time past, and he said that without desiring to reflect in any way on the present managers. This measure contained provisions for mine managers' certificates on lines similar to those laid down in the Coal Mines Regulation Act 1909, which had proved very useful in that direction. The general scheme was as follows:—

Mining managers' certificates are of two kinds—competency and service, subdivided thus: First class competency or first class service for managers; second class competency or second class service for under-managers. A first class certificate of competency is to be obtained by examination, and requires five years' approved mining experience obtained anywhere. A second class certificate of competency is to be obtained by examination, and requires three years' approved mining experience obtained anywhere. Certificates of service require no examination, and are issued to protect Victorian managers who, within twelve months after the commencement of the Act, comply with the conditions. First class service requires five years' approved experience obtained anywhere, plus one year in Victoria, as mining manager of a mine employing an average of not less than twelve men underground. The one year as manager may be the year after the commencement of the Act. Second class service requires three years' experience anywhere, plus one year in Victoria, as a mining manager of any mine with underground workings, or one year in Victoria as underground foreman of a mine employing on an average not less than twelve men underground. After the expiration of twelve months from the commencement of the Act, the manager of a mine employing twelve men or more underground must hold a first class certificate either of competency or service. If the manager is temporarily absent from the mine, or if he is managing more than one mine, in each case there must be an under-manager, and the under-manager must have a second class certificate of competency or service. If there is no qualified manager available, a competent person may be temporarily appointed.

Another matter which he thought every one would approve of was the creation of certain scholarships by which industrious and brainy men employed in the mines might have the advantage of attending technical schools in the neighbourhood of the mines. That matter was dealt with in clause 51. It was an entirely new departure. It provided for twenty scholarships of the value of £10 per annum, tenable for three years, to enable working miners to qualify at a school of mines for managers. The scheme comprised a preliminary examination, which was to be competitive, and then a three years' course at a school of mines, and an examination for "mining manager," equivalent to that of the Mining Managers' Certificate Board. The scholarships were of the value of a three years' course, namely, £30. The only other question of policy was the proposed abolition of Mining Boards. The Boards were certainly useful in the early days. Among other duties, the Boards had "to inquire into and report to the Minister upon all applications for assistance from the Government towards searching for gold or minerals," and "to advise as to the localities in which search by means of boring or otherwise in search of alluvial reefs, quartz reefs, coal seams, and other metalliferous deposits, might be carried out." Such work was better done now by the officers in the geological branch of the Department. In the early days, the Boards were useful in performing those and other duties, but now better and more useful information could be obtained from the professional men in the Department. Apart from the three matters of policy, the provisions of the Bill were purely detail, and could be dealt with in Committee. He hoped that they would be able to pass a measure which would be a credit to Parliament, and of great assistance in the development of the mining industry.

The Hon. W. S. MANIFOLD said he felt great diffidence in speaking at all on this subject, because his lot had never been cast in a mining district. However, various points had been brought under his notice by men who had a knowledge of mining. They had asked him to draw attention to certain matters in which principles were involved. It seemed an extraordinary thing that an important Bill like this should have been brought in without obtaining the advice of such a

useful body as the Chamber of Mines which was not consulted at all. The Government could have got valuable hints on several points from the Chamber of Mines. The Attorney-General had said that there were very few matters of principle dealt with by the Bill. He (Mr Manifold) thought there were many. Taking them in the order in which they occurred in the Bill, he thought it was a rather serious thing to attempt to prevent boys under seventeen years of age working about a mine. There were many light classes of work in which a boy a little under that age could be advantageously employed. The whole aim of legislation seemed to be to prevent young people learning their business. If a youth were to develop into a good miner, he should commence at the beginning and work his way up. To keep a boy hanging about after he left school when he might be learning his trade, was a wrong principle, and it could be carried too far. He thought this Bill went too far in that respect. The measure also interdicted the employment of women in any circumstances. The services of women as stenographers or charwomen, or in other classes of employment, might be very useful indeed. There was one matter which had been practically decided by the Council already—the necessity of men in charge of gas-engines or oil-engines having first-class certificates. That matter had come up for discussion in connexion with the Factories and Shops Act, and this House would not listen to it. The House said that a skilled man was not needed to take charge of a gas-engine or an oil-engine. No doubt a good man might be required to take charge of an engine in connexion with mining plant, but in no circumstances was a certificated man required for a gas-engine or oil-engine. Then, what was the good of providing that a boiler attendant should possess a certificate? Any one could shovel coal or fuel. That provision was quite unnecessary, and it would add very much to the expense. Another important point was that it was now proposed to make the plant of a mine which had got into difficulties liable to be seized for the wages of the men for fourteen days. That seemed to be a very unfair thing, and it would act very hardly on many of the smaller mines. It was a wrong principle altogether. Although it was really a Committee matter, it was as well to direct the attention of honorable members to it. There were many poor mines which, in order to deal with a sudden influx of water, borrowed pumping machinery. If one of those mines got into difficulties, that hired or borrowed plant would be liable to be seized. He also thought that the proposed mode of appointment of a Drainage Board was wrong. In all probability, most of the water that came from a number of properties would concentrate in one mine. It was proposed that the members of the Board should be elected by the owners of the mines more or less affected. Naturally, the owners of the mine in which the water was concentrated, and who had to do the work, would be outvoted on the Board by the men who were getting the benefit of that work. Then, again, those who were getting the benefit would also have the power to fix the contributions. It would be better to allow the Sludge Abatement Board to deal with the drainage question. There was a great deal to be said in favour of the old Mining Boards. The position in connexion with the Mining Boards seemed to be very much the same as that in connexion with the old Melbourne Harbor Trust. They had done splendid work, but were blamed by the Government for not having done many things which they had not the power to do. Practically the whole of the work could be done by the present Mining Boards if they were given more powers. Why abolish these Boards, which had done good work, when all that was necessary was to give them a few additional powers? He would support the second reading of the Bill, but in Committee he intended to propose a number of amendments of an important character, which he hoped would be carried.

The Hon. J. McWHAE said that this Bill was a measure chiefly for Committee, but still there were some matters in connexion with it which were worthy of comment. Of course, as honorable members knew, during the last twenty-five years mining in Victoria had been steadily decaying, and our rich resources had been gradually depleted. There was only one thing that was not protected in our mining legislation, and that was the man who found the money. It was remarkable to notice throughout this Bill how little consideration was given to the man who found the capital. It was a saying on the London Stock Exchange that there was nothing so timid as capital, and the

same might be said in Victoria. Yet it was marvellous the persistency with which some of our old mining investors had stuck to mining for thirty years in the face of great discouragements and heavy losses. To go into mining nowadays was regarded as very risky indeed, and the shrewd merchant shook his head if anything of the kind was suggested to him—there was too much risk and responsibility. At one time the case was different. When the mines were turning out large quantities of gold, and numbers of men were making large fortunes, mining had many friends. Now, however, it was like a poor relation—there were "none so poor to do it reverence" and give it a helping hand. He remembered the support which the press used to give to mining, but the state of things was very different at the present time. Take, for instance, the Royal Commission which was appointed in connexion with dredging. Honorable members would have noticed the marked way in which the press had really taken the place of that Commission, examined evidence for itself, given Jedburgh justice, and decided the whole matter to its own satisfaction. Yet still there was no report from the Dredging Commission, but if the Commission did not give its verdict in the way the press had indicated, of course it would be pronounced to be absolutely wrong. The unofficial leader of the House had referred to the matter of boys of sixteen years of age being excluded from employment in connexion with mines—they must be, at least, seventeen years of age. He (Mr. McWhae) started his son at mining at the age of sixteen, not for economical considerations, but because he wanted him to become highly skilled in his calling. Therefore, after his son had matriculated from the Scotch College, he started him at this pursuit. It was not merely brain work that was necessary in connexion with mining, but one must start doing practical work at an early age, and this was a matter which had been lost sight of in drafting this Bill. Although his son started at sixteen, it took him ten years to complete his mining education, and this went to show the necessity for a youth being able to start as early as sixteen, because one year made a great difference. He had no doubt that many honorable members would say that they had started even younger than sixteen, but now it was being decided by legislation that youths were to loaf at school and amuse themselves at games, probably wasting one of the most valuable years of their lives. It must also be remembered that unless you caught boys when they were young you had little chance of getting them to accustom themselves to hard work. Again, there was in this Bill a proposal to raise the rental of mining leases from 1s. an acre to a minimum of 2s. 6d. per acre and a maximum of 20s. Honorable members could imagine what a howl would be raised throughout the land if the farmer or selector was to be charged more than 1s. an acre per annum for his land for twenty years. Suppose the farmer was charged 2s. 6d. an acre, what an outcry there would be, but, as for the poor unfortunate miner, nothing was said when it was proposed to raise the rent of his lease. This was the way in which mining was being encouraged in Victoria, so far as the Government were concerned—bled in every shape and form. The mine-owner was harassed by a host of inspectors, who had to find some means of keeping themselves before the Department at the expense of the mine-owner. The inspector must write a report, and, therefore, he must have something to criticise, or else the Mines Department would say he was of no use. The consequence was that the unfortunate mine-owner was put to great expense in doing things that were quite unnecessary, and which in many cases were very costly. Sometimes one inspector would come along and say, "Do so-and-so; carry out such and such a scheme," and then, perhaps three or four months afterwards, another inspector would come along and say, "That was all a mistake; you must do so-and-so"; thus entailing extra expense to the mine-owner. Clause 25 of the Bill was really an attack on the tenure of mining property. Under this clause, although a lease was entered into for fifteen years, it was provided that if, during that period, a party of fossickers came along and used a Californian pump, the Minister of Mines could do away with the lease altogether. Although a mine-owner or company had gone to great expense in erecting a plant, if the Minister wanted to do away with it he could find means of doing so by a few fossickers working on the ground with a Californian pump.

The Hon. A. O. SACHSE.—Does not the fact that the mine-owner has spent a

great deal of money entitle him to a continuation of the lease?

The Hon. J. McWHAE said it really would depend on the generosity of the Governor in Council, which practically meant the Minister of Mines. This was not good enough for any business man to risk his money upon. No business man would do so while he was at the mercy of the Minister of Mines for the time being. No doubt, the Minister might be a perfect one, and there was an improvement now in the present Minister of Mines. But the late Minister of Mines was certainly a curse to mining all through, and what he did caused a great deal of injury to the mining industry. He (Mr. McWhae) would be very sorry to trust any mining property in which he had an interest to the mercy of a Minister of Mines, who might be carried away by prejudice or by a desire to support statements which he had made, and which he wanted to justify. He also agreed with the unofficial leader of the House with regard to the clause giving a claim for wages over hired plant. Let honorable members imagine any owner of property in Melbourne being made responsible for the debts of his tenants, and this was really what the clause meant. Mining companies when they started frequently did so in a hand-to-mouth fashion. The Malmsbury mine, for instance, started with a call list of £250 a month. That company had to hire machinery to sink a shaft down to 200 feet before putting up any big plant. Under this clause, however, any machinery that was hired in such a case would be liable for the wages of the men employed. The owners of machinery would hardly care to risk their plant under such a provision, because, if the company could not collect its calls, the miners would at once claim the machinery to pay their wages. Such a provision would be very detrimental to ordinary co-operative parties. On the gold-fields there were parties who got together and saw, perhaps, an old lead from which they believed there was a chance of getting some yield. They had not the money to buy machinery, and therefore they went to a machinery merchant to hire the plant. Under this provision, however, there would be a great risk in the owner of machinery lending the plant, because the co-operative party might employ a few men to help them in sinking their shaft, and if they made a mess of things, and were unable to pay those men, the owner of the machinery would lose his plant. It would be seen, therefore, that this provision would be very injurious, especially to experimental mining at an early stage. He would support the second reading of the Bill, but he hoped it would be amended in Committee.

The Hon. J. STERNBERG moved—

That the debate be now adjourned.

He said there were a number of honorable members who were deeply interested in mining who desired to speak on the Bill, and they did not anticipate that it would come on this evening. He hoped, therefore, that the Attorney-General would agree to the debate being adjourned.

The Hon. A. HICKS seconded the motion for the adjournment of the debate. He considered that the Bill was, perhaps, the most important measure that was likely to come before the House during the session, and, as mining members had not expected it to come on this evening, they should be allowed an adjournment to enable them to speak upon it. Honorable members would also desire to know the feeling of their electors in the different provinces before addressing themselves to the Bill.

The Hon. J. D. BROWN (Attorney-General) said that he hoped the House would not agree to the adjournment of the debate. He would very much like to be able to fall in with the views of Mr. Sternberg and Mr. Hicks, but the Bill had been on the notice-paper since the 19th August. He was rather disappointed that the measure had not been dealt with before now. Having regard to the business on the notice-paper now, he could say that unless honorable members were prepared to go on with the measure to-night there would be great complaint later on. The measure was an important one, and there were over twenty members present, which was a rather high attendance. He hoped honorable members would assist him in getting the business through the House. There were two or three very important measures working their way through the Assembly, one of which would probably be ready for the Council next week, and would occupy the attention of the House for a considerable time. A few weeks later, in all probability, there would be another important Bill sent up.

Unless honorable members were prepared to go on with the business now before them it would be impossible to get those Bills through this session. The mining community was quite well aware that the Mines Bill was coming on, and he had received a sheaf of suggestions from people interested in mining.

The House divided on the motion for the adjournment of the debate—

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|---|---|---|---|
| Ayes | ... | ... | 8 |
| Noes | ... | ... | 13 |
| Majority against the adjournment | ... | ... | 5 |

AYES.

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|---|---|
| Mr. Beckett | Mr. Sachse. |
| ,, Clarke | |
| ,, McDonald | *Tellers:* |
| ,, Rees | Mr. Hicks |
| ,, Richardson | ,, Sternberg. |

NOES.

| | |
|---|---|
| Mr. Adamson | Mr. McLellan |
| ,, Aikman | ,, McWhae |
| ,, Angliss | ,, Payne |
| ,, Brown | ,, White. |
| ,, Clarke | *Tellers:* |
| ,, Evans | Mr. Manifold |
| ,, Fielding | ,, Melville. |

The Hon. J. STERNBERG said that though the House had decided against the adjournment of the debate, he felt that some of the mining members must go on with the discussion to-night, in order to place before the mining community of this State the necessity for legislation in the direction indicated by the Attorney-General in his second-reading speech. The Bill was introduced to amalgamate the existing Acts and to amend the mining law, so as to bring about a better condition of affairs. At the same time, there were anomalies in the Bill which it would have been very much better for those interested in mining to have had an opportunity of considering more fully before the measure was discussed by honorable members. As honorable members knew, the mining industry as a whole had gone back during the past few years. Honorable members might like to know the cause of this. There were several difficulties in connexion with mining. In the first place, deep mining was more expensive to carry on. In fact, deep mining had become so expensive that in Bendigo a number of the deeper mines had had to be abandoned. A number of the very deep mines there were at the present time practically unworked, simply because the cost of mining was so great that it would not pay to work them. It was no use working any industry at a loss. There was another obstacle in the way of carrying on mining successfully. The Government had not supported the industry to the extent they should have done for a number of years past. During the last three years the position with regard to grants for the assistance of mining had been getting worse and worse. This year there was a paltry grant of £7,000 odd for three months. In 1910 a sum of £18,043 was granted, and in that year the number of miners employed was 16,553, and the amount of gold won was 609,998 ozs. In 1911 the amount of the grant was £10,780, and 14,051 miners were employed, while the amount of gold won was 542,074 ozs. The amount given to the Minister of Mines last year was £7,437, and was the smallest for any year on record for the past twenty years, with the exception of one year. That showed conclusively that mining had not received that consideration which so important an industry should have received at the hands of the Government. In connexion with closer settlement, and in other matters, the amounts provided by the Government had been increased; but in the Supply Bill that was before the House last week there was only a paltry sum of £7,000 provided for the mining industry. That was for a period of three months. We wanted to build up the mining industry, and the only way to do that was by diligent administration and proper assistance. The number of men employed in mining had gone down from about 26,000 to 12,000. The reduction was caused, as honorable members were aware, by the difficulties that mine owners had to contend with. Still, notwithstanding all this, there was a return of gold for the whole State of upwards of £20,000 per week. The mining resources of Victoria as a whole were, comparatively speaking, in their infancy. In the Bendigo district there were 40 miles of lines of reef undeveloped simply for want of the means to develop them. The people of Bendigo helped along mining as far as they could, but they could never develop all those lines of reef unaided. The Government should put £100,000 on the Estimates in order to show that they were sincere and earnest in their endeavour to bring about a better condition of affairs in the mining industry.

than prevailed at the present time. Had the Minister given him an opportunity he would certainly have been able to place before the House a lot of valuable information of which, at present, he was not in possession. Taking the Bill as a whole, it contained some good clauses, and some necessary clauses, but, as the previous speaker had pointed out, the measure was open to a lot of amendment. A proper opportunity should have been given to honorable members to circulate their amendments, and to put before Parliament the wishes of their constituents in the endeavour to bring about a better state of affairs in connexion with the mining industry. He was glad that the Government had appointed a Committee to look into the question of miners' complaint. That was a disease that was playing very sad havoc in our mining community. The Committee were inquiring into the best methods of dealing with the disease, and it was to be hoped that their recommendations would be of a satisfactory nature. In Bendigo, the mining industry had the Watson Sustentation Fund for worn-out miners. That fund was voluntarily supported by the miners themselves, who contributed a weekly contribution, which was supplemented by a grant from the Government. Miners who were in the last stages of that terrible disease were able to obtain the benefit of that fund in their declining days, and they were very thankful for the assistance they received. In connexion with the mining industry, he found that the gold yield at Bendigo up to the end of 1912 was approximately 20,000,000 ounces, valued at about £80,000,000 sterling. These figures showed conclusively that it was the imperative duty of Parliament and of the Government to help along this great industry by placing on the Estimates a sum of money somewhat commensurate with the importance of that industry. The gold yield of Western Australia up to the end of 1908 was 18,400,000 ozs., showing that up to 1908 the Bendigo goldfield was pre-eminent so far as the return of gold was concerned. As for the Mining Boards which it was proposed to abolish, those Boards had certainly not been a success, but why was that? It was simply because the Department had not given them the same amount of work to do in recent years that the old Mining Boards did in years gone by. Of late years, only trifling matters had been referred to them. It would be far better if those Boards were given an opportunity of doing good work, and if they received reasonable remuneration for that work. There were other matters in connexion with the Bill that he would like to deal with, but he would have to leave them until the Committee stage was reached. He hoped that the result of introducing this Bill would be to place on the statute-book a measure that would be of great importance in assisting the mining industry of Victoria.

The Hon. A. HICKS said that while he was sorry that the debate on the second reading of the Bill was being proceeded with to-night, he was glad that the Government had seen fit to bring in the measure fairly early in the session. It was a most important Bill, and honorable members would have a fair opportunity of discussing its details in Committee. He knew there were some people who thought that mining was nearly played out in Victoria, but experts told us that there was more gold still in the earth in this State than had ever been taken out of it. He believed that that was so. Nearly thirty years ago people used to say that Bendigo was nearly played out, and that the gold would not go beyond 500 feet or 1,000 feet deep. It had been proved that the gold went down to 5,000 feet. He agreed with his colleague, Mr. Sternberg, that the Government were not giving that consideration to mining which such a great industry deserved. When it was remembered that we had raised about £292,000,000 worth of gold, it would be seen that the industry was one that deserved more attention and consideration from the Government than it was receiving at the present time. He had obtained from the Secretary for Mines figures showing the grants that had been made for gold mining during the last eight years. He did not have the figures with him at this moment, but he knew that last year showed the smallest amount that had been given to gold mining, both alluvial and quartz, during that period of eight years. He hoped that the Government would have a forward and vigorous policy, and that they would not allow the great mining industry to die out after it had done so much for Victoria. We wanted, as far as possible, to develop our mines and our great mineral resources, and to

keep the people in the country instead of allowing them to get into the big cities. One reform in connexion with mining that he would like to see brought about was the adoption of a provision requiring companies to keep a much larger reserve fund than had been the custom in the past. The Long Tunnel Company at Walhalla had paid over £1,200,000 in dividends, yet he understood that the reserve fund amounted to only about £15,000. Surely a company of that kind should have put a much larger amount into its reserve fund in order to develop the mine when the gold yields fell off. The Government was now giving that company £10,000 to assist it in developing the mine. Personally, he was very pleased that this had been done, and hoped the expenditure would prove successful in developing the reefs in the Walhalla district. Clause 16 of the Bill dealt with the forfeiture of leases. Now, leases were granted on certain conditions. There were labour conditions which had to be carried out. Personally, he had no love for a man who shepherded his lease for speculative purposes in order to sell it to some one else, but he did think that a company which had spent £20,000 or £40,000 in sinking a shaft and developing a mine should receive a little consideration, and that the lease should not be forfeited in favour of any applicant who liked to apply for it. In such a case the applicant should be prepared to pay into Court a certain amount of money. It often happened that when an applicant applied for the forfeiture of a lease the warden said, "How much money have you to work the lease?" The man might say £1,000 or £10,000, but he was not called upon to put down a single penuy. He got the lease, and then he refused to take over the machinery that was on the lease. The result was that the old company had to sell the machinery, and it was carted away or blown to pieces for old iron. Then very often the man who was successful in getting the lease did not work it after all.

The Hon. A. O. SACHSE.—And probably never intended to work it.

The Hon. A. HICKS.—No. That man would go on for three or four months, and then some one else would make a friendly application for the lease. That would go on month after month, and year after year, without a penny being spent on the lease. It would be well if a provision were adopted that when a man asked that a certain lease should be forfeited, and when the company had done splendid work in the past, then before the warden or the Minister gave the lease to that man the applicant should be required to show his *bona fides* by putting down so much money with which to work the mine. This was a most serious matter in some of our mining districts, and required to be looked into. Then clause 34 dealt with the removal of machinery from abandoned shafts. That also was an important question in some of our mining districts. Some of the abandoned shafts were 3,000 or 4,000 feet deep. Very often the shafts were uncovered by boys and the timber was carried away, but no one was responsible if a person fell down one of those shafts. The present Minister of Mines had stated that the municipality was responsible for the covering of the shafts. He (Mr. Hicks) could not see how that could be contended. The land belonged first of all to the Crown. It was then given under lease to some one for a certain amount of money, and for years the Crown received the lease rent. Then when the mine was abandoned the land went back to the Crown. How the Minister could expect the municipality to see that all the shafts in the district were kept covered he (Mr. Hicks) could not understand. Surely if an accident occurred after the lease had reverted to the Crown the responsibility must rest upon the Minister and not upon the municipality. His colleague had just now touched on a very important question concerning the miners. Clause 35 provided for a medical examination of the miner, and this involved a very big question. If the miner, before going below, had to be examined, and if it resulted in his being debarred from going below to get a living, it was the duty of the Government to provide something for the man to do on the surface. The Attorney-General had referred to Dr. Summons, who, in his report, said that no man suffering from miners' phthisis should be allowed to work below. If the Government were going to debar men who had been earning their living below for from ten to twenty years from working below, it was their duty to provide a relief fund, or to put the miners on the land, to enable them to get a liv-

ing. In South Africa they had a miners' relief fund, and no miner was allowed to go below until medically examined as to his fitness. Any man who applied to the manager to work below must first get a doctor's certificate showing that he was fit. The man was examined by the mine doctor, and if his health was good he got the certificate and could go below to work. If he did not get the certificate, he was debarred from going below. Then he went before a Medical Board, consisting of three doctors, and, if necessary, they sent him to a second Board, consisting of what might be called lay representatives. There was one representative of the Government, one of the miners, and one of the mine-owners. If it was found that the man was in the first stage of miners' phthisis he was allowed £8 per month, or £96 for one year. He was allowed to go where he liked. He could, for instance, live in Victoria, but he must be examined again at the end of the year. If he improved in health he was allowed to go below again, but if he was not in good health he was supposed to be in the second stage of the disease, and then received £8 a month for a certain time, or £400 in a lump sum. The fund was made up by contributions from the miners, the mine-owners, and the Government. The miner gave 6d. in the £1 of his wages, and the mine-owners and the Government contributed on the same scale. To-day, in South Africa, the fund amounted to over £100,000. There was now a miner in Bendigo who had been in South Africa for eleven years. He had lost his health, and was in the second stage of miners' phthisis. He received £8 a month, and could claim £400 in a lump sum as compensation. We had a fund here in connexion with the coal mines on similar lines to that of South Africa. There were also miners' relief funds in New Zealand and in New South Wales, and if we were going to debar the miners from going below, it was our duty to provide a fund here to enable the miners to secure food and raiment. In the city of Bendigo there was a feeling that the Crown lands around about should be thrown open, and that they should be prepared for the miner in fairly big blocks. He meant for the miner who was debarred from going below. On those blocks they could go in for agriculture. We were talking about building a sanatorium, so that men in the first stage of the disease might be treated there with a view of restoring them to health. Clause 66 dealt with mining managers' certificates. He was glad to hear the Attorney-General speak so highly of our mining managers. The honorable gentleman said that they had to be more intelligent now than in years gone by. We owed a great deal to the mining managers of the past. They had not a classical education, they had not an opportunity of going to the Schools of Mines, but they were a splendid lot of fellows, and had done splendid work in trying to develop the great mining resources of Victoria. First and second class certificates were given now after examination, and he understood that a certificate was to be given for service. After a lapse of twelve months they had to receive a certificate. Knowing the importance of their calling, the number of lives and the thousands of pounds they had intrusted to their care, it seemed to him that we should have the very best men obtainable. He was sorry to say that, in some parts of Victoria, mining managers were shamefully paid. In some cases the miners received more than the managers. There were managers getting from only £3 10s. to £5 a week. One could hardly expect a man to go through a School of Mines and take charge of a big mine for £4 or £5 a week. At any rate, it passed his comprehension that any one could expect such a thing. It would be a good thing for these men to have certificates, for we required the best men, scientific men, and men who were acquainted with up-to-date methods and the best way of treating the ores so that the lowest grade ores could be made to pay. Mr. Manifold had referred to a very important clause, namely, clause 67, dealing with the wages of miners. He (Mr. Hicks) understood that if machinery was hired out to a mining company—a portable engine, for instance—and the mine became defunct, the miners could seize the machinery and sell it to pay their wages.

The Hon. A. O. SACHSE.—Is that in the case of tributing?

The Hon. A. HICKS said it referred to any class of mining. The clause was a new one, and, to him, it was most unfair. He admitted that every miner should be paid his wages, for he received little enough; but, at the same time, he could not understand why a man who had

hired machinery to a mine should suffer as proposed. If the machinery was to be made a first call in connexion with the miner's wages, what was to be done with the man who supplied the mine with firewood and timber? Those men were just as poor as the miners. He knew men who had lost hundreds of pounds through mines being closed down. They had not been able to get their money. The companies had ordered the wood and burned it. He hoped the Attorney-General would soon introduce another Bill—a mining companies no-liability Bill, because that was probably more important than this measure. The question of drainage was a very important one in Bendigo. There the New Chum line was almost flooded. There was a fear that it would be flooded any day. That might not only close up the mines, but endanger the lives of the miners. He understood that, under the existing law, the Minister had no power to compel companies to carry out a drainage scheme. If by mutual arrangement they came together, it was all right; but if they did not, there was no power to compel them. This Bill would give the power, and the Minister would be able to tax the companies for the benefits received. That was a very wise provision, and he thought it would be very beneficial to mining in Bendigo. He was sorry that the Mining Boards were to be abolished. They had not done very much work during the last few years, because they had not much work to do. He hoped the Minister of Mines and the Director of the geological staff would take into serious consideration the land that was now reserved for mining purposes, so that if there was no mining going on, and no mining was likely to be carried on, the land might be thrown open for agricultural purposes. He was glad that Mr. Herman had decided that a good deal of land reserved for mining purposes in the Castlemaine district should be thrown open for agricultural purposes, as no mining was being carried on there. That land was near a water-race, and with a little expenditure on it would, no doubt, be converted into beautiful gardens. The same thing applied to the city of Bendigo. There was land there reserved for mining purposes that would probably never be worked. There was, perhaps, no reef going through it, and he hoped the Minister of Lands would consider whether such land, when not needed for mining purposes, should not be thrown open for agricultural use. He had very much pleasure in supporting the second reading of the Bill.

The Hon. J. Y. McDONALD said the Bill seemed to him to consist principally of regulations to improve the Mines Acts. The House should be careful that no injustice was done to the mining industry.

The motion was agreed to.

The Bill was then read a second time, and committed.

Clauses 1 and 2 were agreed to.

Progress was then reported.

## ADJOURNMENT.

### East Yarra Province Election.

The Hon. J. D. BROWN (Attorney-General) moved—

That the House do now adjourn.

He said he desired to take this opportunity of referring to a paragraph which had appeared in one of the daily papers last Friday in reference to a matter honorable members had spoken about more than once. It was stated in the paragraph that, in the East Yarra Province election, Mr. W. H. Edgar, one of the candidates, would have the support of the Ministry. He wished to say that the Government was not supporting any candidate, and was not interfering in the election. Not unnaturally, members of the Government desired to see their old colleague elected, but they had not taken, and did not intend to take, any part in the contest.

The Hon. W. J. EVANS said he did not know whether he was in order in referring to the statement made by the Attorney-General. He would like to point out that, notwithstanding the statement that Mr. Edgar was not receiving the support of the Government, it appeared in the press that the Premier had expressed an earnest desire that Mr. Edgar should be elected. Seeing that the Premier generally spoke for the whole of the Government, he thought the paragraph in the press was only a reasonable one, taking the whole of the facts into consideration.

The motion was agreed to, and the House adjourned at twenty-three minutes to ten o'clock.