

Mr. LEMMON.—To a finish?

Mr. BENT said he would try to take it to a finish, and he should think that they would be able to dispose of the Estimates as well.

The motion was agreed to.

The House adjourned at four o'clock p.m., until Tuesday, November 12.

LEGISLATIVE COUNCIL.

Tuesday, November 12, 1907.

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

ASSENT TO BILLS.

The Hon. J. M. DAVIES presented a message from the Lieutenant-Governor, intimating that, at the Government Offices, on November 6, 1907, His Excellency gave his assent to the following Bills:—Transfer of Land (Attesting Documents) Bill, Forests Bill, Collins Street Independent Church Land Bill.

WESTERN DISTRICT CLOSER SETTLEMENT AND RAILWAY CONSTRUCTION BILL.

This Bill was received from the Legislative Assembly, and, on the motion of the Hon. J. M. DAVIES, was read a first time.

The Hon. J. M. DAVIES moved—

That the second reading of the Bill be made an Order of the Day for the next day of meeting.

The Hon. W. H. EMBLING.—Make it next week.

The Hon. J. M. DAVIES said he proposed to ask honorable members to meet on Thursday this week.

Several HONORABLE MEMBERS.—No.

The Hon. J. M. DAVIES said honorable members would complain bitterly if they were pressed with work towards the end of the session, and yet when it was endeavoured to bring forward work earlier in the session, some honorable members also objected. It was very difficult to please them. He did not propose to move the second reading of the Bill to-morrow, but he would like to do so on Thursday.

The Hon. W. H. EMBLING.—There will be nobody here.

The Hon. J. M. DAVIES said he would remind honorable members that at the beginning of the session a sessional order was

passed making the days of meeting Tuesdays, Wednesdays, and Thursdays. Since the last day of meeting, in order to meet the views of honorable members, there had practically been a fortnight's recess. Surely it was not too much to ask the House to sit three nights this week. He was quite willing not to sit on Thursday this week, and to sit three or four days next week.

Several HONORABLE MEMBERS.—That is better.

The Hon. J. M. DAVIES remarked that it was often said "that is better" until the time came. He would most certainly object to any complaint being made should there be a block of business later on if it was said business should have been brought forward earlier. During this session he had been able to provide work for honorable members every week. There had never been any scarcity of work, and there had always been something over when the week was closed. He wanted to do what was best for the House, keeping in view that public business must be got through. If honorable members preferred to sit next week, even every day if necessary, so as to prevent a block of business towards the close of the year he would be perfectly willing. He did not propose to move the second reading of the Bill to-morrow, but on Thursday, if possible.

The Hon. W. H. EMBLING said the Bill required a great deal of earnest study. He had not read the measure, but he had read the debates which took place in the other House, and he thought the Bill was not one to be rushed through the Council in the way it was rushed through another place.

The Hon. J. M. DAVIES.—Rushed through?

The Hon. W. H. EMBLING said the Bill was rushed through another place. Honorable members ought to be allowed until next Tuesday to consider the Bill, and then deal with it in the usual way. With reference to sitting every day next week, he would point out that the Railways Standing Committee had to make its arrangements to go into the country. They had to go on important Government business to the Wimmera to inspect the Wimmera waterworks, and his colleague (Mr. Melville) and himself would not be able to be present in the House. Personally, he was perfectly willing to sit on Thursday, as any other member residing in Melbourne was, but country members must be considered. He did not wish to prevent the Government from having the House sitting on any day they wished. He was willing to be present every day, but an important Bill, which

introduced a new feature into politics, such as the one in question, ought to be considered very carefully by honorable members.

The Hon. D. MELVILLE said he came to the House with the full belief that the Government would not propose to do what they had done. He did not object to sitting on Tuesday, Wednesday, Thursday, and Friday to deal with ordinary business, but it was not fair to the House to ask that this Bill, which had been read a first time, should be read a second time on Thursday next. Let the Attorney-General take the second reading of the measure next Tuesday.

The Hon. J. M. DAVIES said he was willing to take the second reading next Tuesday, but he wished honorable members to understand distinctly that they must not expect that the House would rise in future at 10 o'clock every night, as had been done right through this session, unless sufficient progress was made to justify it. Also, though he was putting the second reading of the Bill off until Tuesday next, he certainly expected that there would be no motion for the adjournment of the debate, because sometimes after he had made a second-reading speech the adjournment of the debate was moved, and if that happened in this case nothing would be gained by putting off the second reading until Tuesday. He thought it was just as well to say that he expected honorable members to deal with the Bill after he had moved the second reading, and go straight on until a vote was taken. He would withdraw his motion.

The motion was withdrawn.

The Hon. J. M. DAVIES moved—

That the second reading of the Bill be made an Order of the Day for Tuesday next.

The Hon. T. C. HARWOOD said he wished to speak with reference particularly to the remarks of the Attorney-General. He for one would not pledge himself, after he had studied the Bill and come to the House on Tuesday next, not to ask for an adjournment after the Attorney-General made his second-reading speech.

The Hon. J. M. DAVIES.—I will stick to the Thursday sitting then.

The Hon. T. C. HARWOOD said it was unfair to honorable members to ask them to pledge themselves to anything of the kind. He received the Bill on Saturday, and yesterday was a *dies non* for all practical purposes, and therefore honorable members had no opportunity of going through the measure with that care which they should take as representatives of the people.

The Hon. E. MILLER said he hoped the Attorney-General would take the second reading of the measure next Tuesday. The Bill was a most important one, and honorable members needed time to consider it.

The motion was agreed to.

ROMAN CATHOLIC TRUSTS BILL.

This Bill was received from the Legislative Assembly.

The Hon. N. FITZGERALD moved—

That a message be transmitted to the Legislative Assembly requesting that they will be pleased to communicate to the Council copies of the proceedings of the Select Committee to which this Bill was referred.

The motion was agreed to.

MONEY LENDERS ACT 1906 AMENDMENT BILL.

The Hon. J. M. DAVIES moved for leave to introduce a Bill to amend the Money Lenders Act 1906.

The motion was agreed to.

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

TRIBUTING IN MINES.

REGISTRATION FEES.

The Hon. J. STERNBERG said the following question in his name appeared on the notice-paper:—

To call the attention of the Honorable the Attorney-General (for the Honorable the Minister of Mines) to a statement that appeared in the Bendigo newspapers that the Mining Department insists upon a fee of £1 being paid to the said Department before permission will be granted to any one obtaining a tribute from a mining company in Victoria. And further, in consequence of the exceptionally hard circumstances under which tributers work in many cases for a mere pittance, will the Honorable the Minister of Mines look into this matter with a view of granting consents to tributers, a heretofore, free.

He said he would withdraw the question, as he had had a conversation with the Minister of Mines, who had practically agreed to the wishes of the mining community *re* tributing in mines by agreeing to grant to the mining companies one general permit for the companies to let tributes, provided the Department agreed to the terms, which would remain in operation for one year, instead of insisting upon each individual tribute agreement being submitted to the Department.

The Hon. J. M. DAVIES.—I would like to say, with reference to the statement of the honorable member, that that course was in practice before this question was put on the notice-paper.

The Hon. J. STERNBERG said, in answer to the interjection of the Attorney-General, he wished to state that the Minister of Mines, previous to the question being put on the notice-paper, insisted on each individual tributer paying £1.

The Hon. J. M. DAVIES said he must now read the answer which had been furnished him. It was as follows :—

The statement that the Mines Department insists upon a fee of £1 being paid to the Department before permission would be granted to any one obtaining a tribute for a mining company in Victoria is absolutely incorrect. No charge is made by the Mines Department to any tributer. A fee of £1 has for the last twenty years, and more, been charged to companies for permission to sub-lease or let any portion of a mine on tribute. Permission to sub-lease or let portions of a mine on tribute is a concession or privilege granted to a company, as the work done under an authorized sub-lease or tribute is taken as fulfilment, or part fulfilment, of the labour covenants of the lease, and companies had no right to pass such charges on to the tributers. The Mines Department requires a copy of the proposed tribute agreement to be submitted by the company for approval, so as to insure that the conditions imposed upon the tributers are fair and reasonable, and according to the requirements of the Mines Act, before authority to sub-lease or let on tribute is granted. As the Mines Department, as pointed out, deals only with the company and not with tributers, the honorable member will see that the latter portion of his question, namely, that the Mines Department was hitherto in the habit of granting consents to tributers free, is also incorrect.

The Hon. J. STERNBERG said it was only right, by leave of the House, that he should reply to the Attorney-General.

The PRESIDENT.—The honorable member can do a great deal by leave of the House, but there is nothing before the Chair. He has not asked the question standing in his name. I could not stop the Attorney-General, because the question was on the notice-paper, but the question has not been asked, and I do not think there should be any discussion on it.

The Hon. J. STERNBERG said he would ask honorable members—and especially mining members—to support him in moving the adjournment of the House to discuss the matter. He begged to move the adjournment of the House with regard to the Mines Department insisting upon a fee of £1 being paid before permission was granted to any one to obtain a tribute from a mining company in Victoria.

Six honorable members having risen in their places, as required by the Standing Order, to support the motion,

The Hon. J. STERNBERG said the answer the Attorney-General had submitted to the Chamber was not altogether in keep-

ing with what the Minister of Mines explained to him to-day. So far as the tributing agreements were concerned, the Department had been in the habit of charging £1 for allowing a tributer an opportunity of working in a mine. Whether the company paid the £1 or the individual tributer paid it was another question. The whole thing amounted to the unfortunate tributer being forced to pay the money in the end. It was extremely hard for a man who went into a mine to earn a mere pittance to have to pay a fee of £1. The Department did not care whether the company or the individual tributer paid the money. The consent was only granted on the payment of the fee of £1. This affected a large number of people interested in the mining industry. Recently in Bendigo a meeting of the mine-owners and the miners was held, and they unanimously carried a resolution asking the Minister of Mines not to insist on this very objectionable practice of charging £1 in connexion with each tribute granted. The Minister intimated that he was satisfied to grant one general permit to a company.

The Hon. J. M. DAVIES.—That is so.

The Hon. J. STERNBERG said he contended that that was a right thing to do, but if the Minister was going back on that position, and intended to charge each individual tributer £1 for the right of working in a mine, it was most unfair. A tributer would work in a certain mine and perhaps get no gold, and then he would have to try another place. For each new place he had to get a permit and pay a fee of £1. It was most unfair to place a poor unfortunate man, who was trying to earn an honest livelihood for his wife and family, in that position. It was extremely hard, and under the circumstances he thought he was perfectly justified in moving the adjournment of the House in order that the matter might be discussed.

The Hon. R. H. S. ABBOTT said the imposition of the fee of £1 in connexion with tributing was, for the first time, affecting the miners and mine-owners in Bendigo, and it might not be within the knowledge of honorable members that, up to the present, the miners and mine-owners of that city had, practically with the consent of the Mines Department, been working entirely outside the Mines Act. The tributing conditions under the Mines Act were so repugnant and unsatisfactory that the Department had, in favour of the miners, waived the conditions up to the present, and had not insisted in Bendigo on what had been

insisted on in other parts of the State in connexion with tributing. The fee of £1 for tributing, which the Attorney-General said had always been charged to companies by the Department, never had been charged in the Bendigo district until the last few weeks or months.

The Hon. J. M. DAVIES.—Because the Bendigo people never applied for authority.

The Hon. R. H. S. ABBOTT said that at the present time there was probably more tributing in the Bendigo district than in any other district in the State. Mining was carried to a depth of 4,000 feet, and the areas of possibly auriferous ground were something enormous. The working miners knew this as well as the mine-owners, and hitherto the two parties had worked in accord under what was known as the block system. On various occasions the Minister of Mines had gone to the Bendigo district and had found that the regulations of the Department were entirely out of accord with the wishes of the mine-owners and the miners, and were practically unworkable. The Minister now insisted on the fee being paid, and the mining companies at once passed it on to the miners who applied for tributes. It often happened that tributes were applied for and were allotted, but the tributers did not remain at work more than a couple of hours before they threw up the tribute. In these cases they would have to pay the Department £1 for practically nothing at all.

The Hon. J. M. DAVIES.—It is not at all necessary for them to pay it. The companies can get a tribute agreement which will cover all of them.

The Hon. R. H. S. ABBOTT said the agreements which were insisted upon by the Department were utterly inapplicable to the conditions at Bendigo. The result was that the mining companies refused to let tributes at all, and hundreds of miners were adversely affected. That was, no doubt, the reason why Mr. Sternberg had taken up such a strong position in connexion with the matter. The reply of the Attorney-General would seem to imply that Mr. Sternberg knew nothing about the question, but that was entirely a mistake. The honorable member understood the situation very well. He (Mr. Abbott) understood that some satisfactory arrangement had now been come to, and as long as that was maintained by the Mines Department, and so long as Bendigo was allowed practically to paddle its own canoe, there would be no trouble.

The Hon. F. BRAUN said he was astonished to hear that the arrangement

mentioned by the Attorney-General had been in existence for twenty years. He had been connected with the directorates of several mines in the Ballarat district, and had never known such a fee to be charged.

The Hon. J. M. DAVIES.—Then you never applied for authority.

The Hon. F. BRAUN said he did not think there was much in the contention that the payment of the fee would be passed on to the tributers, because in most cases the tributers were not in a position to pay it. Nor did he think that the fear that tributers would go away from one place to another was well founded. At the same time, if it was the intention of the Mines Department to enforce the payment of a fee of £1, and if this fee would fall on the tributers, he would certainly oppose it by every means in his power.

The Hon. J. D. BROWN remarked that the fee charged upon tributing agreements was one of a class which he had always opposed. Hundreds of men were engaged in this industry—many of them old men. Sometimes they made a substantial living, and sometimes a very precarious one. The charge of £1 would, in all probability, come out of the pockets of the working man, because the company would take care to get the money back in some way or another. It was extraordinary that every time any one went to the Department to get something registered or entered, a fee had to be paid. The aggregate revenue derived from this fee for tributing agreements could not be very large, and it should be abandoned. As matters now stood, a number of deserving men, who wished to make an independent living for themselves, would be prevented from doing so unless £1 was paid to the Department.

The Hon. W. H. EDGAR.—Why should not the companies pay it?

The Hon. J. D. BROWN said his experience was that the fee had to be paid in the end by the working man. If the tributing system were encouraged a great many men would be prevented from coming on the old-age pension fund. The Mines Department already derived a large revenue from other sources. For instance, a charge of 6d. per acre was made for permission to prospect on private property, and from this source the Department obtained thousands of pounds every year. In the case of the charge on tributing agreements he thought the Government might very well abolish the fee altogether, in the interests, not of rich people, but of poor people. It was a huckstering policy for a great

Department like the Mines Department to insist on the payment of such a fee.

The Hon. J. M. DAVIES said he did not know whether those honorable members who had spoken on this question really understood the position. Mr. Brown spoke as though every tributer had to pay £1. It was not so at all. A company could get a tributing agreement passed by the Mines Department for a fee of £1, which enabled them to take on these tributers from time to time without paying any fresh fee at all. The supervision of the Mines Department was carried out in the interests of the very men whose cause Mr. Brown and Mr. Sternberg were advocating. It was because some of the companies wished to impose unfair conditions on the men that the Mines Department was required to give its consent to these agreements in order to see that the terms were fair and reasonable. It was quite true that in Bendigo and other places a number of companies had been in the habit for years of letting these tribute agreements without making themselves safe by obtaining the authority of the Department. However, for some reason or another they had now decided to register the agreements for their own safety.

The Hon. J. D. BROWN said he did not for a moment object to the tributing agreements being sanctioned by the Department. He thought that was a proper course. But the Attorney-General had really strengthened his (Mr. Brown's) arguments by showing that the revenue derived by the Department from this source was much less than it had been supposed to be.

The motion for the adjournment of the House was negatived.

WORKMEN'S HOMES AND SMALL HOLDINGS.

The Hon. D. MELVILLE asked the Attorney-General the following questions :—

1. Is there any land now available for workmen's homes in the town of Brunswick or the shire of Coburg ?
2. Is there any land available to the public as small holdings, and where situated ?
3. Is it true that there are thousands of applicants unsupplied ?
4. How long will applicants have to wait before their applications are dealt with ?
5. At what prices per acre have the last lots (260) been purchased, and what are the prices charged to the applicants ?

The Hon. J. M. DAVIES.—There is no land now available for workmen's homes in

the town of Brunswick or the shire of Coburg. 260 blocks were made available under the Improved Small Holdings Act up to the 30th September last, situated at Mor-dialloc, Thomastown, Geelong, Wangaratta, Bellarine, Daylesford, and Warragul. No other land is available. All applications lodged on or before that date are deemed to have been made simultaneously. Applications may still be lodged and will be dealt with on their merits. 3,000 applicants have applied for the land, as above described, and their applications are now being dealt with by the Land Board at the rate of about 100 per day. Those of the unsuccessful applicants who are deemed worthy will be considered when further land has been acquired without having to lodge a fresh application or again attend a Land Board. It is anticipated that the permits will be issued by the 1st January, 1908. The average price per acre is £19 ls. 6d. Each estate is valued and classified according to its quality, and subdivided into allotments each valued at about £200 (exclusive of the cost of survey, roads, draining, and working expenses, &c.), the total values of these allotments being equal to the total purchase money paid for each estate.

The Hon. D. MELVILLE observed that the Attorney-General had not fully answered the last of his (Mr. Melville's) questions as to the price per acre of 260 lots which had been purchased.

The Hon. J. M. DAVIES.—This is all the information I have.

The Hon. D. MELVILLE said he would repeat the question on the next day of meeting.

DANDENONG LANDS ACT 1892 AMENDMENT BILL.

A message was received from the Legislative Assembly requesting concurrence in certain amendments recommended by the Lieutenant-Governor in this Bill.

The Hon. J. M. DAVIES said that this Bill had been in charge of Mr. McBryde. The amendments referred to in the message were amendments in the schedule describing the land, and were furnished to the Crown Law Department by the Lands Department for the purpose of making the description of the land strictly accurate, which, it appeared, it was not previously. He begged to move—

That the amendments be agreed with.

The amendments were agreed with.

GEELONG MUNICIPAL WATERWORKS TRUST BILL.

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

Clauses 2 to 6, inclusive, were agreed to.

On clause 7, providing for the election of Commissioners,

The Hon. J. M. DAVIES moved—

That the following paragraph be added to the clause:—“(i) If any council or councils fail, neglect, or refuse to elect a Commissioner or Commissioners at the first election as provided in this section the Governor in Council may appoint as many fit and proper persons to be Commissioners as are required to make up the number of Commissioners; and every Commissioner so appointed shall hold office as if he had been elected hereunder.”

He said that the clause, as it stood, did not provide for the case of one of these electing bodies failing or neglecting to do its duty in electing the first Commissioners. The amendment would provide for that case, and was only intended to meet a case of default.

The Hon. A. HICKS.—For how long will the Commissioner be appointed?

The Hon. J. M. DAVIES.—For the same time as if he had been elected by the council.

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

Clauses 8 to 23 were agreed to.

Discussion took place on clause 24, which was as follows:—

(1) The Governor in Council may by order published in the *Government Gazette* declare that the whole or any portion (as set out in such order) of the Geelong Water Supply Works described in the second schedule, together with the works, buildings, plant, and machinery, and all mains, stand-pipes, branches, and reticulation pipes (other than service pipes laid at the cost of any owner and occupier of private lands, or on land or property vested in or belonging to the Geelong Harbor Trust Commissioners), and all personal property whatsoever connected therewith and used for the purposes of water supply to the area comprised within the limits hereinbefore mentioned, all of which are hereinafter referred to as the “Water Supply Works,” shall on the appointed day vest in the trust upon trust for the purposes of this Act.

(2) Upon the publication of the said order the Water Supply Works shall on the appointed day, without further or other authority than this Act, and without any conveyance, assignment, or transfer, be and become vested in the trust upon trust for the purposes of this Act.

The Hon. T. C. HARWOOD moved—

That the words “or on land or property vested in or belonging to the Geelong Harbor Trust Commissioners,” be omitted.

He said such an exemption was not made in the case of the Melbourne Harbor Trust, and

he was instructed that there was no reason why it should be done in the case of the Geelong Harbor Trust.

The Hon. J. M. DAVIES said he did not know the reason for the insertion of the words which Mr. Harwood desired to strike out; but sufficient reason had not been shown for omitting them. All the clause stated was that the Governor in Council might declare that certain property, “other than service pipes laid at the cost of any owner or occupier of private lands, or on land or property vested in, or belonging to, the Geelong Harbor Trust Commissioners,” should vest in the Trust, upon trust for the purposes of the Bill. He had no doubt that the respective rights of the Geelong Harbor Trust Commissioners and the Geelong Water Trust Commissioners had been thoroughly thrashed out. This amendment had been suddenly brought forward without giving the Geelong Harbor Trust an opportunity of expressing their views about it. He did not think it was desirable to take away, without better reason, rights which were being reserved to a public body by this Bill. After a comparison of the respective merits of the two bodies, it had evidently been thought proper that the Geelong Harbor Trust should have this reservation.

The Hon. T. C. HARWOOD.—It was not done in Melbourne.

The Hon. J. M. DAVIES said the conditions might be altogether different. In the case of Melbourne something might have been omitted which should not have been omitted. The Bill had been thoroughly thrashed out, and had been brought before the different bodies interested. This was the first time he had heard of any objection to the proposal. No valid reason had been given for depriving the Geelong Harbor Trust Commissioners of these rights.

The Hon. T. C. HARWOOD said, in the Bill, as originally agreed upon, these words were not included, and it was not intended that they should be there. They got in, probably, at the instigation of the Geelong Harbor Trust Commissioners, with a view of giving them greater control than he thought they should have. It stood to reason that the wharfs on which the mains were laid for the purpose of supplying water for shipping, should be under the control of the Waterworks Trust.

The Hon. J. M. DAVIES.—That the wharfs should be under their control?

The Hon. T. C. HARWOOD said the Waterworks Trust should have control to enable them to keep the mains in order just

as they did in the streets. The mains were necessary to supply shipping with water. If the Melbourne Harbor Trust, which had to deal with an enormous amount of shipping, did not require this special treatment, it could not be necessary at Geelong.

The Hon. J. D. BROWN said the question was really whether the Geelong Waterworks Commissioners should have the control of their own water supply. It certainly seemed a sensible proposition that the Waterworks Trust should have such control.

The Hon. J. G. AIKMAN said if the amendment were carried it might result in divided control, and he therefore hoped the clause would not be altered.

The Hon. J. M. DAVIES.—The Harbor Trust may want to pull down the wharf.

The Hon. J. D. BROWN said if the Geelong Harbor Trust desired to re-model their water supply, they could give notice to the Waterworks Commissioners, who might do the work at the expense of the Harbor Trust. In the case of a private service that was the procedure usually followed.

The Hon. T. C. HARWOOD said this point had never been considered by the Conference which dealt with this Bill.

The Hon. A. HICKS said there was a great deal in the contention of Mr. Harwood. The Water Commissioners should surely have control wherever their pipes were carried. If the Water Trust did not have control then friction might result.

The Hon. W. H. EMBLING said it seemed to him that the provision which Mr. Harwood desired to strike out had been inserted simply for the purpose of glorifying the Geelong Harbor Trust Commissioners.

The Hon. W. PITT said if the Water Trust interfered with the water service on the wharfs the Harbor Trust would not be able to supply the ships with water. It was absolutely necessary that the Harbor Trust should have control of the water. If the Water Trust Commissioners said: "We will not allow you to have water at the same rate as for domestic supply"—

AN HONORABLE MEMBER.—That is ridiculous.

The Hon. W. PITT said it was not ridiculous. The Geelong Harbor Trust paid for their water by meter just as ordinary consumers did, and it was perfectly proper to protect their rights in the way proposed.

The Hon. J. M. DAVIES said if it were a proper thing to exempt pipes laid on the ground of a private owner, surely it was right to do so in the case of the Harbor Trust. Mr. Harwood did not propose to

strike out the words "other than service pipes laid at the cost of any owner or occupier of private lands."

The Hon. T. C. HARWOOD.—Because they are in the Melbourne Act.

The Hon. J. M. DAVIES said the wharfs were the private property of a corporation, and as pipes on private property were exempted, an exemption should be made in the case of the Geelong Harbor Trust. Mr. Harwood had only moved this amendment because the Melbourne Harbor Trust was not exempted, whereas private owners in the metropolitan area were. He (Mr. Davies) failed to see any distinction between an individual and the Harbor Trust Corporation.

The Hon. W. H. EMBLING said he could not see anything in the arguments of the honorary Minister and the Attorney-General. Mr. Pitt had suggested that the words should be retained in order to prevent the Water Trust Commissioners saying, "Unless you pay an extra sum for your water we won't give it." Such a suggestion really struck a blow at the whole scheme. Surely they could trust the Waterworks Commissioners to do what was best? The Attorney-General said that the Geelong Harbor Trust should be exempted because private owners were exempted. Why did not the Attorney-General go further, and say that pipes on Government property should be exempted? The Government buildings were quite as important as those of the Harbor Trust, and the Commissioners would be just as likely to say to the Government as to the Harbor Trust, "We won't let you have the water unless you pay more than a private individual."

The Hon. W. PITT.—I don't think the Government pay at all.

The Hon. W. H. EMBLING said then the position was still worse. He could not see why these words should be retained in the clause, except that the Geelong Harbor Trust, like other similar bodies, wanted to extend their authority and make their position more glorified than before.

The Hon. R. H. S. ABBOTT said he intended to support the amendment. The words "land or property vested in or belonging to the Geelong Harbor Trust Commissioners" would include other property besides wharfs in the possession of the Harbor Trust. It would only be a fair thing to safeguard the people who had to pay the interest in connexion with such a big undertaking to give them full control of the water system, and prevent any other corporate body saying to the Waterworks Trust, "We will do what we like; we have

power under the Act, and you cannot interfere with us."

The Hon. D. MELVILLE said he thought it would be a great mistake to amend the clause. If the Waterworks Trust were given control it might lead to the arrangements for supplying shipping with water being interfered with. It would be a mistake to have divided control on the wharfs.

The Hon. J. M. DAVIES.—The Harbor Trust could not turn on a tap.

The Hon. D. MELVILLE said it would be nonsense to have a divided control in those circumstances. The Geelong Harbor Trust should not be placed in a wrong position, and it should be the complete master of its wharfs.

The Hon. W. H. EMBLING.—They have acres of country besides the wharfs.

The Hon. D. MELVILLE said he was speaking of the wharfs. He sincerely hoped that the Committee would adhere to the clause as it stood.

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

On clause 25, which was as follows:—

The Governor in Council may by the said or any subsequent Order published in the *Government Gazette* declare that the trust shall on the appointed day have the sole control of the whole or any portion (as set out in such Order) of the lands described in the Third Schedule,

The Hon. J. M. DAVIES said the Geelong and Western District Fish Acclimatising Society had certain privileges in connexion with a portion of this water, and it had been thought that those privileges should not be prejudiced by the change of ownership. He therefore begged to move—

That there be inserted at the end of the clause the following words:—"Notwithstanding anything in this Act the society known as the Geelong and Western District Fish Acclimatising Society may in accordance with the terms of the permission given to the society in that behalf as approved by the Minister of Water Supply on the sixth day of January One thousand eight hundred and eighty-eight, and unless and until the permission is withdrawn by the Governor in Council, continue to occupy for fish-breeding purposes so much of the land situate at the Lovely Banks service basin as on the appointed day is occupied by the society under the permission; but the trust may with the approval of the Governor in Council enter on such land to carry out any works; and neither the society nor any person (whether a member of the society or not) shall be entitled to or shall receive from or on behalf of His Majesty or the trust any money or consideration by way of compensation in respect of or arising out of the society ceasing to occupy such land or the withdrawal of the permission or any such entry by the trust."

It was thought that the society should not be deprived of its rights and privileges unless by the Governor in Council. A good many honorable members took an interest in the acclimatisation of fish, and the stocking of the rivers, and he did not think there would be any objection to the amendment.

The Hon. T. C. HARWOOD said he had no objection to the amendment, and as far as he knew, those interested in the Bill did not object to it.

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

Clauses 26 to 32 were agreed to.

A verbal amendment was made in clause 33, and the clause, as amended, was adopted.

Clauses 34 and 35 were agreed to.

Discussion took place on clause 36, which was as follows:—

Save as hereinafter provided every such contract—

- (a) shall be in writing and shall specify the work to be done, and the materials to be furnished, and the price to be paid for the same, and the time or times within which the work is to be completed, or materials furnished, and the penalties to be suffered in case of non-performance thereof;
- (b) may, if the trust thinks fit, also specify the person to whose satisfaction the same are to be completed or furnished, and the mode of determining any dispute which may arise concerning or in consequence of such contract;
- (c) shall contain a condition that a minimum rate of wage for a maximum number of hours shall be paid by the contractor to his employes engaged in the carrying out of such contract; and
- (d) shall specify that in obtaining goods, machinery, or material for the service of the trust, substantial and effective preference shall be given by the trust to such goods, machinery, or material manufactured or produced in the Commonwealth.

The Hon. J. M. DAVIES remarked that he thought it was only right that he should remind honorable members that this was a clause he referred to when moving the second reading of the Bill. He would call attention to paragraph (d).

The Hon. T. C. HARWOOD remarked that a similar provision was in the Geelong Harbor Trust Bill, and it was struck out. Surely the Waterworks Commissioners, if they could be trusted with carrying out these works, could be intrusted with making a suitable contract. The paragraph with regard to the minimum rate of wages could be left in, but it might be a difficult and expensive thing for the Waterworks Commissioners if they were prohibited from getting

any machinery or material which might be wanted from outside the Commonwealth, and which could not be obtained within the Commonwealth. He begged to move—

That paragraph (d) be struck out.

The Hon. J. D. BROWN stated that the things which this corporation would want could not be anything but pumps or water pipes, which were already made here, and honorable members should encourage them to be made here, so that a larger manufacture of them might be established. It seemed a suitable principle to insist on—that a corporation which was getting a substantial concession from the State, and which would benefit by the increased population in the whole State, and by the schemes under which produce would be brought to that part, should be required to observe conditions such as this.

The Hon. J. M. DAVIES.—This is not the Harbor Trust; this is the Water Trust.

The Hon. J. D. BROWN said Geelong was going to be benefited by the works which the State was undertaking. Unless this country got ironworks established in some part of the Commonwealth, it could not hope to make as much progress as it ought to do, and he thought assistance should be given in the direction contemplated by this clause.

The Hon. W. J. EVANS expressed the hope that Mr. Harwood would not insist on his amendment. It was generally admitted that Geelong was making a very good bargain in connexion with these waterworks.

The Hon. T. C. HARWOOD.—It is the other way.

The Hon. W. J. EVANS said he did not think Geelong should do anything that would prevent others from participating in the good effects of this Bill. A good deal had been heard about the Geelong Harbor Trust in connexion with machinery, dredges, and such like, and the question dealt with in the clause was a burning one with a large number of people.

The Hon. J. BALFOUR said he did not think this was a provision which should go into a Bill and be mandatory. He thought the trust should be left to their own free will in the matter. He would admit that it was very often advisable to encourage native industry and things which could be got here if the price was reasonable. He would not say that the price must be lower for the articles locally produced; he would sometimes give more for them. The matter, however, should be left with the Commissioners. Mr. Brown said that only pumps

or pipes would be required by the trust, but he would point out to that honorable member that sometimes pumps and other machinery were made under patents, and could not be got here. He did not think the House should say that the trust should not give a higher price for colonial-made articles, but he did not think the House should say they must give a substantial and effective preference. He would leave that to the judgment of the Commissioners.

The Hon. W. J. EVANS said the point raised by Mr. Balfour was met in the paragraph it was proposed to strike out, for the substantial and effective preference was only to be given "to such goods, machinery, or material manufactured or produced in the Commonwealth."

The Hon. J. BALFOUR.—They may use another pump, because they cannot get the one they want.

The Hon. W. J. EVANS said he thought the controversy which arose in connexion with the purchase of the dredges by the Geelong Harbor Trust placed beyond all doubt that it was the desire of the people that preference should be given to our own industries. He thought they had had quite sufficient indication of that in connexion with the purchases of the Melbourne Harbor Trust and Geelong Harbor Trust. The same thing applied to waterworks. Certain concessions were made to this trust, and the least honorable members could do was to see that the trust did not flout the policy of the country.

The Hon. J. BALFOUR.—Trust them.

The Hon. W. J. EVANS said we had trusted them too much in the past.

The Hon. D. MELVILLE observed that honorable members knew the practical difficulty of carrying out these things. They knew all about the celebrated case of the Harbor Trust dredge. The Commissioners gave three months notice so that this dredge might be made in Australia. However, there was nothing very objectionable in this provision. Mr. Evans spoke about the Harbor Trust flouting the policy of the country. But when the Harbor Trust advertised in the Commonwealth and England for what they required, how many local people came forward? Only one came forward, and this person would have to import nearly everything, although his price was some thousands of pounds above the price at which the work could be done in England. The difficulty was to the extent to which preference was to be given, and if there was a difference of £6,000 or £7,000 in an article that could be got from outside for £16,000, and the Commissioners obtained

the article locally, they might be charged with having made away with the public money. It was to be remembered that the trust were not there for their own individual purposes, but for the performance of the public duty. One company might be in collusion with another company.

The Hon. W. J. EVANS.—That is doubtful.

The Hon. D. MELVILLE said he admired the honorable member's innocence. In order to protect the country's interests the Commissioners must be able to look outside and see what was possible to be done. As to flouting the country, they would, instead of doing that, be doing their best to protect the country. As far as giving preference was concerned, there was no objection to that, but if there was a swindle, or a collusion, or an unreasonable demand was made, he trusted the Commissioners would never agree to anything of the kind. Let there be preference, and substantial preference, but there should not be dictation by a section of the community, which was unreasonable. There would be a difficulty in carrying this clause into effect.

AN HONORABLE MEMBER.—Who got this clause inserted?

The Hon. D. MELVILLE said he supposed it was put there by the Labour men, but in any case there was nothing very strong in the clause. It would allow the Commissioners a fair latitude, and they ought to be encouraged to give a fair latitude, but not be compelled to buy a thing here if it was against the interests of the country.

The Hon. A. McLELLAN remarked that the argument of the honorable member who had just spoken, and who had worked himself up into such a state of enthusiasm, was that substantial preference should be given.

The Hon. J. M. DAVIES.—What does that mean?

The Hon. A. McLELLAN said he did not know what it meant; that rested with the Commissioners to decide for themselves. If the Commissioners were fit for their position they would know what substantial preference was. Mr. Balfour talked about the trust wanting to import some patent pumps or machinery. This clause, however, would not apply in such a case as that.

The Hon. W. H. EMBLING.—Supposing Mr. McKay said he could invent a pump in a short time?

The Hon. A. McLELLAN said this provision would not prevent a patent pump being obtained from outside, if the Commissioners could show that the pump was a patent and that it could not be manufactured

here, and that it was more useful than one which could be obtained here.

The Hon. J. M. DAVIES stated that the reason he had called attention to this provision was that he did not know what it was intended to effect. The question of protection and free trade was not now dealt with by the State Parliaments, but by the Commonwealth Parliament. Assuming that the Commonwealth Parliament put a protective duty of, say, 30, or 40, or 50 per cent. on a particular article required by the trust, did this clause mean that articles obtained from Home should pay the 50 per cent. duty, and that if the price of the thing, with the duty added, was less than the price of a locally-made article, the Commissioners would have to give an additional effective preference, and get the article in Victoria?

The Hon. A. HICKS.—It is according to how much it is.

The Hon. J. M. DAVIES said surely the question of protection or free-trade was away from the State Parliament now. It was dealt with by the Commonwealth Parliament. If the Commonwealth Parliament came to the conclusion that 40 per cent. was sufficient protection for a particular article, was the State Parliament now, "If you are dealing with the Geelong Waterworks Commissioners 40 per cent. is not sufficient; you must clap on another 40 or 50 per cent. so as to give effective protection." Effective protection must mean such protection as would enable the article locally made to be purchased, otherwise it would not be effective. This provision was not in the Bill originally. He did not know whether it was accepted by the Government in another place or not.

The Hon. W. H. EMBLING.—It was put in by the Labour men.

The Hon. J. M. DAVIES said it seemed to him that the State Parliament should not clap on a protective duty on top of the protective duty imposed by the Commonwealth.

The Hon. F. BROWN remarked that the provision seemed to be a direction to the trust not to purchase outside if an article could be obtained to greater advantage here. It meant that, if possible, protection should be given to locally-manufactured goods. If that could be done it should be done. He did not know whether the provision would be binding on the trust, but it should be binding if they desired to purchase outside when a suitable article could be obtained locally.

The Hon. A. HICKS said a resolution was passed by the Assembly some time ago to

the effect that whenever an article was to be obtained for the State, if it could be made here, the local article should have the preference.

The Hon. J. M. DAVIES.—This House was never asked for its assent.

The Hon. A. HICKS said he hoped this House would not go against the popular House.

The Hon. W. H. EMBLING.—He said "the popular House"; we are the popular House.

The Hon. A. HICKS said he would take it that both Houses were popular Houses. The Assembly passed a resolution some time ago in the direction he had stated, and if this clause was passed as it was, it would be in harmony with the wishes of a majority of honorable members who voted for it on that occasion. Personally, he could see nothing objectionable in this clause. If an article could be obtained here by giving a little more for it, he thought it should be obtained. If an article cost, say £1,000 if it was imported, and it could be obtained here for £1,100, the local article should have preference. Surely it would be right to give £100 more in that case.

The Hon. J. M. DAVIES.—If £500 of the price was duty?

The Hon. W. PITT.—The Melbourne Harbor Trust offered 30 per cent. more, and that would not satisfy them.

The Hon. A. HICKS said he might be a little dark, but he could not see what the duties had to do with the matter.

The Hon. J. M. DAVIES.—The imported article has to pay duty.

The Hon. A. HICKS said if an article could be bought here by giving a little more for it than for an article obtained from outside, would the Commissioners not be justified in giving that little extra amount? He would think that the trust would feel it an advantage to have a clause like this in the Act, showing that the State believed in their giving preference to things made in the State.

The Hon. T. C. HARWOOD said with a view of meeting the objections of some honorable members, and he believed of most honorable members, he would withdraw his amendment and move the omission of the words "substantial and effective."

The Hon. W. J. EVANS.—That takes the kernel out of it.

The amendment to omit paragraph (d) was withdrawn.

The Hon. T. C. HARWOOD moved—

That in paragraph (d) the words "substantial and effective" be struck out.

The Hon. W. H. EMBLING stated that it was rather late to talk about free-trade and protection in this House. Honorable members of this Parliament had nothing to do with those questions. Honorable members might have their own ideas and views on the subject, but as a Parliament they had nothing to do with it, and in raising the question they were exceeding their powers. He had always been a protectionist, and believed that wherever we could we should see our own people employed to do our own work. Notwithstanding all that the Labour Party or the protectionists might say, he did not think it was desirable to put words in the clause that would enable disaffected people to bring an action for damages against the trust.

The Hon. W. J. EVANS.—That is too thin.

The Hon. W. H. EMBLING said it was not a bit too thin. He agreed with Mr. Harwood that we should give preference to our own men; but in putting in the words "substantial and effective" use was being made of words which might have some unexpected legal interpretation. If the Water Trust bought some machinery in the Old Country or Germany and imported it here they might, under this clause, be liable to an action at law because of their not giving substantial and effective protection to the local article. There would be Mr. Hicks' words about paying an extra £100 on an article costing £1,000 to be used against the trust. When a new body was established to do new work for the public honorable members must trust them. The great fault with the Labour Party was that they would never trust anybody. They always wanted the last limit put in black and white, and then they wanted a little more beyond that, and were never satisfied until the caucus had agreed to it. In the case of a body which was elected by the ratepayers, he did not see why these words should be put in to tie their hands. The amendment moved by Mr. Harwood for deleting these words would just meet the case, for then the Commissioners would be instructed that, when obtaining goods for the service of the trust, preference was to be given to goods produced in the Commonwealth. The term "substantial and effective" was a vague one, and there was no knowing what might happen in connexion with it if a clever lawyer was employed.

The Hon. W. H. EDGAR.—There is nothing vague about it.

The Hon. W. H. EMBLING said that what the honorable member might think effective he (Dr. Enbling) might think was

not effective. No two men would think the same on the subject. One Colonel would say his men were effective, and the next Colonel would say they were not. "Effective" was about the vaguest word one could make use of.

The Hon. W. J. EVANS said that if the words were struck out the kernel would be taken out of the clause. During the discussion the Attorney-General stated that he did not know what the words "substantial and effective" meant. This matter was discussed in another place, not on this Bill, and a resolution was passed regarding the importation of machinery, goods, and material. A conference, consisting of the Minister of Water Supply, the honorable member for Essendon, the honorable member for St. Kilda, the leader of the Opposition, the honorable member for Prahran, the honorable member for Allendale, and the honorable member for Abbotsford, was appointed to bring up a resolution, and another place unanimously adopted that resolution, which stated—

That in obtaining machinery, goods, or material for the service of the State, the Government shall, with a view to the encouragement of our own manufacturers and producers, give substantial and effective preference to those manufactured or produced in the Commonwealth; and, further, that the prices and tenders for all machinery, goods, or material so obtained which are manufactured or produced outside the Commonwealth shall be laid on the table of the House at the end of each financial year, or as soon thereafter as Parliament meets.

That was considered necessary to meet the requirements, and was accepted by the Premier, who stated—

As honorable members are aware, in the early part of the evening, I made the same offer as I made the other night, and the honorable members referred to by the honorable member for Abbotsford met. Although, perhaps, the wording of the motion may not altogether suit everybody, still, at the same time, we are anxious to show, at any rate, that we desire that the policy of this State shall be carried out, and, therefore, on behalf of the Government, I have accepted the motion. I am very pleased to think that we have been able to arrive at a conclusion. I am especially pleased with the last words used by the honorable member for Abbotsford, that, in putting this return on the table of the House, we shall see that the officers of the Departments carry out the wish of the House, and take the responsibility off our shoulders.

The Hon. W. H. EMBLING.—When was that?

The Hon. W. J. EVANS said that that appeared in *Hansard* on 17th October, 1905. That was the policy of the Government, and it seemed an extraordinary thing that the Attorney-General, who was a member of that Government, said he was unable to understand what substantial and effective

preference meant. The resolution was the policy of the Government at present.

The Hon. W. H. EMBLING.—That does not bind us.

The Hon. W. J. EVANS said that surely the Geelong Waterworks Trust was not to be placed in a different position from the various Government Departments. That would be most anomalous.

The Hon. W. H. EMBLING.—Not at all.

The Hon. W. J. EVANS said there was nothing anomalous as far as Dr. Emling was concerned. He (Mr. Evans) had found that out long ago. He failed to see why the trust should be placed in a more favorable position than the Government Departments.

The Hon. W. H. EMBLING.—You admit that it is more favorable?

The Hon. W. J. EVANS said that if Mr. Harwood persisted with his amendment he might lose the Bill.

The Hon. W. H. EMBLING said the logic of Mr. Evans was beautiful. Because some years ago there was a conference between the extreme radicals in another place, and it was decided that certain things should be done in regard to Government Departments, therefore that was to be binding on this House for all time. This House had nothing at all to do with agreements made by the Government and the Radical Party. The Chamber was dealing now with the plain common-sense proposition that the trust should have, to a certain extent, a free hand in conducting its own business. Mr. Evans did not attempt to explain the words, but simply said that they ought to be in the clause because a resolution was passed in another place. Members in this House dealt with matters on a practical, business-like footing, and Mr. Evans was in the wrong place, for he should have been returned to the Assembly for Essendon. Because the Government or the Labour Party or the Conservative Party had done a certain thing, that was no reason why this House should do the same. The words referred to were vague, and might lead to legal proceedings. No one could say where they might land the trust. He considered the Attorney-General and Mr. Harwood were right in saying that these words should be struck out.

The Hon. T. C. HARWOOD said in closing his remarks Mr. Evans made a kind of threat, stating that if the amendment were carried it would end in the Bill being lost. He (Mr. Harwood) took exception to that. No honorable member should endeavour to influence honorable members by a

threat of that kind. The honorable member might know the opinion of another place, and how far the provision might be insisted on, but, as Dr. Embling had pointed out, honorable members were present to do their duty all round—to the working men, to the contractor, to the employer and to all persons engaged—irrespective of resolutions passed in another place. Honorable members were elected to take the course that appeared to be right, irrespective of all parties and of what conclusions those parties might come to. He would ask honorable members to bear in mind that not only had they to consider the interests of the contractor and the workmen, but the interests of the ratepayers in the five municipalities interested in being able to carry out the waterworks scheme prudently and effectively, and who wanted to make the scheme a success. The House did not want to oppress the workmen or to put the contractor under any unnecessary difficulties, but he should be left to carry out his business in a proper manner. It would be the business of the Commissioners to look after all interests. The clause as it would be if the amendment was carried would be acted upon in its entirety. The House should not consider any one particular interest or any resolution passed in another place for a particular purpose, and should not exalt or oppress any particular party, but should do justice all round. The mere excision of the words “substantial and effective” would leave everybody in a fair and reasonable position. The Melbourne and Metropolitan Board of Works and other bodies did not have such a provision binding them, and it was unreasonable that it should be included in the clause.

The Hon. W. H. EDGAR said honorable members had to bear in mind that the Bill was creating a new order of things for Geelong, and it seemed to be the policy of the measure in the first place to pay the Commissioners £100 for the work they were to do, while the members of the Melbourne and Metropolitan Board of Works did their work for nothing. There was an indication in the clause that the Commissioners were to carry out the settled policy of the State. That seemed to him to be the only construction that could be placed upon paragraph (d). He understood that it was accepted by the Government in another place.

The Hon. J. M. DAVIES. — I know nothing about what was done by the Government in another place. I have been told that the Ministry accepted the proposal.

The Hon. W. H. EDGAR said it appeared strange to his mind that the Attorney-General should cast any doubt as to the meaning of the words “substantial and effective.”

The Hon. J. M. DAVIES.—What is the meaning of them?

The Hon. W. H. EDGAR said he would understand from the words that the Commissioners were to give sufficient and adequate protection to local industry. That was the settled policy of the country. Honorable members knew full well, looking the matter fairly in the face, that all the materials required for carrying out the waterworks could be manufactured in the State. It seemed to him that a lot of side issues had been brought up which had nothing to do with the matter. A boggy had been raised that had nothing to do with the general question. If honorable members looked into the matter they would find that the whole of the materials required could be obtained in this State or in the Commonwealth. The provision in the clause would be for the benefit of the whole of the workers and manufacturers in this country.

The Hon. E. MILLER said the title of the Bill was “a Bill to provide for the constitution of a municipal waterworks trust for the supply of water to Geelong and district, and for other purposes.” It seemed to him that in Bills the “other purposes” were always considered of far more importance than the original object of the measures. There had been a good deal of discussion as to the meaning of “substantial and effective” protection. In his opinion it meant that the trust must get the whole of its material locally. If substantial protection was to be given to local industries it meant that the trust must get the whole of its materials locally, and to give effective protection the trust would have to pay what the manufacturers asked. It appeared to him that it would be mandatory on the trust to deal with manufacturers in the Commonwealth. If such a provision was passed he could hardly believe that any one would act on the trust. As had already been said it should be left to the patriotism of the members of the trust to deal with manufacturers inside the Commonwealth whenever they could do so. He thought the people of Australia now gave a preference to the local manufacturer. Honorable members did so in their private capacity and their public capacity. The consequence of retaining the words “substantial and effective” might be that the Bill would be

lost. The real object of the Bill was to give a good water supply to Geelong. Why not let honorable members do that instead of going into the everlasting question of free-trade or protection?

The Hon. R. H. S. ABBOTT said, with other honorable members who had spoken, he did not think any definition had been given by Mr. Evans and the party fighting for the retention of the words "substantial and effective" as to what those words meant. It appeared to him that if "effective" protection meant anything at all it meant that the trust must go in for absolute prohibition. The trust would not be able to obtain anything they required outside the Commonwealth. He thought that those honorable members who were fighting against the amendment might even go a little further and provide that the word "Commonwealth" be struck out and the word "Geelong" inserted so that everything necessary for the waterworks must be produced in Geelong. Such a provision might favour the people who were going to pay the piper in connexion with the Bill, and might be of advantage to the Geelong Labour Party. However, it was proposed to give the whole of the manufacturers in the Commonwealth a special advantage at the expense of the taxpayers of Geelong. If the words "substantial and effective" were omitted as was proposed, the Bill would still show that it was the desire of the House that preference should be given to goods manufactured within the boundaries of Australia. He thought every honorable member agreed with that as a matter of principle, although really the Government now had nothing to do, as a matter of policy, with free-trade or protection. Honorable members were all becoming aware that the State was losing its grip on its industries in connexion with legislation, and they could not tell what the trend of events might bring about. The State might be prohibited from legislating in connexion with industries and individuals it desired to deal with. The words "substantial and effective" were hard words, such as the Labour Party preferred to use in connexion with other matters. That party also objected to logical arguments like those put forward by Dr. Embling, who had dealt with the matter in such an efficient way. The House would be doing justice to the State and especially would conserve the interests of the Geelong people by carrying the amendment.

The Hon. J. D. BROWN said he would ask again that Mr. Harwood should recon-

sider the position, and that the Attorney-General should also reconsider his view of the matter. The head of the Government had made a declaration before the country that it was the will of the Treasurer and the decision of the Government that everything that could be made in this country required by the Government would be purchased from Australian manufacturers.

The Hon. J. M. DAVIES.—I do not know of that statement.

The Hon. J. D. BROWN said he held in his hand a copy of *Hansard* which contained the statement made by the head of the Government two years ago. He would submit the report to the Attorney-General.

The Hon. J. M. DAVIES.—The statement only refers to goods ordered by the Government.

The Hon. J. D. BROWN.—Yes; if that was to be done in connexion with goods ordered by the Government, it was more necessary in connexion with goods ordered by these corporations.

The Hon. J. M. DAVIES.—And everybody else?

The Hon. J. D. BROWN said the Bill gave special powers to a body which was not amenable to the same criticism as the Government. The honorable gentleman knew perfectly well what happened last session, when the Government nearly lost the services of his colleague, the Minister of Public Instruction, because that honorable gentleman preferred to buy German pianos rather than purchase equally good pianos manufactured locally.

The Hon. J. M. DAVIES.—If the honorable member thinks to intimidate me, he is much mistaken.

The Hon. J. D. BROWN said he was not trying to intimidate any one. It appeared to him that the honorable gentleman had forgotten what happened last session. The House was asked to give the proposed Water Trust power to carry out a different policy from that which the Government had declared should be followed in connexion with the State Departments. If one of the Government Departments purchased or attempted to purchase from outside anything that could be obtained locally, the matter would soon be heard of. Under the resolution agreed to by the Legislative Assembly, a statement showing any articles purchased, which had been bought outside the Commonwealth, for a State Department, had to be laid on the table of the House. The Government had loyally adhered to that resolution. Honorable members all knew what the Premier said when one of his colleagues

attempted to depart from that policy, and how willing the Premier was to get out of the contract made in contravention of the resolution of another place, even if it was necessary to pay compensation. There was no necessity to compensate the gentleman interested, because that gentleman willingly retired from the position, though he had a strict contract. The gentleman concerned, however, waived his right to any indemnity. It appeared somewhat ungracious on the part of the honorable member for Geelong to insist on the amendment, which would do away with the decision of another place, arrived at after considerable discussion. He (Mr. Brown) was quite sure Mr. Evans did not intend to put forward his statement as a threat. Was it worth while sending the Bill back to another place with an amendment of this kind?

The Hon. W. H. EMBLING.—What is the use of this House, then?

The Hon. J. D. BROWN said that this House was doing remarkably good work. He believed that if the people outside were consulted 90 persons out of every 100 would say that they would support obtaining these goods here instead of in other countries.

The Hon. W. H. EMBLING.—So we all say.

The Hon. J. D. BROWN said the honorable member might say so, but he did not practise it.

The Hon. W. H. EMBLING.—Is your coat made of Geelong tweed?

The Hon. J. D. BROWN said he hoped the passage of the Bill would not be delayed by making this amendment. The clause as it stood was one which the majority of the people in this country would desire to see passed.

The Hon. J. G. AIKMAN said the fact was that very little would have been said about this clause if any other place but Geelong had been affected, but since the importation of dredging plant by the Geelong Harbor Trust honorable members were a little suspicious about the doings of public bodies in that district. The object of this clause was to protect the Water Trust Commissioners against themselves. The clause as it stood, however, was rather indefinite. After the present amendment had been disposed of he intended to move the insertion of the words "ten per cent."

The Committee divided on the question that the words "substantial and effective," proposed to be omitted, stand part of the clause—

Ayes	...	...	...	8
Noes	...	...	...	14

Majority for the amendment ... 6

AYES.

Mr. Brown
 „ Evans
 „ Hicks
 „ McLellan
 „ Pitt

Mr. Sternberg.
Tellers.
 Mr. Aikman
 „ Edgar.

NOES.

Mr. Abbott
 „ Balfour
 „ Crooke
 „ Davies
 Dr. Embling
 Mr. Harwood
 „ Little
 „ McDonald

Mr. Melville
 „ Miller
 „ Payne
 „ White.
Tellers.
 Mr. Brawn
 „ McBryde.

The Hon. J. G. AIKMAN moved—

That after the word "preference" the words "ten per cent." be inserted.

He said that this preference of 10 per cent. would be an addition to the present Customs duties and charges.

The Hon. J. M. DAVIES.—Why don't they get the Federal Parliament to put on higher duties if they are not high enough already?

The Hon. J. G. AIKMAN said that was all very well, but the intention was to give a further preference to the local article.

The Hon. D. MELVILLE said he would ask for a ruling as to whether this Parliament had any power to supplement the duties that might be imposed by the Commonwealth Parliament?

The CHAIRMAN.—I am strongly of opinion that it is incompetent for this House to adopt this amendment.

The Hon. J. G. AIKMAN said the clause as it now stood provided that—

preference shall be given by the trust to such goods, machinery, or material manufactured or produced in the Commonwealth.

What would be the effect of those words? What kind of preference would be given?

The Hon. J. M. DAVIES.—Reasonable preference.

The CHAIRMAN.—I have ruled that we cannot insert the words "ten per cent."

The Hon. J. G. AIKMAN said in that case there was an end to the matter, but he trusted it would be put right in another place.

The clause, as amended, was agreed to, as were also clauses 37 to 49 inclusive.

On clause 50, giving power to form a sinking fund,

The Hon. T. C. HARWOOD said sub-clause (3) was as follows:—

The trust may, in its discretion, postpone the formation of any such sinking fund for any period not exceeding three years from the appointed day.

An alteration had been made in this part of the clause by another place. In negotiating with the Government to pay the large sum of £265,000, knowing the large sums of money that would also have to be expended in providing new mains and making improvements, it was maintained that the Trust could not begin to form the sinking fund sooner than ten years from the commencement of the Act, and that was made part of the agreement between the municipalities and the Government. When the Bill was before another place, however, "ten years" was struck out and "three years" substituted. That period was wholly inadequate. Those who were to be intrusted with the working out of this scheme should not be hampered unnecessarily by having this obligation pressed upon them. The alteration came from another quarter altogether, and was not part of the arrangement with the Government, who were quite willing that the ten years provision should stand. He therefore begged to move—

That the word "three" be struck out, with the view of substituting the word "ten."

This amendment would have the effect of restoring the Bill to the form in which it was introduced in another place, and which represented what was agreed to between the parties.

The Hon. W. H. EDGAR expressed the opinion that the Committee should have some information, before agreeing to the amendment, with regard to the rates charged. The effect of the amendment might be to open a door by which the Commissioners might have an opportunity to escape levying a reasonable rate until the ten years were expired.

The Hon. T. C. HARWOOD.—The rate at present is 1s. 3d., with the possibility of its rising to 1s. 6d.

The Hon. W. J. EVANS said the amendment was a very important one, and it was extraordinary to propose to extend the period before commencing a sinking fund for another seven years, without the Committee being given any real reason for the postponement.

The Hon. T. C. HARWOOD.—It was part of the agreement with regard to the purchase of the works that the trust should have ten years before starting the sinking fund.

The Hon. W. J. EVANS said that perhaps the Government was too liberal in the matter.

The Hon. T. C. HARWOOD.—This alteration was made by your friends in another place.

The Hon. W. J. EVANS said that of course according to the honorable member anything introduced by his (Mr Evans')

friends in another place must necessarily be wrong.

The Hon. J. M. DAVIES stated that he had been furnished with a memorandum which stated that on account of the sum asked by the Government, and the interest which it would be necessary for the trust to pay it would be impossible for the trust to straight away start a sinking fund. The councils therefore asked that they might have the right to defer the commencement of the fund for ten years. The Assembly reduced the period to three years, and it was stated in the memorandum that if the revenue was likely to increase the trust would in all probability be able to pay the interest and start the sinking fund at the end of three years, but there would be very little margin for contingencies. Now, although three years might be a very short time he would point out that there was a tremendous difference between three years and ten years, and he trusted that if the Committee decided to omit "three years" they would not insert "ten years" instead; it would be more reasonable to insert "five."

The Hon. W. H. EDGAR said that was his contention—that the period of postponement was too long. He did not want to hamper the Commissioners, but he thought that at the earliest moment they should put their shoulders to the wheel and create a sinking fund. He would therefore propose as an amendment, if "three years" was omitted, that "five years" should be inserted in lieu thereof.

The Hon. T. C. HARWOOD said he would remind the Committee that the borrowing powers of the trust were limited to £300,000. The amount to be paid to the Government was £265,000 and interest, and in addition to that the trust had to pay by valuation for certain works and appliances. The Commissioners would be only too glad, if they found Geelong was increasing in the way the Attorney-General mentioned, to start the sinking fund as soon as they possibly could; but what they objected to was to have their hands tied, and they asked not to be bound down to a term which would mean running a considerable risk of coming to grief. It was considered, originally, that ten years was the proper period, and although, as the Attorney-General had stated, there was a good deal of difference between ten years and three years, the trust had nothing to do with proposing three years. If the period of three years had been inserted by the Government in the first instance there would have been an end to the negotiations. The matter,

however, was discussed with the Minister, and the period of ten years was agreed upon. It was well known in Geelong that many of the mains were in a decadent state, and there would be an extensive outlay in keeping them up. While the trust were paying £265,000, he might mention that the Government's own officer, Mr. Stuart Murray, only a few years ago, valued the works at £109,000.

The Hon. J. M. DAVIES.—But £15,000 was knocked off after the Government fixed the price.

The Hon. T. C. HARWOOD said that Sir George Turner's Ministry agreed to sell for a considerably less sum than that now proposed, and when negotiations were opened recently Geelong expected to start on the same basis as that laid down in the negotiations with Sir George Turner. The previous negotiations fell through owing to a difficulty about employing day labour instead of contract labour. The Labour Party put their oar in, and, therefore, the chance of buying the works at a considerable reduction on the present amount fell through. The trust, having to find the amount of money which the Government insisted on, and knowing that there would be considerable outlay in connexion with new mains and in different directions, stipulated for a reasonable time before they were called upon to provide a sinking fund, and ten years was agreed to on both sides. The Commissioners, he repeated, if their revenue would enable them to do so, would be only too anxious to start the sinking fund as soon as they possibly could, but they asked that they should not be hampered and tied down in such a way as might bring about a collapse.

The Hon. J. D. BROWN said he would like to see fair play all round. Geelong was doing remarkably well out of this business, and he would put it to Mr. Harwood—would that honorable member support a small place, say Avoca, putting off starting its sinking fund for ten years? He (Mr. Brown) doubted it very much. Let them be fair all round. The Government should not be asked to do things for large cities and big corporations which they would not do for smaller and weaker places. Not long ago he attended a deputation from Avoca, where there was no water supply at all, but only a dirty stream, and where the children and grown-up people were dying year after year from typhoid, but the Government would not allow them to start their water supply scheme, although they undertook to pay a

rate of 2s. 6d. in the £1, and start a sinking fund at once. The reason given was that the Government believed that wherever there were 2s. 6d. rates, the body concerned always came down in two or three years to ask for concessions. Here was a case in which a rich town like Geelong was asking for a concession which would not be given to smaller and poorer people. He hoped the Government would not make fish of one and fowl of another. Mr. Harwood could rely on the justice of Parliament, and if it could be shown three years hence that Geelong was not able to start its sinking fund, from some unfortunate concurrence of circumstances, at that time, no doubt Parliament would agree to a postponement. It certainly seemed an extraordinary thing for the Geelong Trust to ask power to borrow £300,000, and, at the same time, to ask that it should not be called upon to start a sinking fund for ten years. He could not understand honorable members representing rich places like Geelong putting forward such arguments as they would not listen to if they were submitted on behalf of smaller places. Parliament was always fair, and he would repeat that if Mr. Harwood three years hence could show that, through some unfortunate circumstances, Geelong could not start a sinking fund in the time now proposed, there was no doubt that Parliament would agree to postpone the starting of the fund for a further term.

The Hon. J. BALFOUR said the argument used by the last speaker was really in favour of striking out the term of three years, now in the clause. Apparently the honorable member (Mr. Brown) wanted the Geelong Trust to be in such a position that in three or four years they would be asking for a further postponement. That was not desirable. What was wanted was that a reasonable period should be inserted in the first instance. All that Mr. Harwood asked just now was that the Committee should strike out the term of three years, and, when that was done, honorable members could consider what other term they would substitute. Even if they did not insert the period of ten years, he thought honorable members must agree that three years was too short a period to allow before the sinking fund was commenced.

The Hon. W. J. EVANS said the position taken by Mr. Brown was a fair one, particularly in view of clause 52. The trust would only have power to rate up to half-a-crown, and if they could not meet requirements and establish a sinking fund with that, what could the trust do? It would be far better to ask for an Amending Act, which no

Government would refuse, in view of the conditions contained in clause 52. If five years were substituted for three, how did they know that the Commissioners would not impose a low rate and continue it with the object of postponing their liability as far as possible?

The Hon. W. H. EMBLING said Mr. Brown always had a grievance to air in connexion with his Province. The honorable member had forgotten, however, to remind the Committee of the thousands of pounds which had been written off the liabilities of water trusts in country districts. Mr. Brown had said that Avoca only had a dirty stream. That might be so, but two wrongs did not make a right. Mr. Harwood had stated plainly the bargain which had been made between the Government and the ratepayers of Geelong, who had to pay so much in hard sovereigns, which was not a usual thing, for these half-worn-out waterworks, with the knowledge that they would have to renew before very long a great many of the pipes. They had only power to borrow £300,000. They were giving the Government £265,000 for the works, and they did not want to come to Parliament for power to borrow. In other cases he did not think it had been provided that a sinking fund must be started in such a short time as three years. He did not know when the sinking fund of the Melbourne and Metropolitan Board of Works was started. It had been represented that Geelong was a wealthy town, but he had interests in and about Geelong, and he was sorry to say it was only slowly awaking from a sleep of fifty years. The city of Geelong and the surrounding municipalities were fighting the question of this water supply and sewerage scheme, because a great many of them thought that they were promising too much.

The Hon. W. H. EDGAR.—We should have an idea of the rate to be struck.

The Hon. W. H. EMBLING said how could the House know what Commissioners who were not already appointed would do? Why could not these Commissioners be trusted in the same way as they were in other parts of the State? Such a limitation had not been imposed in the case of the Melbourne and Metropolitan Board of Works. Geelong should be trusted in this matter, because it was not asking to have its indebtedness written off, as other parts of the State had done.

The amendment to strike out the word "three" was agreed to.

The Hon. W. H. EDGAR moved—

* That "five" be inserted.

He said that the House should have some idea of what rate would be struck. There had been a conference between representatives of the municipalities and the Government, and some indication must have been given as to the amount of money that would be required. They did not want to be unfair to Geelong, but he did not think Geelong required any special pleading, and honorable members had to act fairly from the point of view of the whole State. They could only do that by endeavouring to get some idea of the rate per pound that would be struck in order to meet the interest on the £265,000 and the sinking fund.

The Hon. J. M. DAVIES.—It is not more than 2s. 6d.

The Hon. R. H. S. ABBOTT said it appeared to him that metropolitan members were trying to impose hard terms on the municipalities of Geelong in connexion with this scheme. At present the rate charged by the State Rivers and Water Supply Commission was 1s. 3d. in the £1. That was a heavier rate than the Melbourne people were paying for their water. He would like to point out that either before or since the passing of the Water Act the Government had not insisted on any urban trust providing a sinking fund for the repayment of money expended in its water scheme. No such clause was contained in the Act under which the Melbourne and Metropolitan Board of Works obtained the waterworks of Melbourne. Geelong was, consequently, being unnecessarily handicapped in being compelled to provide a sinking fund at all. If all the waterworks and the sewerage scheme, which they had in contemplation, were carried out, the people of Geelong would have to meet a larger expenditure than that provided for in this Bill. The payment specified in this measure had been made up in a particular way. The capital value of the income earning capacity of these works, based on a 1s. 3d. rate, had been taken. In addition, other bodies had insisted on special concessions under the Bill. The Geelong Harbor Trust and the Government were to obtain water at a special price, and the ratepayers would have to see that that condition was carried out. It, therefore, seemed that Mr. Harwood's amendment was not unreasonable. The extension of the time to ten years for the establishment of this sinking fund would neither make nor break the scheme. The rating power appeared to be adequate, and if

the trust did not use the rating power to the full extent, there was power to put a receiver in, and for the whole scheme to be taken back by the Water Supply Department. There would be no danger or difficulty in adopting Mr. Harwood's proposal, which would allow Geelong time to get the scheme in order. He was sure that the Commissioners who would be appointed under the Bill would deal with the matter in the best interests of Geelong and the surrounding districts, and they would, if they considered it wise, establish the sinking fund without the necessity for any compulsion on the part of the House.

The Hon. D. MELVILLE said it would be better for the sinking fund to be established during the first five years than afterwards. If it were postponed until after the first five years the trust would then have a considerable portion of its income wiped out, for it would have to supply water to the Government and the Harbor Trust at half price. A sinking fund was one of the best things that could be established in connexion with such a scheme, and the sooner it was started the better. He was sorry that the word "three" had been struck out, because it looked very much as though the sinking fund might be abandoned altogether. He would point out that there had been nothing written off the Melbourne Waterworks when they were handed over. In the case of Geelong half the money had been written off. He could quite understand that at the end of five years the question might arise of further writing down the amount. The Government were proposing to make a present to Geelong at the expense of the metropolitan area, and in due course there might be a request for further writing down. He thought the Government would do perfectly right in beginning with this sinking fund at once. If the provision was found to be wrong in three years' time the trust could then come to Parliament. But why should Parliament give up the sinking fund, and then, when the trust became indebted to the State, have the works handed back to the State? It was for Parliament to say whether it should go on with this writing down. This writing down was a danger and a bad thing. He had spoken of that matter in connexion with the Government selling land at extreme prices. If the providing of a sinking fund was put off for a number of years there might be an agitation for the complete extinction of the debt. What better encouragement could there be in making light of the duties to the State?

The Hon. T. C. HARWOOD remarked that he was about to inform the House what Mr. Melville had anticipated. At the end of five years the revenue of the trust would be diminished by no less than £500, in consequence of their having to reduce the charge for water supplied to the Railways Commissioners from 1s. to 6d. per 1,000 gallons. In addition to that, the Harbor Trust were to have a similar reduction. He did not know how much it would come to. Why should honorable members, in passing this scheme, hamper the Commissioners in a manner which it was felt would render it almost impossible for the trust to carry out its work? Mr. Brown had enlarged upon the wealth of Geelong, about which the honorable member knew nothing whatever. If the honorable member went there he would find that a considerable number of the smaller ratepayers in West Geelong were anxious that this Bill should be knocked on the head. The disaffection had probably been the groundwork of the alterations which had been made in the other place, and which some honorable members came here to support under all circumstances. He would ask the Chamber to take a reasonable view of the case, and to have regard to the fact that it would be to the interest of the Commissioners to carry this thing out in its integrity and make a success of it. If this money had to be paid in cash, and without the trust receiving a title to the work, and if any default was made, what on earth would be the use of coming to Mr. Brown, or to other honorable members of the same opinion, asking for concessions, seeing that they now wanted to insist on provisions which would take away all reasonable prospect of success? The ten years period was agreed to deliberately by the Geelong Corporation and the Minister of Water Supply; but, with a view of getting this House to be unanimous on the point, he would accept seven years. To make the term five years would almost necessarily bring the scheme to grief, as the charge would then come at a time when the diminution of revenue was taking place. He begged to move—

That the blank be filled up by the insertion of the word "seven."

The Hon. W. H. EDGAR observed that there had been insinuations all the evening with regard to certain influences having been put upon certain honorable members, and about their acting at the dictation of certain other parties. Mr. Harwood had stated that certain honorable members had to carry out what was prompted by disaffection in

another place. That statement was not correct so far as he (Mr. Edgar) was concerned. He had been asking in the Chamber for information about the basis of the scheme, and no information on that had been given.

The Hon. T. C. HARWOOD.—I have told you over and over again that the basis of the agreement was the Bill as originally introduced in the Assembly, with all its proposals and clauses.

The Hon. W. H. EDGAR said the Bill did not give information with regard to the rates to be struck for the purpose of carrying on the scheme, and that was a point on which he wished to obtain some information. There was as an inference that honorable members of the metropolitan area were being moved to act unfairly to other parts of the country. That was not correct. The position he took up was that there was no information as to the rate that was to be struck for the purpose of carrying on the works, and of paying the interest and sinking fund which the trust was undertaking to pay. The Chamber was considering a business transaction, which had been entered into calmly and deliberately by the Government on the one side, and by the municipalities on the other, and surely they had arrived at some calculation as to the rate which would be required. All these things should be settled on their merits, independently of Ballarat or Geelong or any other place. The Chamber was now legislating in the interests of the community, and what he wanted was information. He would still insist on his amendment to insert "five."

The CHAIRMAN.—Mr. Harwood's amendment to insert "seven" will be the first amendment taken.

The Hon. J. D. BROWN stated that, as a man of the world, he would assume that those who negotiated this bargain were perfectly satisfied that the revenue would largely increase. There was no need to make an *ad misericordiam* appeal with regard to that. Geelong was not going to stand still, and the rates that would be collected would not continue to be the same as they were now. It was believed and hoped that the rates must be very much more, and that must be the basis on which the time was fixed. The charges to the Railways Commissioners were the rates that were charged all over the country. Every trust, when it got authority to borrow, was bound under agreement to give water to the Railways Commissioners at a specified amount, and he thought the charge all round was 1s. The country had already given great things to Geelong, and had taken great respon-

sibilities in connexion with the Geelong Harbor Trust, but everybody in the State took those responsibilities willingly, because it was believed that what was done was for the benefit of the whole State. Geelong was driving a hard and close bargain in insisting on getting all these concessions in this way. Mr. Melville had put the point well. The period should stand at five years, and if at the end of five years the scheme could not be carried through on the basis on which it was started, let the people come to Parliament again. Mr. Harwood was not justified in saying that those who opposed his views were linked with other people who had not the interest of the country at heart. He (Mr. Brown) could not agree to give away the people's money in this way to rich cities.

The Hon. J. BALFOUR observed that he did not understand that any one was asking that any money should be given away. He and other honorable members were asking that this blank should be filled up so as to provide for a reasonable number of years within which the sinking fund should be commenced. Was that period to be three years, or seven years, or ten years? The Chamber had already struck out three years. Mr. Edgar proposed five years, but that happened to fit in with the time when a certain amount of revenue would fall off. Five years might have been a very good term to put in if it had not just coincided with the time when the revenue would fall off from the Railways Commissioners and the Harbor Trust. Therefore, it was reasonable to provide for another period, and Mr. Harwood suggested seven years. In providing for seven years what was Parliament giving away? Absolutely nothing.

The Hon. J. D. BROWN.—Three thousand pounds.

The Hon. J. BALFOUR said if the period of seven years was adopted the trust could put off a sinking fund until then, if they chose, but they could commence a sinking fund at once if they liked. Mr. Brown had suggested that if the trust got into difficulties and came to Parliament, Parliament would give them something. He (Mr. Balfour) did not intend to give them anything. He did not believe in writing off any more than Mr. Melville did, but he thought a reasonable period should be provided for, so that the trust would not have to come to Parliament again.

The Hon. J. G. AIKMAN expressed the opinion that the argument that the trust was going to lose £500 per annum was an

exceedingly poor one. He could quite understand that when the original period was put in the Bill the people of Geelong put it there in order to have something they could give away. Surely they did not expect to get everything they asked for to the very letter. Parliament had already given them something worth £442,000 for £260,000 odd.

The Hon. T. C. HARWOOD.—Nothing of the kind, excuse me.

The Hon. J. G. AIKMAN said that was the book value, and it was being written down one-half. He could understand the amount that was being written down being put in a suspense account. Geelong had been asleep for fifty years, and now it was being asked to wake up. It had been proposed that in three years they should commence paying into a sinking fund, and they said they could not do it in five years, because at the end of five years the Railways Commissioners would be getting water from them at 6d. per 1,000 gallons instead of 1s. Geelong was going to wake up and have an increased population. There would then be an increased consumption of water. If he had his way he would make the period three years, but he was satisfied that if that period was made five years it would be a big concession to the Geelong people in connexion with the starting of the sinking fund.

The Hon. T. C. HARWOOD said he must say a word or two in regard to the question of writing down. There was nothing of the kind in connexion with the Geelong water supply.

The Hon. J. G. AIKMAN.—What did it cost?

The Hon. T. C. HARWOOD said the Geelong waterworks scheme went back for more than fifty years. It was started before Ballarat or Bendigo had assumed anything like their present proportions. They were then small places, and were populated from Geelong and Melbourne. Parliament voted two sums of £500,000 for the Melbourne water supply and £200,000 for the Geelong supply. That sum became Geelong's own money, but Geelong never got a fraction of it, and Geelong was kept without a water supply for several years and had to use water carts. When the Government took up a scheme for Geelong they did not consult Geelong, and Geelong did not ask for it. They were not consulted as to how anything was to be done, and great bungles were made. There were engineering bungles of an atrocious character, and embankments were washed away. The cost of all this was entered as indebtedness to Geelong, but how

could it be their indebtedness when Geelong had nothing to do with it? All these payments had been charged to Geelong as a matter of bookkeeping, and interest had been charged, until there was a total charge of about £400,000. Now members were told that because Geelong was getting this scheme for £265,000, it was being made a present of the balance. That was nonsense. Honorable members should consider the merits of the case before talking about writing off. Geelong was not liable for this money, but, no doubt, the balance would remain on the Government books for all eternity, and in years to come, when an extension was asked for, the balance would be again referred to. Geelong was in a different position from those water districts whose liabilities had been written off. Geelong had been the victim, rather than the creature, of the Government. There had been no favoritism with regard to Geelong, but it had been rather the other way. The people had had to fight for the modest supply they got. Now that Geelong was anxious to get control of the scheme and regulate it as it should be regulated, it was very hard indeed to hear objections raised. The least honorable members could do was to put the Bill in the same condition as it was originally, upon the agreement come to by the municipal authorities and the Minister acting for the Government.

The Hon. R. H. S. ABBOTT said he wished to draw attention to a clause which appeared to have been overlooked concerning the point raised as to Geelong coming to the House for further consideration. Clause 26 provided that—

The trust shall, in consideration for the vesting in it of the Water Supply Works, pay to the Treasurer of Victoria on or before the 30th day of June, 1908, the sum of £265,000 together with interest thereon at the rate of 4 per centum per annum calculated from the 1st day of January, 1908, to the day on which the said sum is so paid. That meant that Geelong was to raise the money by debentures, and that the sinking fund was to be arranged with the debenture-holders. Therefore the concession of seven years ought to be agreed to.

Mr. Harwood's amendment was negatived.

The Hon. W. H. EDGAR moved—

That the word "five" be inserted.

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

Clauses 51 and 52 were agreed to.

On clause 53, which was as follows:—

Notwithstanding anything contained in the Water Act 1905 or in this Act the charge for the supply of water by the trust to the Victorian Railways Commissioners or to the Geelong Harbor

Trust Commissioners for the use of such Commissioners respectively shall for the period of five years next after the appointed day be at the rate of 1s. for every 1,000 gallons, and from and after the termination of the said period such charge shall be at the rate of 6d. for every 1,000 gallons, and the Trust shall supply water to the Victorian Railways Commissioners and to the Geelong Harbor Trust Commissioners accordingly: This section shall not apply to the supply of water to the Geelong Harbor Trust Commissioners for use in farming operations,

The Hon. J. M. DAVIES moved—

That the words “or in freezing works, or in shipping other than shipping owned by the Commissioners,” be inserted at the end of the clause.

He said that meant that the rate mentioned in the section should not apply to freezing works or shipping other than that owned by the trust.

The Hon. D. MELVILLE said the trust had no ships of their own, but ships that traded to the port had to be supplied with water. This amendment, if carried, would extinguish what the Committee had already done. It would really be a blow at the shipping of Geelong.

The Hon. T. C. HARWOOD.—Oh, no.

The Hon. D. MELVILLE said an extra price was to be charged for supplying water to vessels trading to the port of Geelong, and the trade of the port would be discouraged.

The Hon. J. M. DAVIES said Mr. Melville did not appear to understand the clause, which provided for a certain fixed charge for the supply of water to the Commissioners for their own use. It further provided that if the Commissioners carried on farming operations or freezing operations they were to pay the ordinary rate. If they carried on shipping they would be charged the ordinary rate. That was only fair and reasonable. They might carry on freezing operations, but if they did they would have to pay for the water at the ordinary rate.

The Hon. W. H. EDGAR said that as to the question of farming operations he would like to know if the trust had bought land for that purpose?

The Hon. J. M. DAVIES.—I do not know what they are going to do.

The Hon. W. H. EDGAR said that if they were going to carry on farming operations then the Bill provided for more than he had thought. Provision was made for supplying water to the trust at a reduced rate.

The Hon. J. M. DAVIES.—They are not to get it at a reduced rate for farming.

The amendment was agreed to.

The Hon. T. C. HARWOOD moved—

That the following words be added to the clause:—“or water supply for profitable purposes.”

He said that if the Geelong Harbor Trust entered into business arrangements similar to those he had mentioned, they would have to pay for the water. He understood the Harbor Trust had a notion of going in for something else. All the amendment provided was that if they wanted any water they would have to pay for it at the proper rate.

The Hon. J. D. BROWN said he would suggest that the word “profitable” be omitted from the amendment. It struck him as an unfortunate word.

The Hon. D. MELVILLE said he hoped the Attorney-General would understand that he was giving a silent consent to the Geelong Harbor Trust being a sort of universal provider. Would Mr. Harwood give honorable members some idea as to what undertaking the Harbor Trust contemplated entering into?

The Hon. J. M. DAVIES.—We are not giving the Harbor Trust power to do anything it has not got power to do now. We are only saying that if it does certain things it will have to pay the ordinary rate for the water.

The Hon. D. MELVILLE said Mr. Harwood had stated that the Harbor Trust intended to go in for some undertaking. That honorable member, with all his unbounded antagonism to Socialism, would not be able to hold up his head in future. The Geelong Harbor Trust was going in for other enterprises. The Government contemplated—

The Hon. J. M. DAVIES.—The Government does not contemplate anything in that direction.

The Hon. D. MELVILLE said Mr. Harwood had stated that it was possible that the Geelong Harbor Trust would go in for some profitable undertaking.

The Hon. W. H. EDGAR said he was really amazed at the power the Geelong Harbor Trust possessed.

AN HONORABLE MEMBER.—That has nothing to do with the amendment.

The Hon. W. H. EDGAR said it was something for honorable members to study over and take notice of.

The Hon. R. H. S. ABBOTT.—Strike the Geelong Harbor Trust out of the Bill.

The Hon. W. H. EDGAR said that could not be done.

The Hon. R. H. S. ABBOTT.—Strike out all the concessions about getting water at special rates.

The Hon. W. H. EDGAR said had he known all the powers the proposed Water-

Trust was to have, he would not have agreed to the postponement of the creation of the sinking fund, because they might go experimenting and losing money.

The Hon. J. M. DAVIES.—It is the Geelong Harbor Trust that is concerned in the amendment.

The Hon. W. H. EDGAR said the two Trusts were so closely associated that it was difficult to draw a line between them. If he had had the information which he now possessed before him he would not have voted for the postponement of the creation of the sinking fund at all, because too much experimenting was going on.

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

Clauses 54 and 55 were agreed to.

The Bill was reported to the House with amendments.

The Hon. J. M. DAVIES moved—

That the Bill be recommitted, with the object of reconsidering clause 25.

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

On clause 25, which was as follows :—

The Governor in Council may, by the said or any subsequent Order published in the *Government Gazette*, declare that the trust shall on the appointed day have the sole control of the whole or any portion (as set out in such Order) of the lands described in the Third Schedule. Notwithstanding anything in this Act, the society known as the Geelong and Western District Fish Acclimatising Society may, in accordance with the terms of permission given to the society in that behalf, as approved by the Minister of Water Supply on the sixth day of January, One thousand eight hundred and eighty-eight, and unless and until the permission is withdrawn by the Governor in Council continue to occupy for fish-breeding purposes so much of the land situate at the Lovely Banks service basin as on the appointed day is occupied by the society under the permission; but the Trust may, with the approval of the Governor in Council, enter on such land at any time to carry out any works; and neither the society nor any person (whether a member of the society or not) shall be entitled to or shall receive from or on behalf of His Majesty or the trust any money or consideration by way of compensation in respect of or arising out of the society ceasing to occupy such land, or the withdrawal of the permission or any such entry by the trust,

The Hon. J. M. DAVIES said the clause had previously been amended with reference to the Geelong and Western District Fish Acclimatising Society, which it seemed at present got the use of water for its purposes free of charge. He mentioned before that it was proposed that the society should get the same concessions in the future as it had at present. He had been advised that it had been neces-

sary to insert other words, and therefore he would move—

That the following words be inserted after the word "permission" (line 18), "and the trust shall continue to supply the said society with water for the purposes of the society free of charge as heretofore."

The amendment was agreed to.

The Bill was reported to the House with a further amendment, and the report was adopted.

On the motion of the Hon. J. M. DAVIES, the Bill was then read a third time and passed.

ROMAN CATHOLIC TRUSTS BILL.

The Hon. N. FITZGERALD moved—

That all the Standing Orders relating to private Bills be suspended in relation to the Roman Catholic Trusts Bill, and that all fees be remitted with regard to such Bill.

The motion was agreed to.

On the motion of the Hon. N. FITZGERALD, the Bill was then read a first time.

ALEXANDRA-ROAD TO ALEXANDRA RAILWAY CONSTRUCTION BILL.

The Hon. A. O. SACHSE moved the second reading of this Bill. He said the measure was to provide a long-felt want in Alexandra. As honorable members knew, the present railway line finished at a place called Alexandra-road, and it had always been desirable that that line should go on to the town, which was only $4\frac{1}{2}$ miles away. The greatest possible inconvenience had been caused to the large number of people living at Alexandra—he thought most honorable members had been in that beautiful town—for the sake of an extra $4\frac{1}{2}$ miles of railway. There was a large mountain range between Alexandra and Alexandra-road, and the very steep gradients made carriage of goods almost impossible by road, especially in heavy weather. The road was very rutty, and cost a good deal to maintain. A railway $4\frac{1}{2}$ miles in length would serve an area of 150,000 acres. Of the country it might be fairly said that 19,000 acres were very rich dairying flats. He knew the land personally, and he did not think there was any finer dairying land in Australia. Included in the 150,000 acres were 45,000 acres of first-class forest country bearing the finest timber. In the report of the evidence of Mr. Mackay, the Conservator of Forests, it was stated that this was the finest State forest in Victoria. The railway was to run through the forest. It was estimated that the timber in the 45,000

acres would alone be sufficient to keep a railway running for fifty years. The Railways Standing Committee had been in the district and had recommended that the line should be constructed under a guarantee of 4 per cent. from the shire council. The Bill provided for the shire council to enter into a guarantee of £500 per annum, and also gave the council the power to levy rates for the purpose. In their report the Railways Standing Committee recommended that all the net revenue arising from the carriage of timber from the Alexandra district which would be served by the proposed line should be credited to the new line. The payments were to be calculated on that basis so as to relieve the guarantee to that extent. The Railways Standing Committee, after careful consideration, agreed to that modification, and an amendment would be moved in the Bill so as to give effect to it. It was estimated that this concession would convert the estimated deficit practically into a surplus. In any case, the total loss was estimated at only £369 per annum, so that the guarantee would be more than sufficient. There were the usual clauses in the Bill to protect the State. The total cost of the line was not to exceed £27,000, including £369 for rolling-stock.

The Hon. T. H. PAYNE.—Is the line to remain unfenced?

The Hon. A. O. SACHSE.—No. Clause 13 was important. It provided that the municipal guarantee should be given before the line was constructed. Clause 15 provided that no contract should be entered into for the construction of the railway until it had been previously approved of in writing by the Treasurer. That provision reserved to the Government the full power of seeing that every requirement was complied with before the line was proceeded with. Then there was a provision for the imposition of special rates. It seemed to him that everything was provided in the Bill to make the investment of this money a certainty, so that he could, with confidence, ask the House to agree to the second reading.

The Hon. D. MELVILLE said that the Minister of Public Instruction had fairly explained the case with regard to this line of railway, but had omitted to state why this short line of railway had not been built before. Some years ago the line was estimated to cost no less than £62,963. It came again before the Railways Standing Committee, and the Committee absolutely refused to go on with such a short line

involving such a huge outlay. The cost of the line had now been reduced to £27,000, and the line came before Parliament with the recommendation that it would tap perhaps the finest forest of good timber that existed in Victoria. It had been sworn in evidence before the Railways Standing Committee that timber to the value of £4 per acre would be wasted unless the railway was built. Therefore, although the line would cost £27,000, it was one which the Committee recommended Parliament to pass.

The Hon. W. H. EMBLING said he was very glad indeed that the proposal to build this line of railway had come before the House. Of course the line was in his own Province, so that to a certain extent he was interested in the question. As Mr. Melville stated, the estimated cost of the line was very much higher in years gone by than it was to-day. One obstacle which existed to the extension of the line to Alexandra township was the very big hill that intervened, but the engineering experts now saw a way of getting round it. So confident were the people of Alexandra of the success of the line that the shire council guaranteed the Government against any loss. He was quite sure the line would prove to be one of the best paying railways in the State.

The Hon. J. BALFOUR said he also had much pleasure in supporting the line. For many years he represented the district, but it was not now included in his Province. The line had been promised over and over again. The great difficulty had been the engineering difficulty of carrying the line into the township, but that difficulty was now largely removed. As had been stated, there was a magnificent forest that would be tapped by the line, and on that account alone the railway was sure to pay.

The motion was agreed to.

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

Clauses 1 to 4 were agreed to.

On clause 5, limiting the expenditure on the line,

The Hon. R. H. S. ABBOTT said he would like to have an explanation of sub-clause (3), which read—

The prices to be paid to workmen in the construction of the line shall, upon the average, be equal to a wage of 7s. per day of eight hours.

He did not know whether it was usual to insert this clause in Railway Bills. Would the workmen be satisfied with a wage of 7s. per day?

The Hon. A. O. SACHSE said the honourable member was a new member, and was therefore not aware that this House itself had taken up a very strong position in this matter, and had required that whenever any provision was made for the payment of a minimum wage in connexion with railway construction, that provision should be set out explicitly in the Bill.

The clause was agreed to, as were also clauses 6 to 13 inclusive.

On clause 14, providing, *inter alia*—

(1) If the total receipts (including traffic receipts for the carriage of timber over existing railways) in any year or years of such period of twenty years leave a credit balance after payment in full of interest upon the cost of construction of the said line, and also after payment of the cost of working the same and keeping the same and the rolling-stock thereon in efficient repair, such credit balance shall be set off in reduction of the amount due under such guarantee in any other year or years of such period of twenty years,

The Hon. A. O. SACHSE said that in this sub-clause he had two amendments to propose, which met the views both of the Commissioners and of the Shire of Alexandra. He begged to move—

That after the word "including" (line 1), the words "forty per centum per annum of the" be inserted; and that after the word "railways" (line 2), the words "brought to such railways by the said line" be inserted.

The effect of these amendments would be that profit from all new traffic really belonging to this line would be credited to the line before the shire council were called upon to make good their guarantee.

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

Clauses 15 to 19 inclusive were agreed to, as were also the schedule and the preamble.

The Bill was reported with amendments, and the amendments were considered and adopted.

On the motion of the Hon. A. O. SACHSE, the Bill was then read a third time and passed.

MANDURANG LAND RESUMPTION BILL.

The Hon. A. O. SACHSE moved the second reading of this Bill. He said that in pursuance of the policy which the Government had adopted of endeavouring to put people on the land on small farms, Ministers had availed themselves in this case of a small area of land which was not required for the purpose of water supply for

which it was reserved many years ago. It was found that the land was useless for this purpose, and it was proposed to excise a small area in order that a few settlers might be placed upon it. In 1883, 4,375 acres of land were reserved in the parishes of Lockwood and Mandurang, in the county of Bendigo, and later on this land was granted to the Board of Land and Works with a specific proviso that it was to be used for water supply purposes. Subsequently 35 acres were taken from the reserve, leaving 4,340 acres. It was now proposed to take 56 acres more for the purposes of settlement. This would leave a total of 4,284 acres for the purpose originally intended. The Water Supply Department consented to this excision, and the land would form two blocks, one of 47 acres suitable for selection, and the other of 9 acres to be sold by auction. If the land was found suitable for small holdings it would be subdivided for that purpose. Of course the general principle was not to take the land away from specific reserves of this kind, but when it was found that these straggling pieces of land were of no value whatever for water supply, it was obviously better for them to be settled upon than to be allowed to lie idle.

The Hon. R. H. S. ABBOTT said he would like to know whether this particular land was part of the catchment area of the No. 7 reservoir, or of the Crusoe reservoir? If so, would the settlement of this land be likely to bring about the pollution of the water in the Bendigo supply? A little while ago, a very animated debate took place in this Chamber as to the possible pollution of the Metropolitan water supply, and the same question arose in this case. He understood that in future, instead of utilizing the water from the No. 7 and the Crusoe reservoirs, water was to be supplied to Bendigo from Malmsbury. At the same time, it was well known that if heavy rain fell and a flood occurred in the immediate neighbourhood, the water poured down from the hills and mingled with the water supply of Bendigo, carrying with it any amount of *débris* from the stock depastured in the neighbourhood and also from the rabbits. He had himself seen dead rabbits in considerable numbers in the race immediately adjoining the reservoir at Bendigo, and that was why he would like to know exactly, if the Minister could tell him, the situation of this land.

The Hon. J. STERNBERG stated that he desired to support the second reading of the

Bill. He took it that the Department had obtained reports as to the desirability or otherwise of alienating this land. He was credibly informed that the Government had looked into the matter, and provided for any difficulties that might arise. He strongly objected, however, to a portion of this land being sold by auction. As the land was situated within a reasonable distance of the city of Bendigo, and as there were many desirable applicants for small holdings in the district, he thought it behoved the Government to recognise the desirability of closer settlement in connexion with this land, and that none of the land which was suitable for closer settlement should be sold by public auction. He presumed the Government had also looked into the question of preventing any pollution of the water-shed.

The motion was agreed to.

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

Clauses 1 and 2 were agreed to.

On clause 3, providing for the partial revocation of the grant of land, and re-vesting part of it in His Majesty,

The Hon. A. O. SACHSE remarked that the statement of Mr. Sternberg on the second reading was correct, viz., that the Government had made inquiries and were satisfied with the proposal now made in connexion with this land. In reply to Mr. Abbott, he might also say that the land was between the Crusoe reservoir and the last reservoir constructed—No. 7 reservoir. He was also informed that it was on the west side of the Lockwood ranges, and that a large number of the people in that district maintained themselves by growing fruit. Mr. Sternberg had expressed some desire that the land should be thrown open for closer settlement rather than be sold by public auction. He (Mr. Sachse) might repeat what was stated by the Minister in charge of the Bill in another Chamber, that if the land was suitable for small holdings it would be devoted to that purpose in preference to being put up to auction. He might also state that there was no fear of any water contamination whatever.

The clause was agreed to.

The Bill was reported without amendment, and the report was adopted.

On the motion of the Hon. A. O. SACHSE, the Bill was then read a third time and passed.

The House adjourned at eight minutes past ten o'clock.

LEGISLATIVE ASSEMBLY.

Tuesday, November 12, 1907.

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

SLUDGE ABATEMENT.

PROSECUTION OF MINING COMPANIES.

Mr. KIRTON asked if the Minister of Mines would take the earliest opportunity of stating what course of action he proposed to take in order to settle the sludge question, which was of such vital importance to mining companies in the Ballarat district? He said the mining industry was of great importance to Ballarat, and it had been in a rather depressed condition for some time. Unfortunately, some difficulty had occurred in connexion with the disposal of sludge by the mining companies. He felt confident that the Minister was anxious to do the right thing, and would not unduly embarrass the mining companies.

Mr. McLEOD.—I desire to say that I am as much in earnest as it is possible for any one to be in connexion with the mining industry. The honourable member for Ballarat West must bear in mind, however, that we cannot allow other industries to be ruined for the sake of one. For several years complaints have been made by the various municipalities and land-owners interested as to the damage done to agricultural lands, bridges, culverts, and water channels by the sand and sludge discharged from the batteries and mining operations in and around Ballarat. In May, 1905, in consequence of these continued complaints, and also through representations made by the Ballarat East Town Council as to the damage being done, and the insanitary condition caused by the choking up of the channels, the Sludge Abatement Board commenced an open inquiry into the question at Ballarat, at which all parties interested were invited to attend. The inquiry was adjourned from time to time to enable statements made to be personally investigated by the Board. Evidence on oath was given by land-owners, representatives of municipalities, and men interested in mining. The evidence submitted to the Board showed that land-owners as far down stream as Shelford and Inverleigh were affected by the sludge discharge; that the silt already reached the Barwon in flood time; that in places rich alluvial flats had already been covered with silt to a depth of from 6 to

10 feet; that bridges and culverts had been silted up and rendered useless; that, one bridge especially which was constructed with a clear water-way of 10 feet above the then level of the creek was silted up, so that in flood time the water had to find its way around and over the bridge. In June, 1906, they reported that the complaints were well founded, and that companies should be called upon to stack the sand they produced upon their leases, until such time as legislation was passed enabling joint action to be taken, which the Board was satisfied, by personal inspection, could be done by the companies for many years, and notices were served upon the companies accordingly. Attention was also directed by the Board to the fact that the one accredited representative of the mining companies who gave evidence before them on oath had stated "that they knew the Mines Act of 1904, regarding discharging sludge into water-ways, but they would continue to discharge it until they were stopped." Several companies, amongst them the Victoria United, were notified that they must stack their tailings as far back as July, 1905. A number of companies complied with the notices, and made provision for their tailings, and are now complying with the law. The Victoria United Company, the Llanberris No. 1, and the Port Arthur Company having failed to comply, were summoned. These companies then waited on me, and represented that if the orders were enforced they would be ruined. Certain enthusiastic mine-owners walked about Ballarat and made statements, which were repeated in the press, that if the orders which had been issued were insisted upon the mines would be stopped. I therefore asked the Sludge Board, which I give every credit for being fair and impartial in their dealings, to report to me as to whether the enforcement of their orders would cause the companies to stop operations. I asked for a special report in each case, and in the meantime I promised the deputation to suspend proceedings for one month. In order that the House may fully understand the matter, I will crave permission to read extracts from the reports. I ask honorable members to note what three impartial engineers have to say as to the position of these companies. The first report, which I will read, states—

As requested by you we give below some particulars in connexion with the three prosecutions instituted in the Ballarat district.

Llanberris No. 1, Ballarat East.—This company's battery is about 300 feet from the Caledonian channel, and its present dump is about 4½ acres in extent. The tailings are elevated by a

sand pump into a launder, through which they run westerly, falling to the tailings heap below its end. Thence they run down along the top of the dump to pits near the Caledonian channel. During wet weather these pits are emptied, the sand being sent into the channel and by it to the Yarrowee. The outlet of the sand pump is now more than 20 feet higher than the water level in the pits, and over 100,000 tons could be stacked on the present dump without being elevated any higher than at present. By making use of the ground available within the lease, over 150,000 tons of sand could be stacked very easily with present elevating appliances, and without raising the dump unduly high. This company, we consider, has no excuse whatever for disregarding the Board's order, as the expense of stacking would be moderate, say £50 per year, and would not greatly exceed the cost of getting the sand sluiced out into the Caledonian channel. We note that this company has since the issue of the summons commenced to erect an overflow weir, the sill of which is about 8 feet above present sand level. If properly used, this would serve for about three years at present rate of crushing, and by taking full advantage of its area, the company could stack without much expense or inconvenience for at least ten years.

Victoria United Company.—In this case, crushing is carried on at a battery on the right bank of the Yarrowee creek itself, and the sand is sent across the creek by a launder into pits which are occasionally emptied by sluicing the stuff out into the creek bed. By elevating the tailings say ten feet, there is sufficient space on and near their present temporary dump for the company to stack about 60,000 tons, which at 2,500 tons per month would serve for two years' work. The elevation of this quantity of sand (2,500 tons per month) plus ten times its weight of water to a height of 10 feet would require just about half a horse power theoretical. Assuming an efficiency of 50 per cent., which is moderate, the elevation to the height mentioned would demand just about one brake horse power, worth say £20 per year at the most. Allowing for the expense of sluicing out according to present practice and for the cost of looking after the pits now in use, the extra expense of stacking would, we consider, not exceed £100 per year, taking into account capital charges. If the company took full advantage of its available ground, it could, by stacking up to 20 feet retain its tailings for about ten years without undue expense or inconvenience. We understand that a shaft is about to be sunk near present dump, and it may be found possible in the future to send down sand to fill the stopes, as is now being done elsewhere. For instance, the Kangaroo Company at Berringa is now sending down, for filling, nearly as much sand as it is producing from its battery. We do not consider that the Victoria United Company has any special claim for consideration of its request to be allowed to break the law deliberately.

Port Arthur Company.—This company's battery has been built so as to deliver its tailings conveniently into the Woody Yaloak creek. It might have been placed at a higher level, when more sand could have been stacked by gravitation than is now possible. However, even as things now stand, the company can, by elevating their sand 10 feet, easily retain 20,000 tons over about an acre of ground near their battery; well under one brake horse power would be required. By elevating to say 20 feet, and using 2 acres of ground admitted by the directorate to be

available, 80,000 tons of sand could easily be retained at very moderate expense, say at the most £60 a year a few years hence, at present rate of crushing. In view of the importance of keeping the Woody Yaloak creek from being destroyed by sludge and tailings, we consider that stacking by this company and all others on the water-shed should be insisted on.

We would point out that at Bendigo at many of the batteries the sand is being lifted very much more than 20 feet, so as to be safely stacked.

I have read these reports because I am anxious that the position should be clearly understood. I have stated both inside and outside the House that this question must be dealt with on a broad and comprehensive basis. To do that legislation must be provided to enable the companies to join in trust to provide for depositing sludge on vacant land, or on land which is at present useless. Pending that, all we are now asking the companies to do is to comply with the law as it stands at present. We have no desire to be unfair. Since I received the report from the Board I wrote to the three companies enclosing an abstract of the report. The letter was as follows:—

In connexion with the recent deputation to the Honorable the Minister of Mines, complaining that the carrying out of the order of the Sludge Abatement Board, in regard to the stacking of tailings by your company, would involve it in a large outlay and seriously hamper its operations, I am directed to inform you that the Board was instructed by the Minister to make a special inspection of the area held by you, with a view to reporting definitely whether the carrying out of its instructions would have the effect as submitted by your representatives. The Board reported as follows:—

An abstract of the report in each case was here set out.

I am therefore instructed to inquire whether you are prepared to carry out the Board's order, served in compliance with section 60 of the Mines Act 1904, and make arrangements to stack your tailings for the next twelve or eighteen months, or longer if necessary, to enable legislation to be passed and brought into operation and so that the companies may be put in a position to deal with the question jointly, if they so desire. If you are prepared to do so the proceedings now pending against you will be withdrawn. The favour of an immediate reply is requested.

That is to say, if the companies are prepared to comply with the law and stack tailings, pending the passing of legislation, we will withdraw the proceedings. All we ask them to do is what other companies in Bendigo and Ballarat have done.

AN HONORABLE MEMBER.—Have you had any answer?

Mr. McLEOD.—No; a reply has not yet been received. I may say that only to-day a strong deputation from Bendigo waited on the Government, pointing out the enormous mischief the sludge was doing, and all through

the State there is the cry that an immense amount of land is being ruined. Much as I feel for the mining industry, every honorable member will agree with me that it must comply with the law, the same as other industries have to do, for we cannot allow one industry to ruin others.

Mr. KIRTON.—I would like to ask the Minister if he has received any official information as to the amount of damage done?

The SPEAKER.—That is another question.

Mr. McLEOD.—Perhaps I may be allowed to say that the evidence submitted to the Board was that from 1,200 to 1,500 acres had been submerged to a depth of from 6 to 8 feet, and that a larger area had been covered to a depth of 1 foot and upwards.

COAL CREEK COAL MINE.

Mr. LIVINGSTON said he understood that the Premier desired that the question standing in his (Mr. Livingston's) name with regard to the Coal Creek Coal Mine should be further postponed.

Mr. BENT.—Until Thursday.

The SPEAKER.—I would draw the attention of the honorable member for Gippsland South to the fact that no questions are taken on Thursdays.

Mr. LIVINGSTON said in that case he would ask the question on Tuesday.

WARBURTON SCHOOL.

Mr. HARRIS asked Mr. Boyd, Honorary Minister representing the Minister of Public Instruction, when tenders would be invited for the long-deferred and urgently-needed school building at Warburton?

Mr. BOYD.—The Public Works Department report that tenders will be invited in a fortnight's time.

SENTENCES FOR DRUNKENNESS.

Mr. HARRIS asked if the Chief Secretary would suggest to the various Police Court Benches that persons convicted of the first and second offence of intoxication should be at liberty to take the total abstinence pledge, and have their sentences suspended as long as they keep such pledge?

Sir ALEXANDER PEACOCK.—When this question was placed on the notice-paper I communicated with the Solicitor-General, who looks after the administration of the Law Department, and he informed me that he has no power to deal with the matter, nor did he think it desirable to make suggestions to

Police Court Benches on the subject. I would suggest to the honorable member that the matter can be discussed in connexion with the Indeterminate Sentences Bill, the second reading of which, it is hoped, will be moved to-morrow.

DIAMOND DRILLING AT MIRBOO.

Mr. HARRIS asked the Minister of Mines if his attention had been directed to a paragraph in the *Age* newspaper of the 6th of November instant, containing a complaint from Mr. James Sherman, of Mirboo North, relative to the transfer of a diamond drill to sites at Mirboo alleged to be undesirable in the public interest as against other sites said to be preferable; if so, would he explain what steps were being taken in the matter?

Mr. McLEOD.—Coal was discovered early in the "eighties" on Scarlett's allotment, parish of Mardan, and in the middle of 1888 this Department commenced the first bore. Subsequently a total of nine bores was completed, coal being found in seven of them. Two allotments, 26 and 27, on which coal was found, were alienated prior to the 1892 Act. Boring now approved of is to test the ground westward of Scarlett's seam, the geological indications being favorable. No boring is now proposed on any allotments alienated prior to 1892, and Mr. Sherman's statement that "he found the sites selected for the bores were on freehold land held by three large graziers. The freehold of this land was granted prior to the passing of Foster's Mining on Private Property Act," is absolutely incorrect.

PETITION.

A petition was presented by Mr. PRENDERGAST, from Stephen Barker, Secretary of the Conference of Trades, praying that the Conference might be heard at the Bar of the House, by their president and secretary, with regard to the retention in the Factories and Shops Acts Amendment Bill of the Court of Industrial Appeals.

Mr. PRENDERGAST said this appeared to be a matter of urgency, and the Standing Orders provided that in cases of urgency the petitioners might be heard. The Premier might agree to their being heard when the motion for the adoption of the Committee's report was under consideration.

Mr. BENT.—I never heard of it before.

Mr. MURRAY.—Why not hear them before the question is dealt with?

Mr. PRENDERGAST said the question had been half dealt with in Committee. The

petitioners desired to be heard in connexion with consideration of the report, and he would suggest to the Premier that their request should be granted.

Mr. BORD.—Could they put the position any more clearly than the Opposition are doing?

Mr. PRENDERGAST said people liked to put their cases themselves occasionally. He had a feeling, himself, that he did not like to be governed by others when he could govern himself.

Mr. BORD.—You are able representatives.

Mr. PRENDERGAST said every one would agree with what the honorable gentleman said about that. Every honorable member on the Opposition side would agree with that. Of course, what he was proposing might be ruled out of order, but he would suggest to the Premier that the honorable gentleman should take the matter into consideration and reply subsequently.

Mr. BENT.—I will think of it for to-morrow or the next day. I know nothing about it, and it is a different thing from the Chinese question altogether.

Mr. PRENDERGAST said the Premier might think over the matter this afternoon, and if possible let him know later in the day what his decision was.

DANDENONG LANDS ACT 1892 AMENDMENT BILL.

Mr. MACKEY presented a message from the Lieutenant-Governor, recommending that certain amendments be made in the schedules to this Bill. He stated that this was a private Bill with reference to certain lands, and the proposed amendments were in the schedules to the Bill. The first schedule described land which was to be transferred for show purposes, and the second schedule dealt with land to be leased for agricultural shows or exhibitions. When the Survey Branch of the Lands Department examined these schedules, it was found that they were not correct, and these amendments were simply amendments to make the schedules correct, so as to carry out the purport of the Bill. He begged to move—

That the House agree with the amendments.

Mr. PRENDERGAST stated he understood these amendments did not increase or decrease the land, or alter the position in connexion with the grant, and that they would merely carry out the purport of the Bill.

Mr. MACKEY.—The amendments will make the Bill do what it purported to do before.

The amendments were agreed with, and a message was ordered to be transmitted to the Legislative Council requesting their concurrence therein.

SESSIONAL ARRANGEMENTS.

DAYS AND HOURS OF SITTING.—PRECEDENCE OF GOVERNMENT BUSINESS.

Mr. BENT stated that he proposed that the House should meet to-morrow at 2 o'clock, for half-past 2, and that on Thursday the whole of the day should be given to Government business. Honorable members would get away on Thursday at 4 o'clock. He thought that, as the weather was pretty hot, his suggestion would meet the views of honorable members. He begged to move—

That the House, at its rising, adjourn until to-morrow at 2 o'clock.

The motion was agreed to.

Mr. BENT moved—

That the Sessional Order, fixing the order of business on Thursdays, be suspended for this week, so as to allow Government business to take precedence during the whole of the sitting on Thursday next.

He said that next week he thought the House might sit on four days.

Mr. OUTTRIM.—It might be a bit cooler then.

Mr. PRENDERGAST stated he had no objection to the alteration of the hours. He believed that the two hours on Thursday which were set apart for private members' business were of no consequence to private members. He had held that opinion all along, and he believed that those honorable members who fought for that arrangement now felt as he did on that subject. He had the Adult Suffrage Bill on the order-paper for Thursday. He had had that matter adjourned for a considerable period in order to get a vote on it. There was no strong feeling in the House about that measure. He believed the Government were about half-and-half on the subject. He would ask the Premier, in order to facilitate the passage of that Bill through the House, that the honorable gentleman might give him an opportunity subsequently to move this Bill, which would only take a few moments. He thought the House would carry the Bill without any trouble.

The motion was agreed to.

NYORA TO WOOLAMAI RAILWAY.

Mr BENT moved—

That, in the opinion of this House, it is expedient to construct a 5ft. 3in. line of railway from Nyora to Woolamai.

He said—I trust honorable members will regard this motion as a formal one, as it is necessary the House should pass the motion to enable the Railways Standing Committee to get on with its work. The Committee is anxious to deal with the Rupanyup and Marnoo line and the Beech Forest extension, but owing to the law it cannot consider these matters till this motion is agreed to or rejected by the House. Shortly stated, the Committee has re-affirmed its decision of two years ago, that a branch railway should be built from Nyora to Woolamai. The line will be 17 miles 23 chains in length, and will cost £57,115, including £2,369 for rolling-stock. It will, in view of the probable traffic in coal, be substantially constructed at the outset, so as to carry a heavy locomotive and trucks fully loaded. A few of the local residents at Grantville and Queensferry waited on me the other day and asked that the line should start from Lang Lang instead of from Nyora. I referred them to the Committee, which heard their views. The Committee states that the Lang Lang route would not serve the rich portion of the district around Almurta. Moreover it would skirt the eastern shore of Western Port and would be liable to water carriage competition. The Railways Commissioners two years ago estimated the loss on the line at £328 per annum, but the Railways Standing Committee considered that the timber traffic would not be so large as the railway officers anticipated, and put the loss down at £1,000. Since then the Commissioners have found that, instead of keeping a locomotive and train crew for this line alone, the engine and staff can work portion of the Great Southern line between Korumburra and Nyora. In this way the expenses of this branch line will be reduced by nearly £300 a year. The annual loss is now estimated by the Commissioners at £453, and by the Committee at £600. In neither estimate is any allowance made for coal traffic. If the coal seams are developed in a vigorous manner, there should be little or no loss on this railway. The Committee recommends that the £600 loss should be made up by loading the land on the acreage basis, according to the quality of the land and its distance from the railway station. All property less than ten acres is to be loaded on the annual

municipal valuation. That is so that an hotelkeeper or storekeeper, who may derive a substantial benefit from the railway, and whose place of business may not occupy more than an acre, should contribute a fair sum towards the loading. Under the existing law all rating for railway purposes is based on the municipal valuation. In view of the change suggested by the Committee in the basis of taxation, the details of the loading will have to be considered by the Cabinet and dealt with in a Bill. I therefore ask honorable members not to discuss the loading principle now, but wait for the Bill which will fully deal with the matter.

Mr. WATT.—Can you give an estimate of the annual return from the loading?

Mr. BENT.—No. I may say, however, that two years ago I received a petition signed by over two-thirds of the land-owners agreeing to the loading up to £1,000 per annum. It has now been reduced to £600 by the reduction in the working expenses. That sum is to be spread over about 75,000 acres, or an average payment of 2d. per acre per annum for a period of twenty years. If, during that period, the railway pays its way the loading is to cease. So that, if the coal traffic develops, the residents may find that their loading contributions towards the loss on the railway will cease in a few years. Within half-a-mile or so of the terminus of the proposed line a coal seam 2ft. 10in. in thickness has been pierced by the drill sent down to the district by the Mines Department to bore for coal. A seam upwards of 3 feet in thickness exists at Kilcunda, which is 5 miles from the proposed terminus of this line. The lessee of the ground containing that seam has undertaken that as soon as the construction of this line is entered upon, he will instal electric coal-cutting machines in his mine, and bring a large quantity of coal to the surface, in the hope of having the line carried 5 miles on to his mine.

Mr. MURRAY.—Without giving any consideration to the question, and without having very much evidence before us, one would gather from the report of the Railways Standing Committee that the line under the most favorable conditions will entail a loss, and I think, therefore, that it is perhaps somewhat strange to ask us to pass a resolution asserting that it is expedient to construct the line. At the first blush, on the report of the Committee, it would have seemed very much more natural for the Premier to ask us to affirm by resolution that it is inexpedient to construct the line. I do not say that all lines which show a

loss at the outset should not be constructed. I suppose there are very few lines that the Railways Standing Committee have had under consideration which from their inception would be worked at a profit. But what is the future of the railway to be? That is one of the main considerations which should guide the House in arriving at a decision. If the loss is to become smaller year by year until it reaches the disappearing point, and is then succeeded by a profit, it would be wise for the House to affirm that it is desirable to construct such a line. But, are we not getting into the habit of dealing in a very slipshod fashion with these railway questions? Do we scrutinize them as we should do? We represent now, in a somewhat more dominant sense than a few years ago, the people of this country. We represent the taxpayer of the State, and we are supposed to look after his interests. I would ask any honorable member whether he has gone into this railway question as he ought to have done. Have honorable members made themselves familiar with all the conditions, all the circumstances, and all the facts connected with this line? Are they to be satisfied by having the report, or portions of the report, of the Railways Standing Committee glibly read by the Minister who moves the motion, which will add to the national debt of the State many thousands of pounds? When we declare that it is expedient to build this line, as we should do if we passed this motion, we shall have to pass the Bill when it comes before us. This is the time when criticism of the proposal should begin. It would save, as any one would see, a great deal of trouble, time, and expense if we settled the question now whether the line is to be constructed or not. A provision was inserted in the Railways Standing Committee Act under which the Committee could not consider a second railway proposal until one on which it had reported had been dealt with by the House, and that provision was inserted for the purpose of not allowing the House to have an accumulation of business in connexion with railway construction upon its hands. But here honorable members are allowing the business to accumulate. We will pass this resolution that it is expedient to construct a line when there may be no serious intention of constructing this line, or at any rate, the majority of the lines that come before us. I say that Parliament should not commit itself to this kind of thing without at any rate giving the matter a fair amount of consideration. Does any one of us know very much about this line? Have we had any informa-

tion to guide us in affirming that it is expedient to construct the line, and on our consciences do we believe that it is expedient that the line should be constructed? Do we believe that it is a good line, which will develop the country and add to the production of the country, and to its material wealth, and that the line will eventually become a paying one? Do we believe any of those things? Possibly we do not.

Mr. BROMLEY.—How can we believe unless you give the information.

Mr. MURRAY.—We are without this information. The report of the Railways Standing Committee, when analytically looked into, appears to be a condemnation of the line. It is not a line which is recommended in strong and clear language as a desirable one to construct. In fact, if one goes through the Committee's recommendations, one would be inclined to be suspicious about constructing the line. What is the Committee's recommendation? The Committee have never made such a recommendation in connexion with any railway construction proposal before. We have dealt before with the question of loading land, but what are we going to do now? We are going to load a small tenement, where a man is carrying on business as a storekeeper. When it comes down to that I am afraid the line has not much to recommend it. We are going to take some small profits from the storekeeper. It is presumed that the line is going to add to his profits. What is the usual result of constructing such a line as this? Instead of giving the storekeeper increased profits it reduces his profits. Are the Railways Standing Committee certain that the railway, if it is constructed, will bring more business to this man? I think if we take the view that it is likely to lessen his business we shall probably take the correct view. The "boss cockie" and the little "cockie," the settler's wife and the artisan—if there be artisans there—will not trade with the little man in the township. With the arrival of the railway their ambitions will grow, and they will desire to reach Melbourne. They will come into Bourke-street and Collins-street, and pass the door of the local man. What then becomes of the local man's profits?

Mr. WILKINS.—The local man goes too.

Mr. MURRAY.—Yes, the other man goes too. I suppose the House can only regard it in the light of a suggestion of a purely experimental kind that little businesses in the township should be saddled with part of the cost of the construction of the line. Members can calculate with some degree of cer-

tainty as to whether the line is going to benefit the land-owner. Railways generally do benefit those adjacent to them, but it has been much the other way with business places.

Mr. WARDE.—If not benefited by the construction of the line they are not rated.

Mr. MURRAY.—The Committee recommend the line, and they are going into this speculative kind of work. When you go into the question you may find that a certain man is not to be benefited.

Mr. WARDE.—Then he does not pay anything.

Mr. MURRAY.—The Committee think something can be obtained in that way, and they make a sort of half-hearted recommendation that the line should be constructed. The Committee only attempts to justify the line on the ground of a new departure that may be described as a somewhat extraordinary one.

Mr. WARDE.—It is not a new departure.

Mr. MURRAY.—It lessens the confidence I have hitherto held in the soundness of the reports of the Committee, and no doubt it will lessen the confidence that some other honorable members have in the reports of that body.

AN HONORABLE MEMBER.—It is Levi's line.

Mr. MURRAY.—I do not know whose line it is, but that is beside the question. Are members going to say that it is expedient to construct a line, knowing little about it, and a line that at best has doubtful prospects? Is it not too much that the House should be asked to declare that it is expedient to construct the line? I do not think it is expedient to construct it. It may be expedient for an individual or two, but I do not think it will be in the interests of the country, from the information we have received, that the line should be constructed. Therefore, I do not think the House should be asked to declare that it is expedient.

Mr. WATT.—I am not prepared to go so far as the last speaker in saying that I do not think it expedient to construct this line, but there is considerable force in the argument he has used that when a question reaches this stage the full facts should be brought before the House. I have great respect for the Railways Standing Committee, and on every public occasion I have sounded the praises of that body for the immense saving they have effected. Past Committees and the present Committee all deserve that praise. The report on this line is the strongest I have ever read from that body.

The Committee have never endeavoured to hide anything from the Assembly, and that is more than ordinarily true on this occasion, because they are particularly frank in some portions of the report. The report, which was ordered to be printed on the 8th inst., deals in paragraph 2 with the conditions of settlement in the district, and states—

Although the district is fairly well settled, the holdings being principally from 100 to 320 acres, with a few larger properties, comparatively little cultivation has been undertaken in the district, the land being mostly devoted to grazing. This season there are 2,500 acres under hay, oats, and green fodder, and 450 acres under root crops, principally potatoes and mangels. The reason given to the Committee for the marked absence of cultivation was that it was useless growing crops except for home consumption, because the cost of cartage to the nearest railway station or to one of the shipping jetties at Western Port would absorb all the profit. It was urged that if railway facilities were provided large quantities of potatoes, onions, maize, and cereals would be grown, and that, in addition to that traffic, dairy produce, live stock, timber, and coal would be sent over the railway to Melbourne.

The next statement is the extraordinary one which must be taken as an admission.

The Committee, however, is of opinion that the proposed railway will not be the means of largely increasing the production of the district. Most of the land near the coast-line is of a poor, sandy nature. The soil on the hills near the Agricultural College reserve, Wonthaggi, is of first-class quality, but the greater part of that rich volcanic belt is either too steep to be ploughed, or so heavily timbered that it will take several years to clear the land. Moreover, the land-holders there are making a comfortable living from grazing and dairying, and they are not likely to abandon the certainty attaching to that source of income for the production of such crops as potatoes, onions, and hay, which vary in price from season to season. The experience in other parts of Gippsland, which have the advantage of railway communication, has been that farmers, finding the income from dairying more regular and profitable than growing root crops for sale, have abandoned the latter as a means of livelihood. There are some fertile flats bordering on the Bass River, but most of that land requires draining before it can be cultivated to advantage. These flats have for years been within carting distance of the jetties at Grantville, Queensferry, or Bass Landing on Western Port, so that it cannot be said that the absence of facilities to get produce to market has been the means of retarding the cultivation of these alluvial flats.

In a report which finishes by recommending the construction of the line, honorable members must admit that that is a very frank statement of fact, and that the deductions drawn from the facts are highly reasonable. In a district with thirty-seven inches of rainfall per annum, which the Committee certifies has holdings of from 100 to 320 acres, it appears to me that the main object of offer-

ing a railway to the settlers is that it will increase their production, but the Committee that recommends the line doubts whether it will have that effect, and states that the main competing factor is water carriage. That will always be a competing force with the Railway Department, and will keep the rates on this line low. As the traffic increases, and facilities are offered for freightage from the jetties to the Melbourne market, the railway charges will have to be reduced to meet the circumstances. Yet the Committee recommend local rates. When the settlers find that the local rate is of little or no use they will demand that it shall be taken off, and I, therefore, think that the Government should have paused before sending this line to the Committee. As to the estimates, the railway estimate of receipts is not taken by the Committee. The Committee are always in a difficulty as to whether they should take the estimates of the railway officers or not. There is no trouble in regard to the interest charge; but as to the working expenses the Committee must be guided by the estimates of the railway officers. As to probable revenue, I think the Committee is a better judge than the railway officers, as experience has shown. It is conjectural data on which the Committee founds its estimates. The Committee considers that the receipts from the timber traffic will not come up to the expectations of the railway officers, and instead of making the estimated annual loss £463, the Committee estimates it at £600. The Premier has been good enough to say that the loading proposal must be embodied in the Bill. When that comes forward the criticism of the honorable member for Warrnambool in respect to tenements that are not land will have to be considered. I can see one advantage from the report in regard to loading, and it is in paragraph 11, where the Committee draws attention to the difficulty of loading on the municipal valuation. We are steadily coming to the idea that, in order to properly load, we must base the charge as nearly as possible on the unimproved ground value. The Committee have not quite expressed that view in those terms, but it is interesting to read paragraph 11, to see how they are going in that direction. That paragraph states—

Under the Railway Lands Acquisition Act 1893, No. 1288, the municipal valuation is taken as the basis of taxation, but the Railway Trust may divide its territory into zones, and levy a rate on the property in each zone, varying in amount in proportion to the benefits accruing to the land from the construction of the railway.

That is a graduation of loading extending further out.

The Committee approves of the latter provision, but considers it wrong to base the rate, in connexion with the loading of land for railway purposes, on the municipal valuation, because it unduly taxes the settler who clears and crops his holding, and brings freight to the railway.

The more a man improves his land the more will he be penalized under the present system.

Mr. J. W. BILLSON (*Fitzroy*).—The man who is doing his best to make the land pay.

Mr. WATT.—Yes. The report proceeds—

It therefore suggests, if the loading principle is indorsed by Parliament, that the tax should be on the acreage basis, and should vary according to the quality of the soil, the distance of the land from the railway and the means of access to the nearest station or siding, and the suitability of the land for cultivation—judging from its configuration and not whether the land is cleared.

As far as they can they suggest a rough and ready system of what reformers might call unimproved land values, and they plead with Parliament to abandon the old and obsolete methods of taxation and go in for the new principle of unimproved land valuation. We are to have a Bill dealing with these matters probably this session, and the first loading Bill will be discussed at such length that its principles may be understood by honorable members and framed in such a way that it may be operative. Honorable members will have to decide a principle that may extend to any part of Victoria, and I hope the Government will embody in the measure the healthy provision recommended by the Railways Standing Committee. The recommendation of the Committee in favour of the construction of the line is conditional on five things, as page eight of the report will show. It proposes that the obligation be placed on the district to give to the Department £600 per annum for working expenses, maintenance of the line and interest charge, which they assume as the probable deficit. One of the conditions states—

That the Bill also contain a condition that should the railway, with the assistance of the annual loading contribution of £600, earn sufficient to pay the working expenses, and also the maintenance and interest charges, the contribution shall be diminished from time to time to such amount as the Commissioners of Railways may deem necessary to make the railway a paying one.

How this is to be done is important. Will the Commissioners in July or August be able to say that as the deficit is only £350 they will reduce the contribution

and the local rate the next year? If that was done, in the small stretch of a year or two the principle of loading and local rating might be subjected to severe abuse. If the Minister would take a given period of three or five years the principle of reduction might be applied in a healthy way. The line may pay in the early years, but owing to the traffic being drawn to other lines it may afterwards become a non-paying line. A fairly fixed period should be taken by the Minister before he consents to the withdrawal of the loading principle or the local conditions. Another condition imposed by the Committee is—

That the Treasurer withhold his approval to any contract for the construction of the railway, or any expenditure thereon, until the first year's payment of £600 is lodged with the Commissioners of Railways.

I do not know whether that is a new proposition. The money for the first year's probable loss should be paid up before the railway is authorized. With these qualifications, I feel that honorable members who do not know much about this district must accept the Committee's recommendation and the proposition of the Minister as of very great weight. I have seldom seen a proposition backed by the Minister and the Committee seriously opposed in the House. In trusting the Minister we trust his judgment. I hope the Bill dealing with loading will be brought along, that we will have proper time to discuss its principles, and make it apply to similar lines.

Mr. WARDE.—In connexion with this proposal only two points have arisen to which I would like to refer. The first was a statement of the honorable member for Warrnambool that this is the first time a proposal to rate the business places has been introduced in connexion with a railway. He is in error in that, and if he looks at the measure authorizing the Alexandra-road to Alexandra township railway he will find that the business places there are liable for a portion of the 4½ per cent. interest on the loss. The proposal was that the line was to be constructed with loading attached to it. The Committee considered that the business premises might be doubled in value by the railway. It is unfair to ask the farmer, who is doing his best to make the railway pay, to bear portion of the loading, if the owners of township allotments are to escape. The other question raised was as to the recommendation of the Committee, seeing that they are of opinion that the loss will be about £600 per annum.

As pointed out by the honorable member for Essendon, the figures supplied by the railway officers show the estimated loss to be £463. The Committee are aware of the fact that the timber traffic in the locality is in the hands of one individual, who has a tramway down to the water, and owns the craft that conveys the timber to Melbourne. As he owns the vessel, which is in charge of an adult, assisted by a boy, the expense of getting the timber to market is very low. The Committee are of opinion that the estimate of the railway officers for the timber traffic will not be realized. The Committee also consider that while there is no estimate given for receipts from coal in the district, there is a prospect of coal development, and there is no doubt that if the price of coal increases, as those best able to judge think, there is likely to be some development in this district. According to Mr. Hunter, of the Mines Department, from bores driven in a mine at Kilcunda, there is some 350,000 tons of coal there, and he also stated that the bores located coal very near to the terminus of the line. The Committee have considered this factor in recommending the construction of the line. They do not allow anything for the coal traffic at present, but consider that there is a prospect of development taking place, and if so the condition of the line will be altered at once. If coal is found near the race-course where the line is supposed to terminate, there will be a further quantity of coal over and above the amount mentioned by Mr. Hunter. The Committee had also the sworn evidence of dozens of settlers in the district that their reason for not growing root crops or cereals was because of the difficulty of getting their produce to market. The route recommended by the Committee keeps as far as possible from entering into competition with the water carriage. The Committee have recommended a route that is about 7 miles from the shore of Westernport Bay. The best of the land is at Wonthaggi, and the settlers said they would grow crops if they had railway facilities. The settlers cannot be expected, seeing that the ground is very soft, to grow crops, because of the difficulty of getting the produce to market. There is still some valuable land in the agricultural reserve at Wonthaggi in the possession of the Government.

Mr. WATT.—That is all against your argument that it will not increase the production of the district.

Mr. WARDE.—That is an individual opinion, but if the honorable member will

look at the evidence taken he will see that a large number of these men—battalions if I may so speak—swore that if the line were constructed their system of production would at once change. The experience of the Committee has been as we point out, that in other instances the system of production has not changed, but surely we must give men credit for being honest and truthful witnesses until they are proved to be the contrary. These men have sworn that they are prepared to cultivate the land in the way I mentioned if the line is constructed. There is the prospect of future development, and if it does take place there will be very little difficulty in the way of the Government extending the line for a few miles right up to the coal mine at Kilcunda, should the future operations of boring show that the millions of tons of coals said to be there do exist. If that deposit of coal proves to be there it will be a valuable asset to the State in more ways than one, as not only will it serve as a supply for the needs of the State, but will help to steady the price of coal from abroad. As the residents are prepared to make up any deficiency in the cost of the operation of the line, surely it is worth taking the risk of seeing whether they will cultivate the kind of produce they say they will, and of seeing whether the coal exists or not. Under these circumstances, I think the Railways Standing Committee have made a fair recommendation to Parliament. The Committee say “if the settlers are prepared to help themselves, as long as the country is not saddled with losses, and if there is some prospect of ultimate success in the increase of production, the line should be constructed.” That was the state of affairs the House had in view when it created the Committee. While the Committee say there will be a loss of £600 a year at the start, they also say that if the settlers carry out the promises they have made, not only will our railway system be benefited, but the settlers will have the inducement of acting in a way that will free them from the payment of the £600 per annum, which they will have to pay if the working of the line does not prove a success.

The motion was agreed to.

ROMAN CATHOLIC TRUSTS BILL.

A message was received from the Legislative Council requesting that the Legislative Assembly should be pleased to communicate to the Legislative Council copies of the report and proceedings of the Select Committee of the Assembly appointed in connexion with this Bill.

Mr. MACKINNON (in the absence of Mr. BENNETT) moved—

That a message be sent to the Legislative Council, transmitting copies of the report and proceedings of the Select Committee of the Legislative Assembly on this Bill.

Mr. HUNT seconded the motion.

The motion was agreed to.

FACTORIES AND SHOPS ACTS AMENDMENT BILL.

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

Mr. BROMLEY proposed the following new clause:—

A. Section 116 of the principal Act is hereby repealed.

He said he was sorry that on account of having a bad throat he did not feel that he was able to do justice to the subject dealt with in the new clause. He had brought the amendment before the House on two different occasions. Section 116 of the principal Act was the section which specially exempted certain portions of the tinsmiths' trade from the benefits of the Wages Board—namely, the jam-tin makers. It seemed to him a most extraordinary anomaly that in any measure brought before Parliament, for the purpose of preventing sweating, there should be one section which, for some reason nobody could understand, gave power to certain employers, employing in the aggregate some hundreds of men, to sweat their employés. He was quite sure that the Chief Secretary was in sympathy with his proposal, and he knew that the House was in sympathy with the views he was putting forward, because on two distinct occasions the proposal had been carried in the House, though on a divided vote of the Government. He hoped to-night the new clause would be carried by the unanimous vote of the Government. He had been connected with the Tinsmiths' Society for a good many years, and he knew the exigencies of the trade, and how some unscrupulous employers had tried to pull the strings in connexion with the fruit-growers, by saying that they would not be able to pay the same price for fruit if the jam tin makers were brought under the benefits of the Wages Board. These employers—and he himself was interested at the time in an orchard—had gone round the country putting forward these non-existent reasons, thus making many of the ignorant fruit-growers believe that the employers could not offer a legitimate price for fruit. The employers had no claim to sympathy, and it was an anomaly that

the employés should be exempt from coming under the operations of the Wages Board. Why should any class of operatives in any part of the country be exempt from coming under the operation of a Wages Board? His desire was merely to place the jam-tin makers in the same position as any other class of men. Both Houses of Parliament had to pass a resolution before a new Wages Board came into existence. If Parliament chose to say that there should be no Wages Board in this trade well and good, and he would bow to the decision of Parliament. It was a most extraordinary incongruity in the Act that the jam-tin makers could be sweated by their employers. The Chief Secretary must see that himself. While that honorable gentleman had endeavoured to do away with sweating and to alleviate the condition of the workers in every trade, yet in the Act there was a provision which enabled the employers to sweat the jam-tin makers. He did not blame the Chief Secretary for that, because he knew it was the result of what was called the free Conference that was held between the two Houses. Every agreement arrived at by that free Conference had been abrogated except this one, and therefore another place would not have a leg to stand on in saying that the provision in the Act was the result of an agreement arrived at between the two Houses. He did not wish to labour the question, but he trusted the Government in their wisdom would accept the amendment and urge it upon another place so that justice might be done to a large body of workmen. As he had informed the House on previous occasions, on two or three occasions the jam-tin makers had been on the verge of a strike owing to section 116, and through his actions, supported by one or two other individuals, he had prevented a strike taking place. He would ask country members, and particularly those representing fruit-growing districts, what would be the effect to the fruit-growers if a strike did take place? It would simply mean that there would be no one, with the exception of the shopkeepers of Melbourne, to purchase the fruit, and the rest of it would rot on the ground or on the trees. Unless the Government accepted the new clause, notwithstanding the fact that no one was more averse to strikes than he was, he would not raise a little finger again to prevent a strike taking place in this industry, because he was quite sure that if a strike did take place it would do the fruit-growing industry more harm than it would do the workers. He sincerely hoped that the

Government would accept the new clause, and press it forward in another place.

Sir ALEXANDER PEACOCK said the honorable member for Carlton had stated the case fairly, and it was true that in the Amending Bill carried last session a similar clause was accepted by the Chamber and included in the Bill as it went to another place. As the honorable member had stated, when the Factories Act lapsed owing to the dissolution created over the famous blank, the Irvine Government brought in a Bill to restore the Act, and certain clauses were in dispute between the two Houses. A free Conference was held, and amongst the points strongly insisted upon by another place was what was now known as section 116 of the Act. He had always felt that the honorable member for Carlton had hardly been treated fairly by a number of people, because no one fought harder at the Conference than did the honorable member to prevent section 116 being agreed to, and it was only fair for the honorable member to say, as he had been attacked in some quarters, that he had put up a good fight. The honorable member, however, was getting old, and could stand these attacks.

Mr. WATT.—Old?

Sir ALEXANDER PEACOCK said he meant the honorable member for Carlton was getting experienced and vigorous. At the time when the Conference took place the Assembly was placed in the position of trying to get the Act replaced on the statute-book, and certain strong representations were made to members of another place with regard to the injury that would be done if the determination of the Tinsmiths Board was applied to the making of tins for jam and foods generally. The agreement to insert section 116 thus became part of the compromise. Last session the repeal of section 116 was agreed to by the Assembly, but it was so late in the session that the Bill was one of the slaughtered innocents. Section 116 was as follows:—

The determinations made before the ninth day of September, one thousand nine hundred and two, by the Special Board appointed in respect of the trade or business of a tinsmith or any determination hereafter to be made shall not apply or be in force so far as such determination refers to wages to be paid to persons employed in making tins or receptacles for preserving or containing jam, fruit or vegetables or produce of any kind intended for food for human consumption.

In other words the Tinsmiths Board was able to fix a determination with regard to the rates of wages for all tinsmiths except those making tins for containing food for human consumption.

Mr. BROMLEY.—Originally the determination applied to them.

Sir ALEXANDER PEACOCK.—Yes. Representations were made to certain members of another place, and at the Conference it was urged that jam-tin makers should not come under the determination of the Tinsmiths Board. After long debates, lasting over several days, section 116 was adopted by mutual compromise. The Chief Inspector of Factories had informed him that the result had been a number of evasions. He was sure that the House would accept the new clause, as it did on a previous occasion, and would endeavour to get the blot removed from the Act, because the section had been most unfair in its operation.

Mr. McCUTCHEON said he would like to have fuller information before voting for the repeal of section 116, because he remembered that on a previous occasion there was a tremendous amount of discussion on the matter. He heard part of the discussion in another place, and the course of that discussion clearly indicated to him that a certain part of the work in connexion with the making of jam tins required no skill, and if the same wages had to be paid for that work as were paid for skilled work it would considerably add to the cost of jam sold in tins.

Sir ALEXANDER PEACOCK.—That is a matter for argument before the Board. If the new clause becomes law the Board will have to determine what wage the employes should get. Now the Board is prevented from fixing any wage at all.

Mr. McCUTCHEON said he knew very little about the matter, except what he had heard during the discussion he had referred to. He was not going to vote against the new clause or take any trouble in the matter at all. He had no direct information, and whatever information he possessed had been derived from the source he had mentioned. A very long discussion had taken place on the point, and it was clearly shown that the work in question was not skilled, and that the men doing the work should not come under the definition of "tinsmiths." He believed all the work could be learnt in a month.

Mr. CARLISLE.—In about five minutes.

Mr. J. W. BILLSON (*Fitzroy*).—Less than that. A man becomes an expert in that time.

Mr. McCUTCHEON said he did not say a man could learn the work in five minutes, and he had already told honorable members that he did not know much about the matter. He thought,

before the new clause was agreed to, some careful inquiry should be made as to whether bringing the jam-tin makers under the Wages Board would add to the cost of jam. If the men concerned were doing skilled labour no one would object to the proposal. And this brought him to an important point. In the matter of skilled and unskilled labour there should be different principles observed in connexion with the settlement of wages. In the fellmongers' trade the wages were very low, and they were increased——

Mr. GLASS.—So they were in the jam trade.

Mr. McCUTCHEON said he understood there was some movement on to increase the wages of the jam makers, and he would be very glad to see their wages increased if the trade could afford it. The point was that where skilled and unskilled labour was employed, if the Boards were to take into account unskilled labour as skilled labour, it would interfere with production.

Mr. J. W. BILLSON (*Fitzroy*).—And suppose they take skilled labour as unskilled labour?

Mr. McCUTCHEON said it would be equally wrong to do that, and the honorable member knew perfectly well that no one in the House would advocate skilled labour being paid at the rates being paid for unskilled labour. The fellmongers' trade was an export trade, and if the wages of the men had been increased to the extent demanded the trade would have been killed. The jam trade was an export trade also, and if the wages paid to the men doing part of the work in connexion with making the tins was to make the price of jam more than obtained in the neighbouring States it would interfere with the export of jam and do a serious harm. It did not follow that any one would be thrown out of work. The men affected by the proposal of the honorable member for Carlton did not do skilled work, and did not require to serve terms of apprenticeship. Their case was entirely different from the case of men doing skilled work. He would ask the Chief Secretary to make further inquiries into the matter. It might be possible that circumstances had changed, and that it was advisable for section 116 to be repealed. He (Mr. McCutcheon) would like more information before giving a vote on the question.

Mr. BROMLEY said, in answer to the honorable member for St. Kilda, he would point out that he was only asking that section 116 of the principal Act should be repealed. After that was done the honorable member's argument could come

in with full force when he had learnt further facts. Before a new Board could be appointed the matter must come before Parliament, and there if the section was struck out as being an incongruity he (Mr. Bromley) would be perfectly satisfied and would be prepared to answer the arguments of the honorable member for St. Kilda when the question as to the appointment of a Board came before Parliament.

Mr. McCUTCHEON.—A new Board will have to consider the matter?

Mr. BROMLEY.—Undoubtedly.

Mr. McCUTCHEON.—Then the employers can give their views then.

Mr. BROMLEY said that was the case. The facts he had pointed out did away with the honorable member's argument altogether.

Mr. McCUTCHEON.—Yes.

Mr. BROMLEY said the statement that skilled labour was not required was perfectly absurd.

Mr. CARLISLE.—Is it required?

Mr. BROMLEY said he knew more about the matter than the honorable member. He was mixed up in the trade for years, and had had to supervise as manager of works the making of jam tins by thousands. The honorable member only knew something about the closing of the tins. In the Pure Food Act a very stupid clause, stipulating that only 10 per cent. of lead could be used in soldering tins containing food, was passed. It was said that the provision was adopted from the French Act. He had seen certain French tins, closed with solder containing 40 per cent. of lead and only 60 per cent. of tin.

Mr. McCUTCHEON.—What has that to do with the new clause?

Mr. BROMLEY said it had a great deal to do with it. If the Pure Food Act was strictly enforced, and if solder with 10 per cent. of lead was used it would manifestly increase the price enormously, and the work could not be done by machines as was done at the present time.

Sir ALEXANDER PEACOCK said that as he read the clause and as he was advised by his honorary colleague (Mr. Mackinnon) what would happen if this clause was carried, was that it would not be necessary to come to the House with a resolution to create another Wages Board, because there was a Tinsmiths Board already in existence. Under the present Act, however, that Board was prevented from dealing with the wages of those engaged in making receptacles for food intended for human consumption. If this clause was

agreed to the Tinsmiths Board would be able to deal with those wages.

Mr. BROMLEY.—A new Tinsmiths Board would be necessary.

Sir ALEXANDER PEACOCK said it would not be necessary to bring forward another resolution for the creation of that Board.

Mr. J. W. BILLSON (*Fitzroy*).—The operations of the Board will be extended.

Sir ALEXANDER PEACOCK.—Yes; but even after the Board arrived at a determination, that determination must come before the Government for approval.

Mr. CARLISLE.—Then the honorable member for Carlton was misleading us.

Sir ALEXANDER PEACOCK.—No. The fact was that the honorable member for Benalla led the honorable member for Carlton off the track.

Mr. McCUTCHEON said the previous trouble arose, not so much with regard to the making of the tins, but with regard to fastening them after the jam or other contents had been put in.

Sir ALEXANDER PEACOCK.—I do not remember that.

The clause was agreed to.

Mr. J. W. BILLSON (*Fitzroy*) proposed the following new clause—

B. (1) In section ninety-nine of the Principal Act for the words "Chief Inspector" or "inspector," wherever occurring, there shall be substituted the words "Special Board."

(2) Any reference to the Special Board in the said section as so amended shall be taken to refer to the Special Board which fixed the minimum wage in respect of which a licence is sought by any aged or infirm or slow worker.

He said that if this were carried it would simply mean that the Wages Boards would have the power to grant permits to old, slow, or infirm workers instead of the Chief Inspector of Factories as at present. The question naturally arose who was the proper person, or who were the proper persons, to grant these permits. The Government on previous occasions had taken up the position that the Chief Inspector of Factories was the proper person to do so. He (Mr. Billson) remembered that the Boot Trade Board discussed this matter in an informal way the first time it sat. The Board knew that they had no power to deal with the matter of permits, but he believed that the majority of the Boards desired that they should have the power to grant permits. At all events, he affirmed that the members of the Board who understood the technicalities of the trade and the value of the work performed by each individual in each branch of the trade were the

persons who could really judge as to a man's fitness to earn the minimum wage or not. He could give many instances, but one would be sufficient. He remembered one gentleman applying to him at the time he was secretary of the Bootmakers' Union, and asking to be recommended for a permit. This man said he had been to the authorities and they seemed favorably inclined towards him, but they had not then decided to grant the permit. What eventuated in that particular instance had nothing to do with the question, but here was a man applying for a permit. He (Mr. Billson) asked him the amount of work he was able to do, and he answered that according to the log rates he had been able to earn 2s. to 3s. per week more than the minimum wage fixed, yet he wanted a permit to work below the minimum wage. In his (Mr. Billson's) opinion, the duty of granting these permits involved a responsibility which the inspectors should not be asked to bear. There were thirty-nine trades in which Wages Boards had been appointed, and he defied any man to come before any tribunal in the country and say that he was an expert in all those trades. If a man thoroughly understood one trade it was as much as he could do. On the other hand, the members of the Wages Boards were experts, and they could appoint a sub-committee to sit from time to time, and to deal with applications for permits and determine the qualifications necessary for an applicant to justify them in granting him a permit to work for less than the minimum wage. It appeared that on the 22nd August last permits had been issued in these thirty-nine trades to 483 applicants. The number of licences granted in each trade was as follows:—

Trade.	Licences Granted.	Trade.	Licences Granted.
Aerated water ...	1	Jam trade ...	2
Artificial manure ...	3	Jewellers ...	7
Bedstead-makers ...	1	Leather goods ...	1
Boot ...	89	Malt ...	2
Brassworkers ...	1	Milliners ...	1
Bread ...	5	Oven-makers ...	2
Brewers ...	7	Pastrycooks ...	2
Brick trade ...	4	Plate glass ...	2
Butchers ...	29	Pottery trade ...	5
Candle makers ...	4	Printers ...	35
Cigar trade ...	2	Saddlery ...	10
Clothing ...	47	Shirt ...	1
Confectioners ...	3	Stonecutters ...	25
Dressmakers ...	10	Tanners ...	10
Farriers ...	4	Tinsmiths ...	22
Furniture ...	40	Underclothing ...	6
Wood mantelpieces ...	8	Wicker ...	5
Wire mattress ...	4	Woodworkers ...	55
Bedding ...	3	Woollen trade ...	13
Iron-moulders ...	12		
		Total ...	483

The honorable member for St. Kilda would be a very fit person for a printer to appeal to in a matter of this kind. The man might say—"Mr. McCutcheon, I can do so much work, but I am not able to do what is being done for the minimum rate of wage," and the honorable member would know at once whether this man was an average worker or below the average. But suppose a boot-maker, a butcher, or a baker went to the honorable member, the honorable member would have to say, "I do not understand the trade. You had better go to an expert in your own line of business." In submitting this clause he did not say that the Chief Inspector had done any serious wrong. On the other hand, he said the Chief Inspector had acted in a most conscientious manner, and had made less mistakes than any other man he knew of in a similar position; but it would be folly to say that mistakes had not been made. Men had been working side by side with other men who it was found had obtained permits. The men with whom they were working never knew for what prices they were working or how long the permits were to last. The result was that a great amount of dissatisfaction had arisen in those trades where a large number of permits had been granted, because the workers in those trades knew that the only people they could appeal to were people in the Department who did not understand the business. Any one who viewed the matter in a reasonable light would come to the conclusion that the proper people to fix a rate below the minimum for exceptional cases were the people who fixed the minimum itself, namely, the Wages Board. The ability, experience, and knowledge that were necessary in the one case were needed equally in the other. He had much pleasure in moving the clause, because he believed the good sense of the Committee would carry it. It did not involve an appeal to one particular side. It was simply an appeal to those who understood the question instead of to those who did not understand it. He did not urge that these permits should not be granted or that a less number should be granted, but he contended that mistakes had been made and would continue to be made unless the Court which decided these cases was a Court that fully understood the evidence that came before it. It might be contended that if this power were taken from the Chief Inspector of Factories and given to the Boards the people who obtained the permits would not be able to obtain them in future. That fear, however, had no founda-

tion. There was not a legitimate possessor of a permit to-day who would be afraid to appeal to the Board, or who if he did appeal to the Board, would not get justice from it. The Board would be as willing to grant facilities to old, slow, and infirm workers as the Department was at the present time. The only people who would be afraid to come before the Board were those who knew that the Board would know they had no right to be there. Here, for instance, was a case in point. Labour was subdivided. A man applied for a permit, and the inspector asked, "How much work are you capable of doing?" and the man told him exactly how much he was able to do. The inspector did not know whether this was a fair day's work or not. For all he knew, the man might be one of the fastest workers in the trade. Suppose the man said he was able to do 100 pairs of a certain article in a day, and that he had been working for "A." The inspector might ask, "Is that a fair day's work?" The man might answer, "No; they do 120 a day at some other shop." The inspector might make inquiry at the other shop, and might be told that the man's statement was quite true, and that the men in that shop were doing from 120 to 130 a day. Then the inspector naturally said, "This man does thirty pairs less per day than the average worker and should be granted a permit." Now, if the matter had come before an expert the expert might have known that more work was involved in completing 100 pairs in the one shop than in doing 130 pairs in the other shop, because the employer in the first shop turned out work of a higher quality, which could not be rushed through in the same manner as the work done in the other shop. This instance would show how permits might be granted by the Department in cases where an expert would know that no good reason had been shown, because the Department were dealing with something which they knew absolutely nothing about. The proper persons to give a decision in such cases were the Wages Boards, who thoroughly understood these matters.

Mr. BENNETT said that his experience had been different from that of the honorable member for Fitzroy. He would sooner trust Mr. Harrison Ord to grant these permits than trust many of the Wages Boards. In the case of his (Mr. Bennett's) own trade—the aerated water trade—the Wages Board presented a most extraordinary coincidence. Four of its members were from his own factory. Two of them had been working at

his place for two months, and they were sewerage men. Would it be contended that Mr. Harrison Ord did not know more than these men about the issue of permits?

Mr. LEMMON.—It is an extraordinary case.

Mr. BENNETT said that the Chief Inspector of Factories had no fish to fry in these matters. His only desire was to carry out the Act regardless either of the employer or of the employé.

Mr. PRENDERGAST.—Do you think you could take one of your employés and make him a bootmaker right off?

Mr. BENNETT.—No. But in one or two cases the chairmen of these Wages Boards had been actually afraid to give their decision. Even in their own little spheres of life they were not a success. It was much better to leave these matters to a man who understood his duties, and did not care for either one side or the other. The honorable member for Fitzroy was, no doubt, speaking chiefly from the point of view of the bootmakers. In that case no exception could be taken to the Wages Board, but in other cases men had been appointed as chairmen who never should have been appointed. With a really good man at the head of this Department, honorable members should not attempt to try experiments.

Mr. J. W. BILLSON (*Fitzroy*).—Will you say that he is an expert in these thirty-nine trades?

Mr. BENNETT.—Yes, he was.

Mr. McCUTCHEON said he thought it would be very unwise for the Committee to accede to the amendment of the honorable member for Fitzroy, and allow cases of all slow and infirm workers to come before the Wages Boards. The Chief Inspector, he thought, was best qualified, from his complete acquaintance with all the factories and the employers, to judge in any case of this kind. He (Mr. McCutcheon) presumed that if there was any application put before the Chief Inspector to class a man amongst the old, infirm, or slow workers, that officer would be the last to accede to it until he had made full inquiries as to whether the man should be said fairly to come within the description or not. Speaking of his (Mr. McCutcheon's) own trade, they had never had one old, infirm, or slow worker in their factory, but he understood that there was a very strong objection on the part of those who came within this description to have their cases made known generally to the trade, because they felt that they would be regarded by their fellow workers with some sort of dislike or suspicion. He could quite under-

stand that feeling, and what struck him was the small number of men who, according to the honorable member for Fitzroy, came within the class referred to. For instance, in the printing trade he thought the honorable member gave the number as 35, and he (Mr. McCutcheon) believed that there were from 1,000 to 1,200 men in the printing trade in Victoria. Such a small percentage as 3 per cent. who could be classed as old, infirm, or slow workers was about as small a percentage as could possibly be expected, unless it was the intention of the unionists and the Labour Party to drive this class of people out of work altogether. So far, he thought, from their having any feeling of that sort they ought to be glad that there was such a small number of old, infirm, or slow workers employed, and instead of endeavouring to harass and pain the minds of men who were compelled to come under this category, they ought to be sympathetic and help them to get a living. He had no sympathy with any employer who would attempt to get cheap work done by a fraud of this description, for that was what it practically meant, if an employer knew that a workman could do a fair amount of work and lent himself to that workman's desire to keep in constant employment by coming under the guise of an old, infirm, or slow worker. Such a man was guilty of fraud, and he (Mr. McCutcheon) did not think that such an imputation, thrown out against the trade generally, would be borne out by the facts if inquired into. He would strongly support the Government in resisting this amendment on the grounds he had mentioned, and particularly from the fact that the men employed in this particular way strongly desired to have their names kept secret, because they did not wish to be submitted to the kind of treatment which he understood they sometimes would be subjected to, if they were known to be working under the "old, infirm, or slow" provision. He hoped the Government would remain firm and prevent the Wages Boards from having control of this matter. The Boards would in many cases have a very clumsy system of inspection, whereas the Chief Inspector would have the means at his hand of almost immediately getting information as to the truth of the statements of any particular applicant to come under this provision. On the other hand, the Wages Boards would have all sorts of obstacles placed in their way, and there would be discussions as to the capacity of applicants, and no end of trouble and delay before the matter was settled. He would oppose the

amendment on these grounds, and would again express the opinion that he did not think frauds were practised in the manner referred to by the honorable member for Fitzroy.

Sir ALEXANDER PEACOCK said he understood that there was a disposition to get on as far as they could with the Bill to-night, and, if possible, to complete it, so that he would not detain honorable members by discussing the question at any length. He would, however, remind honorable members of the circumstances under which this provision became incorporated in our statute law. When it was first proposed to bring in factories legislation ten or eleven years ago those who were opposed to the proposal held up the bogey that great injustice would be done to the old, infirm, or slow persons, and that they would be injured by such legislation. This had a good deal of effect on the public mind, and subsequently, to meet the difficulty, the system of permits was introduced. Section 99 of the present Act provided for the Chief Inspector issuing the permits to old, infirm, or slow workers. Every one recognised that it would be a hardship to do any injustice to those who, from the fact that they were advanced in years, or were sickly, were not fit to earn the minimum wage fixed by a Wages Board, although they might be able to earn something. Section 99 of the Act provided—

If it is proved to the satisfaction of the Chief Inspector that any person, by reason of age, slowness, or infirmity is unable to obtain employment at the minimum wage fixed by any special Board, the Chief Inspector may in such case grant to such aged or infirm or slow worker a licence for twelve months to work at a less wage (to be named in such licence) than the said minimum wage, and such licence may be renewed from time to time.

He believed the honorable member for Wallahalla suggested this provision, and it was adopted by the Government. He knew that honorable members on the Opposition side of the House felt strongly with regard to the issue of permits by the Chief Inspector. They had been consistent in their opposition, and desired that the power should be remitted to the Wages Boards. He had always opposed it for several reasons. Statements were made that permits were issued to persons who were really not entitled to them. Not one case, however, had been submitted for consideration. Every Minister of Labour since the Act had been passed had asked for particulars of such cases, but they had never been supplied. Anyone who knew the difficulty of administering such an Act as this would realize that a Minister would not be averse

to being relieved of the trouble and responsibility in connexion with the issue of these permits. The honorable member for St. Kilda had stated that in connexion with the printers' trade, the number of such permits issued only came to about 3 per cent. of those employed. At present there were altogether 493 licences issued under section 99 in force, 413 having been granted to old and infirm workers, and eighty to slow workers. The lowest computation was that there were 50,000 persons working under the determinations of the Wages Boards. The number of old, infirm, and slow workers therefore amounted only to 1 per cent. He had particulars of ten cases in which old-age licences had been supplied. The average age was 77½ years, and the average wage was £1 6s. 8d. The honorable member for Fitzroy, and those supporting him, argued that the Chief Inspector of Factories, not being an expert in a particular trade, was not able to judiciously determine as to whether an applicant was entitled to a permit or not. It should not be forgotten that old, infirm, and slow workers were not able to get work as easily as capable unionists could. Their work was intermittent, and when they desired a licence they had to make their applications suddenly. Under the present law they had to satisfy the Chief Inspector. If the proposal of the honorable member for Fitzroy were carried, they would have to apply to a Board which never consisted of less than seven, and usually consisted of eleven members. To deal with the applications promptly it would be necessary that the Boards would have to sit continuously. It had been suggested that the duty of issuing the licences might be delegated by the Board to a sub-committee.

Mr. ELMSLIE.—Does an old worker get a permit every time he gets a job?

Sir ALEXANDER PEACOCK said the licence would last twelve months.

Mr. ELMSLIE.—Your argument does not apply after the first permit has been issued.

Sir ALEXANDER PEACOCK said those who supported the amendment could not get over the point that the Board would have to sit continuously to deal with such cases without delay. As he had shown, there were only 493 licences at present in force.

Mr. J. W. BILLSON (*Fitzroy*).—In that case the Board would not have to meet very often.

Sir ALEXANDER PEACOCK said he would point out that cases arose at Bendigo and Ballarat. It was also a fact that even the members of Boards had not been all

experts. He remembered a Board connected with the whiteworkers' trade of which two of the members had not been connected with the trade at all. They had been elected. Personally he had always objected to the election of members of Wages Boards, and had advocated the nominee system.

Mr. J. W. BILLSON (*Fitzroy*).—Is there a Board in existence that has not experts on it?

Sir ALEXANDER PEACOCK.—No.

Mr. J. W. BILLSON (*Fitzroy*).—Then your argument does not apply.

Sir ALEXANDER PEACOCK said the Wages Boards, or sub-committees, could not be sitting continuously in order to deal with the issue of these licences. Surely, in connexion with the administration of an Act of this kind the officers could be trusted. It was some satisfaction to know that the Victorian Employers' Federation had circulated a statement that they were opposed to this amendment because the officers were doing their work satisfactorily. He remembered when the Federation found fault, not only with the political head, but with the whole staff of this Department.

Mr. LEMMON.—They are opposing the amendment because it comes from the Labour Party.

Sir ALEXANDER PEACOCK said he had shown by accepting amendments from honorable members on the Opposition side of the House that, at any rate, he only desired to evolve a measure that would meet the difficulties of the situation. He found in the ten cases in which old-age licences had been issued, and to which he had previously referred, that a man seventy-four years of age obtained a licence in the woodworkers' trade, another in the mantelpiece trade seventy-five years of age, another in the bread and pastry trade seventy-six years of age, another in the printers' trade seventy-seven years of age, another in the french-polishing trade seventy-seven years of age, another in the butchers' trade seventy-seven years of age, another in the cigar trade seventy-eight years of age, another in the stone-cutters' trade over seventy-eight years of age, another in the furniture trade seventy-nine years of age, and the tenth in the woodworkers' trade trade eighty-five years of age. Was it right that these old men should be compelled, if they wanted to get these licences, to parade their old age and difficulties before a Board, when they could go to the Department and make their representations to the officers? He had in his possession some particulars in connexion with infirm licences which had been granted. He found that in the candle-

makers' trade a licence had been granted to a man thirty-four years of age, who was paid 22s. 6d., the legal wage being 36s. The man stuttered badly, and was nearly blind in the right eye.

Mr. ELMSLIE.—What has stuttering to do with his ability to work?

Sir ALEXANDER PEACOCK said it might be a great drawback. The man might not be able to express himself properly.

Mr. ELMSLIE.—He might be sacked if he did.

Mr. J. W. BILLSON (*Fitzroy*).—I can understand blindness interfering with a candlemaker's work, but not stuttering.

Sir ALEXANDER PEACOCK said under the amendment proposed by the honorable member for Fitzroy the man's position would not be any better. It was not right that these persons should have to parade their troubles and difficulties before a Board.

Mr. J. W. BILLSON (*Fitzroy*).—They are well known in connexion with the trade.

Sir ALEXANDER PEACOCK said one of the objections raised to the present system was that a man with one of these licences might be working side by side with other employes who did not know of the fact. After all these years he (Sir Alexander Peacock) still strongly favoured the present system. The challenge to its opponents to bring forward evidence of injustice having been done had never been responded to. This was a difficult section of the Act to administer, and the average man in the Government Department certainly would not be averse to being relieved of the responsibility of investigating cases of this kind. No single case of injustice, however, had been brought forward in response to the invitation of the Department. Until it had been shown that there was need for making a change, surely a system that had worked so advantageously should be retained.

The Committee divided on the clause—

Ayes	...	...	...	17
Noes	...	...	...	34
Majority against the clause				17

Mr. Anstey
 „ Beazley
 „ J. W. Billson
 „ Bromley
 „ Glass
 „ Lemmon
 „ Membrey
 „ Outtrim
 „ Prendergast

Mr. Sangster
 „ Smith
 „ Tunnecliffe
 „ Warde
 „ Watt
 „ Wilkins.
Tellers.
 Mr. Elmslie
 „ McGrath.

NOES.

Mr. Bennett	Mr. Livingston
„ Bent	„ Mackinnon
„ Bowser	„ Mason
„ Boyd	„ McCutcheon
„ E. H. Cameron	„ McGregor
„ Campbell	„ McKenzie
„ Cullen	„ McLeod
„ Duffus	„ Murray
„ Farrer	Sir Alexander Peacock
„ Forrest	Mr. Robertson
„ Gray	„ Stanley
„ Gurr	„ Swinburne
„ Harris	„ Toucher
„ Holden	„ Weedon.
„ Hunt	
„ Kirton	<i>Tellers.</i>
„ Langdon	Mr. Argyle
„ Lawson	„ Keogh.

Mr. WARDE proposed the following new clause:—

The special Board heretofore appointed with regard to articles of furniture may also determine the lowest prices or rates which may be paid to female workers employed as upholstresses whether as carpet hands, table hands, or drapery hands, also to male persons employed in planning and laying carpets or linoleums or floor cloths or fixing draperies or making and fixing window, venetian, and wire blinds.

He said it did not require that he should say very much to recommend this clause to the Chamber. The matter caused a considerable amount of trouble at the time the Furniture Board were sitting. The original Act under which the Board were appointed was amended, and the chairman ruled that under the amended Act the Board had not the power to fix the prices or rates to be paid to female workers employed as upholstresses or to male persons employed in planning and laying carpets or linoleums or floor cloths. The Board made a request that the Act should be amended to empower them to fix the lowest prices or rates for these persons. This new clause was submitted at the request of the Board, who found it very difficult to carry on their business under the Act, which was intended to give this power, but did not give it. He would ask the Chief Secretary to accept his amendment. It was brought under the notice of the Chief Secretary's Department during a time when the present Chief Secretary was not in office.

Sir ALEXANDER PEACOCK stated that the honorable member for Flemington had correctly stated the position. The Board communicated with the Department as long ago as September, 1906, asking the then Minister of Labour to take the necessary steps to have an amendment made similar to that provided for in this clause. The matter was remitted to the Crown Solicitor, who had given his opinion as to the power of

the Board to deal with these classes of labour, and several communications had reached him (Sir Alexander Peacock) since he had been in office. The request made by the Board for this amendment was agreed to unanimously by all the members of the Board, both employers and employes, the chairman concurring. If the amendment was carried the existing Furniture Board could fix the lowest prices or rates to be paid to the persons named in the clause, and it would not be necessary to bring another resolution before Parliament. The Government were pleased to accept this amendment.

Mr. WATT remarked that he would like to know how far the Minister proposed to go in accepting other amendments following on this one?

Sir ALEXANDER PEACOCK.—There are no others following on this. We have to recommit the Bill on clause 6.

Mr. WATT said he wished to know whether the Chief Secretary proposed to adopt the attitude of refusing to accept anything further than that? The press led one to suppose that it had *ex cathedra* information on the subject, and that the Government intended to decline any amendments to the Bill such as adding powers to the Boards. Did the Government mean that?

Sir ALEXANDER PEACOCK.—Have we not accepted two amendments already? That will be in regard to clause 6. There are several amendments to be moved in clause 6.

The clause was agreed to.

Mr. MEMBREY proposed the following new clause:—

(1) No person shall for hire or payment or wages cart or person shall for hire or payment or wages cart or produce, timber, merchandise, goods, or packages which are usually carried on lorries, drays, jinkers, timber trucks, boiler trucks, or floats, before 6 o'clock in the morning or after 8 o'clock in the evening on any Monday, Tuesday, Wednesday, Thursday, or Friday, or before 6 o'clock in the morning or after 4 o'clock in the evening on any Saturday.

(2) On the evening immediately preceding a public holiday cartage or delivery may be continued until 10 o'clock, and when a public holiday falls on Monday cartage or delivery on the preceding Saturday may be continued until 6 o'clock.

(3) The restrictions contained in this section shall not apply to perishable articles of human food.

He said he was bringing forward this amendment at the instigation of the General Carters and Carriers' Association, representing about 120 members. The employers and the employes were mutually agreed with regard to this amendment, and he thought it should recommend

itself to honorable members, on account of the exceedingly long hours that these men had to work at present. They were kept working until the small hours of the morning delivering goods, and some restriction should be put on their hours of labor.

Sir ALEXANDER PEACOCK remarked that, as the honorable member for Jika Jika had stated, this amendment was being proposed at the request of the employers and the employés. There had been two requests preferred by the Master Carriers' Association. Provision had already been made for the creation of the General Carriers Board.

Mr. ELMSLIE.—If this be carried will it not circumscribe the powers of another Board?

Mr. TUNNECLIFFE.—It already provides for wages.

Sir ALEXANDER PEACOCK said he did not think it would have the effect the honorable member for Albert Park feared. He would look into that point, however, before the Bill was finally dealt with.

Mr. WILKINS.—What is covered by the term "perishable articles"?

Sir ALEXANDER PEACOCK said it would refer to butter and milk and other things like that. The honorable member knew as much about that as he did.

Mr. TUNNECLIFFE said he understood if this amendment was accepted it would bar any further amendment being made in connexion with this matter.

Sir ALEXANDER PEACOCK.—Oh, no.

Mr. TUNNECLIFFE said he understood that if there was a special clause dealing with the matter it could not be dealt with again.

Sir ALEXANDER PEACOCK.—I will promise that another opportunity will be given. I would not take advantage of that point.

Mr. McCUTCHEON observed that the only objection that he could see to this clause was in connexion with the steamers and ships down the river. Everybody knew that the carters were now worked far too long hours. He had seen them working up to 12 o'clock. The whole of the carters had been worked unnecessarily.

Sir ALEXANDER PEACOCK.—Hear, hear.

Mr. McCUTCHEON said he thought the hours proposed by the honorable member for Jika Jika were reasonable. However, some exception should be made in regard to the loading of ships in the river. If wool or wheat had to be carted it might add very much to the expense of the port if ships were delayed in their loading. There should be some provision by

which, under special circumstances, the Department could give liberty, in connexion with the loading of vessels, to the carters to work extra hours. That could be done very well without making the men who had been working all day work these extra hours. There was no need to work the men all day and all night, as there could be a second shift. The ships would load all night if stuff was taken down to them. The lumpers worked all night for that reason. If this clause was carried as it was, he was afraid it would seriously interfere with the loading of ships in the port, and cause a large amount of extra cost to the producers in connexion with freight. He thought the matter was important enough for the Chief Secretary to look into.

Sir ALEXANDER PEACOCK.—I will look into it.

Mr. BENNETT said he did not think there was any necessity for the Chief Secretary to look into the matter. This amendment was proposed at the request of the very men the honorable member for St. Kilda had been speaking of. It was proposed at the request of the Master Carriers and their employés, and they surely should know their own business. He (Mr. Bennett) brought this same matter forward a little while ago, and he was annoyed that the Labour Party did not assist him. He tried to lessen the hours of these men and he was beaten only by 5 votes, and that was because he forgot to put in the words "perishable articles." He had been a member of the Commission which had inquired into sweating, and the evidence with regard to some of the men who were working at Sandridge showed a frightful state of affairs. Married men were getting 5s. a day for driving, and if the weather was wet they were told they were not wanted. He was sorry this new clause did not go farther and touch his own trade, so as to prevent men going out until 12 o'clock at night.

Sir ALEXANDER PEACOCK.—It will.

Mr. MURRAY.—What will the people you supply do then?

Mr. BENNETT said they would have to do as everybody else did. He remembered being told that he could not carry on his business unless he worked until late in the evening, but it was found to be possible to educate the people up to trading early. There was no body of men who were being worked longer hours and receiving less wages than the unfortunate drivers. Many of the men in Richmond were out at 5 o'clock in the morning, and until 7 or 8 at night, and received very poor

wages. This proposal was brought forward at the request mainly of the employers of labour. If the employers and the employes desired to have a certain thing, members should not oppose it.

Mr. MURRAY said he did not know anything about the carters, but knew something about the carriers, and it was true, as the honorable member for St. Kilda stated, that they worked unusually long hours, and chose very inconvenient hours for delivering parcels in the suburbs. It was either about midnight when people were rung out of bed, or on the following morning that they delivered parcels, that could have been delivered the previous afternoon. When these men got their half-holiday they could not take it when it suited them, but when it suited their employers. Sometimes they got their half-holiday in the forenoon, and had to go to work at 2 o'clock in the afternoon, finishing up at midnight. It was proposed that for five days in the week the hours should be from six to eight or fourteen hours a day.

Mr. WARDE.—And what about attending to their horses?

Mr. MURRAY said many of them had to groom and feed their horses, and that took up a good deal of their time in the morning and the evening.

Mr. WARDE.—A carter could be at Williamstown at 8 o'clock, and in returning to Collingwood would not be breaking the law.

Sir ALEXANDER PEACOCK.—No, no.

Mr. MURRAY said that a driver might be working from 6 o'clock in the morning till 8 o'clock at night, when he delivered his last parcel, but he might then have to travel 5 or 10 miles to get home. Even under the clause a man's work might be spread over seventeen or eighteen hours. If there was a Board dealing with the matter—

Sir ALEXANDER PEACOCK.—There is to be a Board.

Mr. MURRAY said that a Board could circumscribe the hours of labour, and, he supposed, they would have power to fix what constituted a day's work.

Mr. LEMMON.—Only the maximum per week.

Sir ALEXANDER PEACOCK.—That is the same.

Mr. MURRAY said the hours must be between 6 in the morning and 8 in the evening, but that was the only interference with the Board. He did not see any object in carrying the clause if a Board was going to deal with the matter.

Sir ALEXANDER PEACOCK said he could quite understand the point raised by the honorable member for Albert Park, and he would look into it. In clause 6 it was provided that there should be power to create a Wages Board "in any business of carting or driving, or assisting in carting or driving, either generally or in any specified process, trade, or business." That did not help the carriers at all. It was necessary to get a resolution carried by both Houses of Parliament to have a Wages Board created. This clause was prepared at the request of the employers and the employes to prevent delivery at late hours. It was brought in at the request of both. The man who owned his own lorry had to work very long hours, and he would be glad to have the hours reduced. He was interviewed and asked to restrict the proposal to those who employed four hands or more, but that would not meet the case of the man who owned his own lorry.

Mr. J. W. BILLSON (*Fitzroy*).—Do you approve of the principle of fixing the hours by day?

Sir ALEXANDER PEACOCK said that that would be dealt with later on. He had sufficient difficulties before him at present. If this were passed some immediate relief would be given to employer and employé. He would make certain of the point urged by the honorable member for Albert Park. This proposal would give immediate relief to numbers of unfortunate carriers and to the man who employed no one, and sweated himself.

Mr. LEMMON said he would not feel disposed to support this proposal but that he got a promise from the Chief Secretary to introduce a Wages Board for the carters. If that were done then the Board, in fixing the maximum number of hours per week, would be able to deal with the whole question of hours. Sub-clause (3) of the proposal of the honorable member for Jika Jika provided that the restrictions contained in the clause should not apply to perishable articles of human food. If there was one class above another asking for a Wages Board, it was the bakers' carters, and they would not have the benefit of the clause.

Sir ALEXANDER PEACOCK.—They do not deliver after 8 o'clock at night.

Mr. LEMMON said a similar proposal to this was submitted to the Chief Secretary on behalf of the farriers. He believed that they presented a petition to the Chief Secretary, signed by 200 masters and a number of employes, desiring that the hours of starting

and finishing work should be fixed. He was pleased that the Chief Secretary had accepted this proposal, because he (Mr. Lemmon) could not see how the honorable gentleman was going to reject the proposal of the honorable member for Albert Park. The proposal of the honorable member for Richmond was that the men should not be allowed to deliver after 10 o'clock at night, but the honorable member for Jika Jika proposed 8 o'clock instead of 10 o'clock, which was an advantage. In supporting the amendment of the honorable member for Jika Jika, he (Mr. Lemmon) was perfectly consistent, though he opposed the proposal of the honorable member for Richmond last year.

Mr. TUNNECLIFFE said one slight amendment would make the new clause more effective. It referred to specific vehicles, and seemed to indicate that only the heavier classes of merchandise would be provided for. It did not touch the packages carried on lighter vehicles. If express waggons and other light vehicles were included a larger area would be covered. The fact that express waggons were omitted would leave it possible for the law to be broken, assuming that the new clause were carried.

Sir ALEXANDER PEACOCK.—I will look into that.

Mr. FARRER said he would like to know from the Chief Secretary whether the amendment would not have the effect of driving all the work into the hands of big contractors?

Sir ALEXANDER PEACOCK.—Oh, no.

Mr. FARRER said that in connexion with small businesses like wood-yards a man was bound to handle a considerable amount of material within a certain time. Could not wool be delivered after hours?

Sir ALEXANDER PEACOCK.—No, because the warehouses are shut at 5 o'clock.

Mr. FARRER said a man might be busy carting all day on Monday, and doing nothing on Tuesday. One pair of horses could only work eight hours a day, but there would not be sufficient time to work two shifts under this proposal.

Mr. ELSMLIE.—I suppose eight hours is enough for a horse and sixteen for a man?

Mr. FARRER said that was not his argument. The hours were too short for two shifts, and he would prefer a Wages Board. This proposal would do gross injustice in some cases, though in others it would be very beneficial. The proposal generalized and did not allow for the differences which existed between various businesses. It was said that the carriers and their employés

were in favour of the proposal, but nothing was said about the producer.

Sir ALEXANDER PEACOCK.—Don't trot him out.

Mr. FARRER said that the new clause did not deal with things on their merits.

Mr. GLASS said there was one point in connexion with the new clause which, though applicable to Melbourne and suburbs, would be inoperative as far as the country centres were concerned. It would be known to most honorable members that provincial centres as a rule celebrated the weekly half-holiday either on Wednesday or Thursday, so that the proposed new clause providing that goods should not be delivered after 4 o'clock in the evening on Saturday would not be applicable to country districts.

Mr. WARDE.—The principal inland city celebrates its half-holiday on a Friday.

Mr. GLASS said Bendigo was the principal inland city.

Mr. WARDE.—I am speaking of Ballarat.

Mr. GLASS said Ballarat was politically insignificant as well as commercially insignificant as compared with Bendigo.

Mr. WATT said the remarks of the honorable member for Barwon showed the weakness of the Act, which the honorable member had apparently not read very carefully. Even if a Wages Board was constituted under clause 6 in connexion with carting, the Board could not fix the maximum number of hours per day that should be worked. It was about time, as the honorable member for Fitzroy indicated by an interjection, that Wages Boards should have the power of fixing the maximum number of hours to be worked per day. He (Mr. Watt) had thought that all along.

AN HONORABLE MEMBER.—That will come on in the next amendment.

Mr. WATT said in a given trade the maximum number of hours to be worked per day might be fixed by the Board without any difficulty. If the Board in the bootmakers' trade, for instance, said forty-eight or forty-six hours should be the maximum for a week's labour, why should they not also add a provision that not more than, say, ten hours should be worked on any one day?

Mr. WARDE.—Because they would not be able to do as they do in some trades now—work the men sixteen or seventeen hours a day at the end of the week, and pay them for the forty-eight hours.

Mr. WATT said that was what the Act was designed to prevent. He could understand that there might be an objection to an indiscriminate fixing of, say, eight hours as the

maximum number of hours to be worked in any one day in all trades, but in a specific trade the Board would understand all the circumstances, and would be able to fix the maximum number of hours for one day's work. The word "jinker" occurred in the new clause, and that word meant a lot more now than it did in the old days, when a jinker was a huge frame for carrying timber. The great bulk of the light two-wheeled vehicles going round the city were called jinkers.

Mr. WARDE.—They only deliver small parcels.

Mr. WATT said he had seen tea delivered from jinkers. If it was desired to provide that the clause should only apply to heavy goods, proper terms should be employed. He understood from the mover of the new clause that a "float" was a low concern with a bent axle. It was provided that certain goods should not be delivered after 4 o'clock in the evening on Saturdays. That was too late. If honorable members were trying to concede to the carters even a quarter of a day's holiday on Saturdays, they would not do so if carting was allowed up till 4 o'clock. What the honorable member for Flemington said was perfectly true. He (Mr. Watt) and the honorable member knew a good deal about the matter. Men finishing their work by 4 o'clock in the suburbs would have to go back to the stables, clean their horses, and get the harness ready for the next morning. If 4 o'clock was to be the latest hour for delivery on Saturdays, the men would not be able to knock off work till 6 or 8 o'clock. He sympathized to a great extent with the desire of the honorable member for Jika Jika, but there was a good deal of difficulty in the matter. When a holiday fell on a Monday, according to the new clause delivery was to be allowed up till 6 o'clock on Saturday evening. At the end of sub clause (2) the following words should be struck out—

And when a public holiday falls on Monday, cartage and delivery on the preceding Saturday may be continued until 6 o'clock.

Surely the hours would be long enough if delivery was allowed up till 4 o'clock, as perishable produce was not being dealt with.

Sir ALEXANDER PEACOCK.—There would be no delivery at all on the Sunday or Monday, and great inconvenience would be occasioned.

Mr. WATT said the honorable gentleman could not point out one line in which there would be any difficulty. The great bulk of the produce delivered on heavy waggons was

delivered on Saturdays before 4 o'clock. Of course, he was not familiar with the exigencies of shipping, to which the honorable member for St. Kilda referred. He did not know whether the conditions in the port of Melbourne demanded that goods should be delivered outside the hours laid down in the new clause.

Mr. SANGSTER.—All the deliveries from Port Melbourne are railway deliveries.

Mr. FARRER said he wished to know if the proposed new clause would prevent employers working two or three shifts if they were willing to pay for it. If the new clause would prevent that he hoped the House would not accept it.

Sir ALEXANDER PEACOCK said what the Committee was endeavouring to provide was being done at the request of the employers and employes. They wanted to reduce the hours of labour, and if it was necessary to prepare a clause to meet all the possible and remote exigencies which some honorable members suggested, it would be better to drop the proposal. Surely the hours laid down in the new clause were long enough in connexion with heavy deliveries. What was wanted was to give relief to the carters, and this was being done at the request of both the employers and the employes. Who ever heard of delivering wool up to the hour of 8 o'clock at night? The clause made it illegal for goods to be delivered on the particular heavy vehicles named after a certain hour.

Mr. FARRER said the Chief Secretary had not answered his question. He wished to know if the clause would prevent an employer having two shifts working if he paid for it?

Sir ALEXANDER PEACOCK.—He can work as many shifts as he likes as long as he works within the hours laid down.

Mr. FARRER said two eight-hour shifts could not be worked within the hours prescribed. He hoped the House would not prevent any one who wished to have extra shifts working, and was willing to pay for them, from doing so. Carters should not be prevented from doing what was being done in the woollen factories now.

Sir ALEXANDER PEACOCK.—Do you want to deliver at midnight and 2 or 3 o'clock in the morning?

Mr. FARRER said if an employer was willing to pay for two shifts to carry on special work, would he be able to do so under the clause? Why were double shifts allowed to be worked in wool factories?

Sir ALEXANDER PEACOCK.—We do not allow them to work all night in wool factories.

Mr. FARRER said he did not think the House should prevent any man employing extra shifts.

Sir ALEXANDER PEACOCK.—Why did you vote for the hotels to close at 11.30? Why didn't you allow them to keep open all night?

Mr. FARRER said honorable members knew that the hotels could be closed at half-past 11 o'clock. If carters were not allowed to work extra shifts in connexion with loading ships and other matters it would be unfair.

Mr. SMITH said he thought the hours set forth in the clause ought to cover the time when a man actually went to the stable to get ready to go out, and the time when he returned.

Sir ALEXANDER PEACOCK.—That will be regulated under clause 6 if a Wages Board be created.

Mr. SMITH said that if that was so he did not see the necessity for the new clause at all. If a Wages Board was to be created, the few months which the carters would work under the proposed new clause would not be a matter of much concern. He rose particularly to refer to the matter to which the honorable member for Bendigo East called attention. The proposed new clause provided that on Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays carters should not deliver goods on certain vehicles before 6 in the morning or after 8 o'clock in the evening, or before 6 o'clock in the morning or after 4 o'clock in the evening on Saturdays. The goods sheds in the country districts usually observed the weekly half-holidays on Wednesdays, and consequently the heavy carting was not carried on those afternoons, except in the case of firewood, because there was no merchandise to carry away. If it was provided that no carting of heavy goods was to take place after 4 o'clock on Saturdays, it would compel the country districts to come into line with the metropolitan area, and the result would be that there would be a general alteration of the half-holiday system. He would not object to that because he would rather see the weekly half-holiday be on Saturdays generally than on Wednesdays.

Mr. WATT.—Would it not be far better to give the Minister power to make regulations with regard to the number of hours?

Sir ALEXANDER PEACOCK said he would look into the point which had been

mentioned by the honorable member for Bendigo East and the honorable member for Bendigo West. The difficulty had not occurred to him previously when he first saw the amendment. The same difficulty in connexion with Bendigo would apply in Ballarat where the weekly half-holiday was on Friday. He would try to devise a provision that would meet all that was necessary.

Mr. McCUTCHEON said he thought it would be better if the clause were not agreed to, so that the question of hours might be left to a properly constituted Wages Board. He had mentioned that sometimes it was necessary for two shifts to be employed to do urgent work. Why should trade, and the work of the port particularly, be hampered, by saying that there should be no work during the night at all provided that reasonable conditions were fixed? There was no reason why the Wages Board should not fix a special rate for night work. That had been done in the trade with which he was connected. If a printer worked till 10 o'clock at night he received extra pay. From 10 to 12 he received a little more, and after 12 he received something like double pay. He would ask the Chief Secretary to oppose the new clause, and to inquire into the matter. He (Mr. McCutcheon) was very much afraid the clause was designed only for Melbourne, and desired by the large carters to suit their own convenience. They did not want to go to the trouble of employing double shifts.

Mr. ELMSLIE said he wished to say a few words in reply to the honorable member for St. Kilda. When he (Mr. Elmslie) first read the amendment of the honorable member for Jika Jika he was opposed to it as he feared that it would circumscribe the powers of the Wages Board, but since then he had somewhat altered his opinions, and if he was quite sure that a Wages Board would be constituted for the carters and drivers he would vote against the amendment.

Mr. MACKINNON.—You want to have two strings to your bow.

Mr. ELMSLIE.—Yes. He recognised that the amendment would make a slight improvement in the conditions of the carters.

Mr. BAYLES said he thought the new clause had been rather ill-considered. He wished to point out one case in which an exemption should be made—that was in the case of the sanitary carters.

Sir ALEXANDER PEACOCK said it was evident that the honorable member had not read the clause.

The Committee proceeded to divide on the proposed new clause. Honorable members having taken sides,

The CHAIRMAN said—There not being sufficient members for the Noes to appoint Tellers, the Ayes have it.

The clause was, therefore, agreed to.

On the question that the clause be added to the Bill,

Mr. WATT moved—

That the following words in sub-clause (2) be struck out—“and when a public holiday falls on Monday cartage or delivery on the preceding Saturday may be continued until 6 o'clock.”

He said the effect of the amendment would be to make 4 o'clock the maximum on Saturday afternoon without any exception. That was quite late enough for men to work on Saturday.

Mr. MEMBREY said he was quite prepared to accept the amendment, and thought it would make the clause work better in the interests of both the employer and the employé.

Mr. THOMSON said it seemed to him that the clause would have the effect of preventing stores in country towns which kept open until 9 o'clock on Saturday evening from delivering any goods after 4 o'clock.

Mr. WATT.—It would not apply to them.

Mr. THOMSON said that in many country towns the principal market-day was Saturday, and it would be very inconvenient if no goods could be delivered after 4 o'clock. Would the Chief Secretary guarantee that the country stores would be exempted from the operation of the clause?

Sir ALEXANDER PEACOCK.—I have promised to do something to meet the case of country towns.

Mr. THOMSON said he believed in curtailing the hours of labour as much as possible, but this should not be done to such an extent as to unduly inconvenience country people. So long as the Chief Secretary assured him that the clause would not affect country towns, he (Mr. Thomson) was prepared to let it go.

Sir ALEXANDER PEACOCK said it had already been explained that the clause dealt only with the delivery of heavy goods, which were usually carried on lorries, drays, &c. Sub-clause (1) provided that there should be no delivery of such goods after 4 o'clock on Saturday afternoons. Sub-clause (2) then provided that these goods might be delivered

up to 6 o'clock on a Saturday, if the following Monday was a public holiday, but if the present amendment was carried that provision would be struck out.

Mr. SMITH said he did not consider that the clause was necessary at all.

Sir ALEXANDER PEACOCK.—The first part is required.

Mr. SMITH said the clause dealt with wool, amongst other things. How often did honorable members see wool carted about the streets after 6 o'clock at night, or timber either?

Mr. ELMSLIE.—You see timber carted about at 9 o'clock at night.

Mr. BOYD.—In the wool season they are always carting after 6 o'clock.

Mr. SMITH said in that case the clause might be necessary, because 8 o'clock was late enough for these men to work.

Mr. WILKINS said he would like the Chief Secretary to give some definition of the words “perishable articles of human food.” There were some businesses which would not be protected by this proviso. For instance, would the business of a cordial manufacturer be included?

Mr. BENNETT.—Certainly not.

Mr. WILKINS said he had no doubt whatever that the goods of a cordial manufacturer would be included under sub-clause (1), so that the delivery of such goods would be restricted to the hours named. There was nothing definite about the clause, and not one justice in 100 would be able to interpret it. The honorable member for Richmond seemed to be quite indifferent about the matter, but there were other people who would like to know exactly what the clause meant. He (Mr. Wilkins) did not want any uncertainty to exist in connexion with these provisions.

Sir ALEXANDER PEACOCK said the words “perishable articles of human food” would have to be interpreted in a common-sense way.

Mr. WATT.—Do you not know that lemonade is not perishable?

Sir ALEXANDER PEACOCK said it depended on the quality of the lemonade. He knew that the lemonade made by the honorable member for Richmond was good, just as the sausages made by the honorable member for Collingwood were good. Common-sense would alone determine the question, in each particular case. There was no definition of “perishable goods” in the Act.

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

Mr. ELMSLIE proposed the following new clause:—

E. In section ninety of the Principal Act after the words "per week" (wherever occurring) there shall be inserted the words "or per day, or both per week and per day."

He said he had no scruples in submitting this amendment. When the Factories Bill was before the House last session, the then Government accepted a similar amendment, and he had greater confidence in proposing it again to-night, especially after the clause that had just been carried. Did he understand that the Chief Secretary would accept the amendment?

Sir ALEXANDER PEACOCK.—I cannot accept this. It is different from the other, because it applies to all factories.

Mr. ELMSLIE.—Yes; it applied to every case where there was a Wages Board in operation. Section 90 of the Principal Act provided—

Every Special Board when fixing the lowest wages, price, or rate to be paid to any person or persons or classes of persons shall also determine the maximum number of hours per week for which such lowest wages, price, or rate shall be payable.

He proposed to insert the words "or per day or both per week and per day." It was the desire of nearly all the Wages Boards to have the power to fix the maximum number of hours that could be worked per day. In the baking trade, and several others, the men would be worked less than eight hours during the first two or three days of the week, and in the latter part of the week they might have to work sixteen or seventeen hours per day. Under the present Act overtime rates could not be paid until forty-eight hours had been worked in that particular week. One of the things he (Mr. Elmslie) desired was that if a man worked for eight hours, or eight and a half hours, the moment he was called upon to work more time he should be paid overtime rates. At present it was possible to work a man ten hours a day at ordinary rates.

Mr. WARDE.—Sometimes sixteen hours a day.

Mr. ELMSLIE said the Act recognised that the men were entitled to overtime rates and gave the Wages Boards power to fix overtime rates, but many of the employers dodged the obligation to pay overtime. He failed to see where there could be any objection to the proposal he now made. He wanted to prevent the crowding of a week's work into two or three days.

Sir ALEXANDER PEACOCK.—Are not those cases very exceptional?

Mr. ELMSLIE said they were not exceptional. It was the weekly practice, as far as the baking trade was concerned, to ask the men to work from thirteen to eighteen hours in the last day of the week. He wanted to prevent that, because it was not working men under proper conditions. What he wanted was that, if Wages Boards, which were constituted of masters and men, agreed that eight hours, or eight and a half hours was fair and reasonable work in that particular trade, overtime should be paid when the men were called upon to work more hours. Not only the Ministry but the majority of the House had recognised this principle in the preceding clause, and he failed to see any reason why the Ministry should object to the amendment. There could be no objection from employers who only wanted to work their men fairly. What was desired was to protect the majority of the employers from unscrupulous men who were always desirous of evading the Act in any way they could. He would ask the Minister to accept this amendment, as it was one on which the whole of the Wages Boards had agreed, which both employers and employes asked for. One of the strongest arguments of the Chief Secretary in advocating the new clause of the honorable member for Jika Jika was that both sides had asked for it. Well, both sides had asked for this proposal. If the Minister would not support the amendment he would ask the Committee to vote for it on the ground of its justice. Last year when the Assembly were considering the amendment of the Factories Act the Government accepted this amendment, and it was carried through Committee without any trouble.

Mr. McCUTCHEON said he was sorry to contradict emphatically the statement of the honorable member for Albert Park that both employers and employes were asking for this amendment. The employers were not asking for it. He had the authority of the Federated Employers for saying that the employers so far from asking for it were opposed to it.

Mr. ELMSLIE.—You said the other night that the tramway people were not asking for what was proposed for them.

Mr. McCUTCHEON said he would say it again. The tramway people did not ask for it. The tramway agitation was got up outside the tramway employes, probably by some members of this House. He had the assurance of tramway employes that the men did not know anything about the matter, and were extremely annoyed to find that

what they had waited upon the company privately to ask for had been interfered with in the House.

Mr. BEAZLEY.—And when they did wait they were refused.

Mr. PRENDERGAST (to Mr. McCutcheon).—You met some of the bums. There are bums in all trades.

Mr. McCUTCHEON said he had it from tramway employes whom he had travelled with, and who, he knew, had no interest in toadying to the company. What had been told him bore upon its face the stamp of truth, because these people had approached the Tramway Company before any approach was made in the House at all. As regarded the present proposal, he would repeat that the employers were opposed to this change. Would the Committee believe for one moment the reckless statement which had been made to-night about squeezing six days' work into four? Why, the most expensive and worst way that any employer could have his men working was to have them working overtime, and squeezing six days' work into four days. There were two reasons for this. If he worked them overtime he must work them by artificial light, and a man could not carry on his business through the year, working twelve or sixteen hours a day by artificial light, without adding inordinately to the expense of working. Another reason was that an employer could not get from his workmen, working by artificial light, anything like the same amount of work as he could get from them working in daylight. In his (Mr. McCutcheon's) business 25 per cent. had to be deducted from the quantity of work done by gas or electric light, as compared with what could be done by daylight. He hoped the Committee would reject the amendment.

Mr. PRENDERGAST.—In your trade men worked overtime every night until the price was put up.

Mr. McCUTCHEON said in his trade they were not willing to work overtime when the work could be done in daylight. He had had thirty years' experience as an employer, and he had been invariably opposed to working at night if it was possible to avoid it, because the same amount of work could not be got out of the men at night as in the day time. Another aspect of the matter was that this proposal would be a most serious drawback to the trade and to the work of this city, and of the State, because it would be seen that it did not affect the wages of the workman at all. There was nothing whatever to prevent a man who worked after 5 or 6 o'clock being

paid a reasonable extra amount for the work he was doing, and in his (Mr. McCutcheon's) trade this was already done, in fact the Wages Board had provided for it. The question which was now being raised by the honorable member for Albert Park was raised when it was argued that no demand for overtime could be made from an employer until forty-eight hours had been worked in the week.

Mr. ELMSLIE.—And that is the fact.

Mr. McCUTCHEON said it was not so. Reference had been made to the Department and the answer was given—he thought it was by an order of the Governor in Council—that the Wages Boards were empowered to provide for overtime being paid when men were kept after 6 o'clock whether they had worked eight hours or not. He (Mr. McCutcheon) thought Parliament would be quite right in providing where men worked at night time in trades where they were generally working during the day that they should be paid extra prices for this night work, but if it was proposed to provide that work was not to be done at all after a certain time—

Mr. ELMSLIE.—I did not say that.

Mr. McCUTCHEON said that was what was involved in the honorable member's proposal.

Mr. ELMSLIE.—No.

Mr. McCUTCHEON said that the honorable member proposed that the Boards should be able to fix the maximum number of hours per day. It would be perceived at once that a rigid law would be laid down, that no matter how much work was required, or how willing a customer might be to pay for the overtime, the work could not be done.

Mr. ELMSLIE.—That is a reckless statement.

Sir ALEXANDER PEACOCK.—Are you against the clause?

Mr. McCUTCHEON said he was against the amendment, which stated that the Board could fix the maximum number of hours to be worked.

Mr. WARDE.—Subject to the usual conditions as to overtime.

Mr. McCUTCHEON.—Not the usual conditions.

Mr. ELMSLIE.—Read clause 90 of the old Act. It says that the Board shall fix the maximum number of hours per week. According to your argument you cannot work more than forty-eight.

Mr. McCUTCHEON said the honorable member had not provided in his amendment for overtime being paid.

Mr. ELMSLIE.—The Act provides for that.

Mr. McCUTCHEON said the honorable member had asserted that the Act did not provide for it. The amendment would mean that no work could be done after a certain number of hours. It would be a similar arrangement to that applying to females in factories. A certain amount of overtime could be worked by a female, but after a fixed number of hours, no matter what the conditions were, they could not be employed. That was a rule the honorable member for Albert Park now wished to apply generally. When the honorable member proposed that a Board should have power to stop all work under certain conditions—

Mr. WARDE.—Oh, no. The other provisions are in the Act.

Mr. McCUTCHEON said the honorable member for Albert Park said that the Board was to fix the maximum number of hours per day.

Mr. ELMSLIE.—Does not the Act give power to fix the maximum number of hours per week?

Mr. McCUTCHEON.—Yes, but not the maximum number of hours per day. Now they were coming to the truth.

Mr. J. W. BILLSON (*Fitzroy*).—Well, you have been dodging it a long while.

Mr. McCUTCHEON said if he were not in a deliberative Assembly he might be annoyed at such a remark. Members of the Labour Party had been dodging it for ten minutes. They now admitted that the Board could fix the number of hours per week.

Mr. WARDE.—We now admit that you are more dense than usual over this clause.

Mr. McCUTCHEON said the members of the Labour Party desired to limit the number of hours which a man could work per day. The present law of forty-eight hours per week gave a certain amount of elasticity. If there were only a small amount of work to be done one day and extra work to be done the next, the hours could be regulated to suit requirements.

Mr. WATT.—You can work more than forty-eight hours if you pay overtime.

Mr. McCUTCHEON.—Yes; but the proposal now was to fix a maximum number of hours per day. That would destroy the elasticity of trade.

Mr. WATT.—To some extent.

Mr. McCUTCHEON.—To a most important extent. From his own experience he could say that it would be quite impossible to carry on business under those conditions, and he was satisfied that the bulk of business in Melbourne would sustain great losses.

They would be driving a nail into the coffin of trade and business in the city. If the amendment were carried, it would be the greatest obstruction to trade that existed in this city. It might be an interference with the forty-eight hours a week. It might mean that there would be a demand for forty-four hours per week. He had too much confidence in the good sense of this House to think that it would agree to cripple trade in such a way.

Mr. J. W. BILLSON (*Fitzroy*) said the honorable member for St. Kilda had been more dense in his arguments than usual, and that was saying a lot. The honorable member for Albert Park desired to fix the maximum number of hours that could be worked each day, as well as each week.

Mr. ELMSLIE.—Both.

Mr. WATT.—It is proposed to give the same power in respect to a day as in respect to a week.

Mr. J. W. BILLSON (*Fitzroy*).—Yes. Notwithstanding that forty-eight hours per week had been fixed, employers from time to time worked their hands more than that. When they did so they had to pay overtime rates. If this amendment was carried and eight and a half hours a day was fixed, employers might work their men ten hours, but they would have to pay overtime rates for one and a half hours. The honorable member for St. Kilda had said that it was unprofitable for employers to work their men long hours, and had asserted that the same amount of work could not be obtained from employes working long hours at night, which also involved the expense of lighting the establishments, as under the ordinary conditions in the day time. He could instance a case well-known to the Department of a firm at Richmond, who kept its employes working on Friday night up till 12 o'clock, and sometimes until 2 and 3 o'clock in the morning, little girls of thirteen and fourteen years of age having to return to their homes unprotected. The matter was reported to the Department, and he believed the Chief Inspector went down, and became fully seized of the facts. The name of the employer was Cansick. No work was done on Saturday, and as a rule little or no work was done on Monday. No overtime was paid, the employer claiming the right to work the forty-eight hours straight off if he chose. On Friday the hands worked from 8 o'clock in the morning right up till 2 or 3 o'clock next morning. That was the sort of thing that the House ought to veto.

Mr. WATT.—What was the man's business?

Mr. J. W. BILLSON (*Fitzroy*).—Boot-making.

Mr. WATT.—How did that rush of work pay in these days?

Mr. J. W. BILLSON (*Fitzroy*) said he did not know. It was not a question whether it paid or not, but whether it was a proper thing to allow.

Mr. WATT.—That is one question.

Mr. J. W. BILLSON (*Fitzroy*).—And it was the most important question. Whether it paid or not was a question for those engaged in that particular business. He contended that the Board should have the power to fix the number of hours per day which it considered should be a reasonable day's work, and that after that time overtime rates should be paid. That rule now obtained in connexion with women, and youths under the age of eighteen. Why should it not be applied to men? The idea of the honorable member for St. Kilda, that if the amendment were carried it would be impossible under any circumstances to work more than the number of hours specified each day was absurd. Work could be carried on as it was now. If, however, the Board said that nine hours should be a normal day's work for five days in the week, and men were worked ten or twelve hours, then overtime rates should be paid for the surplus. At present, men often had to work twelve or fifteen hours in one day without a cent being paid for the overtime. The leader of the Opposition was quite right in saying that since overtime rates had been fixed very little overtime had been worked. The employees themselves did not care for overtime. They would prefer other men being put on, and given an opportunity of getting a living. If the Boards fixed forty-eight hours as a normal week's work, there should be some provision to prevent an employee having to work those forty-eight hours right off. He hoped the amendment of the honorable member for Albert Park would be carried. The Chief Inspector of Factories could verify the statements he had made concerning the case at Richmond. He could mention others, but he had selected that case because that man was now out of business.

Mr. WATT.—He is still in business.

Mr. J. W. BILLSON (*Fitzroy*) said only a few weeks ago girls were being worked very long hours, without permission, in some of the principal dressmaking establishments in the city, and they had to be sent home in

cabs. He had sought leave to report the cases, but the parents refused, on the plea that in all probability it would result in the dismissal of their girls, who would not be able to learn the trade.

Mr. PRENDERGAST.—Where is the inspector?

Mr. McCUTCHEON.—That was a breach of the law.

Mr. J. W. BILLSON (*Fitzroy*).—Yes. But it would not have been a breach of the law in the case of men. At present a man could be worked twenty hours at a stretch without overtime being paid.

Mr. McCUTCHEON.—Men are better able to look after themselves.

Mr. J. W. BILLSON (*Fitzroy*) said men often had to do things to get a living which they would not do if they were in the same position as their employer. He hoped that the clause would be amended in the direction proposed.

Mr. PRENDERGAST said he desired to point out to the honorable member for St. Kilda that the object of the amendment was to prevent men being worked more than a certain number of hours a day without overtime being paid. It was so in nearly every union. In the baking trade the men were worked three or four or five hours a day during the early part of the week, so that they might work twenty hours on the Friday, and only be paid the ordinary wage. If provision was made for an extraordinary rate he felt certain that overtime would stop on the Friday, as was already the case in good establishments. In first class houses the men worked very little extra on Friday. In some instances it was intended to abolish the long hours on Friday, and in one instance they had been abolished already. In places these hours had become a menace to health. So much so that a baker expected to be two days and one night awake every week. Was not that too much? He thought any reasonable man would admit that an overtime charge would prevent that state of things, and he would give the Boards power to provide for an overtime rate under the circumstances which had been mentioned if they thought it right to do so.

Sir ALEXANDER PEACOCK said he did not wish to detain the Chamber long as he was extremely anxious to make progress, there being eight amendments to be considered before clause 6 was touched.

Mr. ELSLIE.—If you accept this it will save a lot of time.

Sir ALEXANDER PEACOCK said he could not see his way to accept it. The

amendments that had been given notice of would have to be dealt with before the report stage was reached and the Bill could be recommitted for the further consideration of clause 6. With regard to the point mentioned by the honorable member for Fitzroy, it was true that cases of the kind the honorable member mentioned occurred years ago, but Parliament dealt with that matter by section 40, and limited the hours of females.

Mr. J. W. BILLSON (*Fitzroy*).—Not of males.

Sir ALEXANDER PEACOCK said Parliament made provision at that time with regard to females. Although there might be a few exceptional cases in regard to males, he did not think there was any necessity to give to the Boards the power that was now proposed. It would be going too far altogether. Females and children required protection; but males, through the medium of their unions, should be able to protect themselves.

Mr. ELMSLIE.—You are taking away the power of unions to protect themselves.

Sir ALEXANDER PEACOCK said he would admit, in regard to the baking trade, that in the early part of the week there was not the same rush as at the end of the week, but it should be sufficient if the trades had power to fix the maximum number of hours to be worked during the week. The cases which had been mentioned were exceptional, and it was not necessary to provide for cases where work was slack at the beginning of the week and busier at the week's end. It was in the interest of employers and employes that the time lost in the beginning of the week should be made up. He could not call to mind any request from the men, since he had returned to office, that what was now asked for should be granted. He had the notes of the proceedings of the deputation from the Trades Hall Conference which waited on him, and of the deputations from the trades themselves.

Mr. ELMSLIE.—This amendment is from the Conference of the trades.

Sir ALEXANDER PEACOCK said he had the notes of the deputations and the press reports of what took place, and he had also received communications innumerable from different trades organizations, and this matter had not been brought under his notice.

Mr. ELMSLIE.—That dog won't fight. I have the report from the trades.

Mr. LEMMON.—We boiled down our proposals, thinking you would accept the important ones.

Sir ALEXANDER PEACOCK said he would admit that some of the Wages Boards had written to him in regard to this power, but he would ask honorable members not to overload the Bill, because the need of this amendment had not yet been shown, and he was afraid the provision would operate a little bit unfairly. Taking the average trade, honorable members knew they did not work more than forty-eight hours. If Monday and Tuesday were slack days, and only four or five hours were worked, extra time was put in at the end of the week to make up for the time lost earlier in the week. It could not be said that if a man worked for ten hours at the end of the week it would be such a great strain on his health.

Mr. WARDE.—What we do say is that the employer would find work for the men during the early portions of the week.

Sir ALEXANDER PEACOCK said he knew that was what honorable members stated, but they did not produce proofs. Any one who had been in business would know that during the earlier part of the week fewer purchases were made.

Mr. PRENDERGAST.—You were in the grocery business?

Sir ALEXANDER PEACOCK.—Yes; and he knew full well that in that trade there was a rush at the end of the week. In connexion with the mines, how often did men work double shifts when they wanted to get away? In many cases men worked sixteen hours right off, or did a "doubler," as they expressed it, to suit themselves.

Mr. SMITH.—They are doing an illegal thing in doing that. They are not entitled to work more than eight hours.

Sir ALEXANDER PEACOCK said the men did it repeatedly, and some of the best unionists too, when they wanted to get away to attend the Melbourne Cup or see a football match, or look after their private business. If the Boards had the power to determine generally that the hours should not be more than forty-eight per week, why should it be necessary to give them the further power that was now asked for? He could see what honorable members were driving at. If the men worked short hours in the early part of the week they would, if this provision was adopted, be able to claim time and a quarter or time and a half at the end of the week, when they worked the extra hours, to make up for the time that was lost. The Government could not accept the proposal.

Mr. WATT observed that he had listened attentively to the arguments, more especially to those of the Chief Secretary, and he could not see why this power was safe in the hands of the Boards when it applied to the week's work and was not safe when it applied to the day. The honorable member who moved the amendment might have an object that he had not declared, though he would not attribute any such object to him.

Mr. WARDE.—There is no object but what is patent to everybody.

Mr. WATT said he did not agree with the way in which the honorable member who moved the amendment had stated his object. He (Mr. Watt) thought the best way would be to fix forty-eight or fifty hours, or whatever was thought to be right, for the week's work, and after doing that say, "You shall not work more than ten hours of that in a given day." That was the object he thought the Board should have in view, in order to prevent men being placed under duress to work very long hours on certain days. If the object was to wring overtime from the employer he thought it was a mistake.

Mr. ELMSLIE.—When they have to pay overtime they don't work it.

Mr. WATT said they would in such a case as the honorable member for Fitzroy alluded to, where the Cup trade compelled *costumière*s and others to work long hours in order to get out orders. They would pay almost any price for that, and should pay, because they got an extra figure, and the takings then were enormous. But in the general requirements of the trade why would it be safe for a Board to fix forty-eight hours for a week, and not have the power to say that ten hours should be the maximum for a day?

Mr. McCUTCHEON.—That would be treating trade in a cast-iron way.

Mr. WATT said that remark brought to mind the statement that the honorable member did not see things as swiftly in connexion with this matter as he usually did, and the remark seemed perfectly justified. The fact that forty-eight hours was the time fixed by some Boards did not prevent men working fifty or sixty hours. They were paid overtime. If this power was given to the Boards, and they fixed nine or ten hours as the maximum for a day, the men could still work eleven or twelve hours, but the extra time would be paid for. The Chief Secretary had stated that he could not see his way to accept this amendment. He (Mr. Watt) understood that the Minister

of Lands wanted to get away. If the honorable gentleman did he would pair with him.

Mr. MACKAY.—Very well.

Mr. WATT said he would like to know what time it was proposed to adjourn to-night.

Sir ALEXANDER PEACOCK.—Get to clause 6.

Mr. WATT said he would ask the Chief Secretary if he would pay overtime if honorable members worked after 10 o'clock?

Mr. BENT.—We propose to close at 10.

Mr. WATT said in that case he would sit down.

The Committee divided on the clause—

Ayes	...	...	...	16
Noes	...	...	...	36

Majority against the clause ... 20

AYES.

Mr. Anstey	Mr. Prendergast
„ Beazley	„ Sangster
„ Bennett	„ Smith
„ Bromley	„ Tunnecliffe
„ Glass	„ Waide.
„ Lemmon	
„ McGrath	<i>Tellers.</i>
„ Murray	Mr. J. W. Billson
„ Outtrim	„ Elmslie.

NOES.

Mr. Bayles	Mr. Mackinnon
„ Bent	„ Mason
„ Boyd	„ McCutcheon
„ E. H. Cameron	„ McGregor
„ Campbell	„ McKenzie
„ Carlisle	„ McLeod
„ Cullen	„ Membrey
„ Duffus	Sir Alexander Peacock
„ Farrer	Mr. Robertson
„ Forrest	„ Stanley
„ Gray	„ Swinburne
„ Gurr	„ Thomson
„ Harris	„ Touthcher
„ Holden	„ Weedon
„ Hunt	„ Wilkins.
„ Kirton	
„ Langdon	<i>Tellers.</i>
„ Lawson	Mr. Argyle
„ Livingston	„ Keogh.

PAIR.

Mr. Watt | Mr. Mackey.

Mr. ELMSLIE stated that he had distributed a new clause, providing that "In any determination a special Board may fix the time for beginning and for leaving off work each day." He would not now proceed with that amendment, but he would like to say a few words in reply to what was stated by the honorable member for St. Kilda. The honorable member charged him with making a reckless statement when he (Mr. Elmslie) stated that both the employers and the employes had requested the amendment. He had moved

the amendment at the request of a conference of trades, and they assured him, and he knew of his own personal knowledge on many occasions, that the employers and the employes were in favour of the amendment. The members of the Employers' Federation and the gentlemen with whom the honorable member associated might not be in favour of it. What he (Mr. Elmslie) had stated he believed to be correct, and he had given the source of his information.

Mr. PRENDERGAST proposed the following new clause:—

G. In the Principal Act the whole of Part 10 and all references to the Court of Industrial Appeals are hereby repealed.

He said he thought he had exhausted all the arguments in favour of the abolition of the Court when he spoke the other evening. He thought, in fact, the question had been argued threadbare. He believed that the Court was a danger to employers and employes. Great forces in the community not on either side, and many of the employers as well as the employes, recognised that the Court was a great danger to industrialism, and that it should be abolished. The Court was established to stop the tendency on the part of the Wages Board to give fair wages. It was instituted at a time when a number of men were returned to Parliament in connexion with the so-called reform movement to try to do away with factories legislation. It was used at that period to destroy the effect of the Wages Board system. The workers wished to have the Court abolished, and the Wages Board system to be carried on as it was before. Since the Court had been in existence one big strike had taken place. Even with the tinkering amendment agreed to, the position would not be altered, and the workmen would look askance at any decision given by that Court, in consequence of the decisions already given. It was not because it reduced wages, but it was being used purposely to destroy the effect of the Wages Boards. He wished to call attention to the remarks of the Judge of the Federal Court of Appeal concerning the Court of Industrial Appeals. That Judge was reported to have said—

Again a determination of a Wages Board may be reversed or varied by the Court of Industrial Appeals. That Court consists of a Supreme Court Judge, and he is bound to lower the minimum wage fixed by the Board if he thinks it may prejudice "the progressive maintenance of or scope of employment in the trade or industry." In other words, he has to put the interests of the business—of the profit making—above the interests of the human beings employed.

Mr. MACKINNON.—He is obliged to provide a living wage under that clause.

Mr. PRENDERGAST.—Did he call 36s. a week a living wage, and did he call it fair play to increase the hours of certain men from forty-eight to fifty-four per week? The Judge pointed out that if the cost of living was increased it had to be borne by the worker who was not to get any increased wage because the increase in the cost of living was only temporary. The worker had therefore to bear all these temporary disadvantages, but if the employer was losing money he would raise his prices. If the baker, for instance, found that his prices were not giving him a proper return he had only to put a penny on the price of the loaf, probably, to make things right. The workman had no such means of increasing his wages to meet the circumstances. When the master increased the price of an article there was no outcry because he had done so, but if the workman tried to do the same thing he was hounded down. This Court would not better the condition of the workmen. It would not improve the chances of bringing a great many unions into active operation to insure respect for the decisions of the Wages Boards.

Sir ALEXANDER PEACOCK said he felt there was no need to detain the Committee in regard to this proposal. He had explained on three occasions the position of the Government. The last day of meeting, when dealing with the Court of Industrial Appeals, he submitted an amendment, that was carried, providing for the continuation of the Court, but with the alteration that the Judges of the Supreme Court should take up the duty in rotation. The Government were opposed to the new clause.

The Committee divided on the new clause—

Ayes	...	...	...	18
Noes	...	...	...	32

Majority against the new clause 14

AYES.

Mr. Anstey	Mr. Prendergast
„ Beazley	„ Sangster
„ Bennett	„ Smith
„ Bromley	„ Tunnecliffe
„ Elmslie	„ Warde
„ Glass	„ Wilkins.
„ Kirton	
„ McGrath	<i>Tellers.</i>
„ McGregor	Mr. J. W. Billson
„ Outtrim	„ Lemmon.

NOES.

Mr. Bayles	Mr. Livingston
" Bent	" Mackinnon
" Boyd	" Mason
" E. H. Cameron	" McCutcheon
" Campbell	" McKenzie
" Carlisle	Mr. McLeod
" Cullen	" Membrey
" Duffus	Sir Alexander Peacock
" Farrer	Mr. Robertson
" Forrester	" Stanley
" Gray	" Swinburne
" Gurr	" Thomson
" Harris	" Weedon.
" Holden	
" Hunt	<i>Tellers.</i>
" Langdon	Mr. Argyle
" Lawson	" Keogh.

PAIR.

Mr. Murray | Mr. Watt.

Sir ALEXANDER PEACOCK said, in accordance with the promise of the Premier, he intended to report progress as the night was very hot. He had to thank honorable members for the attention they had given the measure. Several important matters had been settled, and as several honorable members had to be away to-morrow afternoon, the Government would take the Bill on again after the dinner adjournment. He hoped that to-morrow the measure would be finished, as he was most anxious to get it away to another place.

Mr. PRENDERGAST said the Opposition had taken up very little time on the measure. Those members who had had amendments and new clauses to propose had contented themselves with only speaking on the occasion when they put forward their proposals.

Sir ALEXANDER PEACOCK.—Hear, hear.

Mr. PRENDERGAST said he had no objection to progress being reported.

Progress was then reported.

FRIENDLY SOCIETIES ACTS FURTHER AMENDMENT BILL.

This Bill was returned from the Legislative Council, with a message intimating that they had agreed to the same with amendments.

The amendments were ordered to be taken into consideration on the following day.

LEGISLATIVE COUNCIL ELECTIONS (HOURS OF POLLING) BILL.

This Bill was received from the Legislative Council, and, on the motion of Mr. PRENDERGAST, was read a first time.

ADJOURNMENT.

ORDER OF BUSINESS.—MORANDING RAILWAY ACCIDENT.

Mr. BENT moved—

That the House do now adjourn.

Mr. PRENDERGAST said he would like to know what business the Government proposed to deal with to-morrow?

Mr. BENT said he proposed to take the Indeterminate Sentences Bill; and there were also two or three other little Bills from another place. The amendments of the Council in the Friendly Societies Acts Amendment Bill would also probably be considered, as would the Legislative Council Elections (Hours of Polling) Bill. He would take the Estimates up till half-past 6 o'clock. At half-past 7 the Factories and Shops Amendment Bill would be gone on with. Of course, he hoped the Bill would be got through with to-morrow, but if not a little time would be given to it on Thursday.

Mr. LEMMON said he wished to mention a matter in connexion with the recent railway accident at Moranding. He understood that an inquiry was to be held, and that the Railways Commissioners had counsel provided by the Government.

Mr. BENT.—Not provided by the Government.

Mr. LEMMON said the public had no counsel to represent them. The Commissioners would have their witnesses and counsel, and there would be no one to represent the public, as was provided in the inquiry into the Gembrook accident. He did not know whether the Government would appoint counsel to represent the public, as in the Gembrook case.

Mr. BENT.—Lawyers cost too much.

Mr. WARDE (to Mr. Bent).—The Commissioners will be using public money for their lawyers, whether it is Government money or Commissioners' money.

Mr. LEMMON said as the Government had decided to hold an inquiry into the matter he thought it would be wise to have the public represented by counsel, so that justice would be done to all concerned.

Mr. BENT said he would think the matter over. It was an important thing, but lawyers cost a lot of money.

Mr. HUNT said he thought it would give general satisfaction if the public were represented.

Mr. BENT.—Who have you in view?

Mr. HUNT said he had no one in view.

The motion was agreed to.

The House adjourned at seven minutes to ten o'clock, until half-past two o'clock the following day.

LEGISLATIVE COUNCIL.

Wednesday, November 13, 1907.

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

ROMAN CATHOLIC TRUSTS BILL.

The Hon. N. FITZGERALD moved the second reading of this Bill.

The motion was agreed to.

The Bill was then read a second time, and was afterwards passed through its remaining stages.

MONEY LENDERS ACT 1906 AMENDMENT BILL.

The Hon. J. M. DAVIES moved the second reading of this Bill. He said the Act passed last year was based upon an English Act. When the Bill was before the House of Lords, Lord James of Hereford, who introduced it, in moving the second reading of the measure, referred to a Bill that had been previously introduced, and said—

The Bill of last year required that every money lender should register himself as such, and if he entered into any contract when he was not registered that contract would be absolutely void, and would be set entirely on one side. It was pointed out to me by members connected with the legal profession that there may be men, under that definition in the Bill, who have doubts whether they ought to be registered or not, and if a man in perfectly good faith made the error of thinking he did not come within the Bill, and if he did not register, the effect would be that if he had advanced £50,000 or £100,000 he would, by virtue of that error of judgment, lose the whole of the money. Well, my Lords, that was a penalty which is out of proportion to the offence. Therefore I have, in this Bill, so altered the proposed provisions that non-registration shall not vitiate the security but that the offence shall be met by a penalty which will be affected in its amount by the nature of the offence committed; that is, whether it was intentional or unintentional.

The Act passed by the Victorian Parliament last session had the provisions in it which Lord James of Hereford pointed out would involve the money lender who did not com-

ply with the provisions of the Act with regard to registration in a penalty, but which would not make void his security. Section 5, which dealt with the matter, provided that a money lender should register himself as a money lender in accordance with the regulations under the Act, should carry on a money lender's business in his registered name, and should not enter into any contract in the course of his business other than in his registered name, and the same section also provided—

(2) If a money lender fails to register himself as required by the Act or carries on business otherwise than in his registered name or in more than one name or elsewhere than at his registered address or fails to comply with any other requirement of this section, he shall be liable on conviction to a fine not exceeding one hundred pounds, and in the case of a second or subsequent conviction to imprisonment with or without hard labour for a term not exceeding three months or to a fine not exceeding One hundred pounds or to both: Provided that if the offender be a body corporate that body corporate shall be liable on a second or subsequent conviction to a fine not exceeding Five hundred pounds.

That seemed to be a sufficient penalty for not complying with the registration provisions, but notwithstanding what Lord James of Hereford had said, those responsible for the measure passed last session fell into his error of supposing that the Act did not provide that the transaction should be void. He (Mr. Davies) had two cases before him which had been decided by the Courts at Home in this matter, but he did not propose to read them. The Courts in England first decided that an agreement made with a money lender who ought to have been registered, but who was not, was so far void that the money lender could not recover the money that he had lent under that agreement. That meant that the money lender was not restricted to the penalties provided by the Act for non-registration, but that his agreement was void. The result of the decisions up to the present appeared to be that if a person who ought to be registered as a money lender did not register, and lent money under an agreement that that money should be repaid with interest, he could not recover the money, no matter how reasonable the rate of interest might be. The last case dealing with the subject to a certain extent modified the position, but it was not the case of a money lender suing. It was a case in which a man who had borrowed money and had given security for the repayment of that money, instituted legal proceedings to get back his securities without paying the

money that he had borrowed. The case was *Lodge versus* the National Union Investment Company. The Court of Equity held, on the principle that "he who seeks equity must do equity," that the person seeking to get back his securities could not do so without paying the money he had borrowed. In that case the money lender had lent £1,075. In connexion with the transaction stamps amounting to £5 17s. had been paid, and the commission and costs as agreed upon came to £50. The money was to be repaid with interest, on a certain day. It was not repaid on that day, and the loan was renewed in consideration of a cash payment of £150. Then the person who had borrowed the money sought to get back his securities without paying a farthing. As he (Mr. Davies) had said, the Court of Equity decided on the principle that a person, who sought equity must do equity, but it seemed to him that they did not make the borrower do equity, because the decision was that he should get back his securities on the payment of £1,075, the amount which he had borrowed, after deducting from that the sum of £150 which he had paid for the renewal of the loan, the sum of £5 17s. paid for stamps, and the sum of £50 paid for commission and costs. The man who had borrowed the money got back his securities without paying one farthing in the way of interest and costs. It was a curious idea, to his mind, to call that equity. He should have thought that the Court ought to have allowed the man to redeem his securities on paying the amount of money he had borrowed, with a reasonable sum of costs, and a reasonable rate of interest. This showed that whatever might be alleged against money lenders—and very often there were money lenders who would take undue advantage of people to a great extent—yet there were people who borrowed money, and who were prepared to take a greater advantage. Just imagine a man borrowing £1,075, and because the money lender was not registered, seeking to get back his securities without paying one penny! He thought that man got off a great deal better than he deserved. He (Mr. Davies) was quite certain that honorable members never intended that the public should be able to cheat money lenders. All the Act intended was that the money lenders should not be able to cheat the public, but if people borrowed from money lenders they should pay them their money, and should be liable to be sued for the money at a reasonable rate of interest. The Act left it to the Court to reduce the rate of interest wherever it was unconscion-

able or unfair. Clause 2 of the Bill provided—

No contract or agreement or transaction entered into by a money lender with any person or body corporate shall be void or voidable by reason only that the money lender has, whether in connexion with such contract or agreement or transaction or not, been at any time guilty of a contravention of any of the provisions of section 5 of the Principal Act whether convicted thereof or not.

The money lender would be liable under the clause to the penalties provided in section 5, which were pretty severe, and the transaction would still be under the supervision of the Court with reference to the interest. Section 11 of the Act proved that the total amount lent by a money lender to any person must be paid to the borrower in cash, whereas section 10 provided that the money lender might properly charge the costs he had paid to the solicitor for the preparation of the security, and also commission, not to exceed a certain amount, if it were to be paid to the agent. Clause 3 of the Bill provided—

Sub-section (1) of section 11 of the principal Act shall not be construed to prevent a money lender deducting from any loan of money all such fees, costs, charges, and expenses of any kind whatsoever, as may be lawfully charged pursuant to the provisions of section 10 of the principal Act.

That was only reasonable. If a money lender agreed to lend £500 and there were certain costs incurred in preparing the security and a commission had to be paid to an agent, the money lender might deduct those fees, which were lawfully authorized to be paid, from the amount of the loan. The last clause of the Bill had reference to assignments. It was provided in section 12 of the Act that assignments must be attested before a Police Magistrate, County Court Registrar, clerk of Petty Sessions, or independent solicitor. An independent solicitor meant a solicitor instructed and employed independently of the money lender. The question had arisen as to whether the provisions relating to assignments were restricted to cases of money lent by money lenders or whether they applied to other cases of money lending, even though the person lending the money might not be a money lender. If the clause applied generally it would involve a great deal of difficulty, because under certain circumstances a person entitled to money under a will might give an order for somebody to receive the money in consideration of money having been advanced and that would be an equitable assignment. That might come under it. It would place

the trustee in the difficult position of having to decide whenever he paid money in to order whether the order was an equitable assignment, and, if it were, whether it should be attested in the way provided in this Act. This Bill provides that assignments under Part 2 of the Money Lenders Act should be assignments to money lenders and not to anybody else. He thought that the provisions of this Bill were such that if they had been proposed at the time the Act was passed they would have been agreed to then.

The Hon. T. C. HARWOOD said he did not think it necessary to follow with any minuteness what the Attorney-General had said as to the necessity for this Bill. He agreed with everything which the honorable gentleman had stated. The Bill was founded on the report of the Select Committee which was appointed by the Council some time ago, and which thrashed the matter out. As far as the question involved in the first amendment was concerned, he had no hesitation in saying that it was never contemplated for a moment that in the event of a money lender making default, either intentionally or unintentionally, his security should be utterly void, and that the borrower should be able to perpetrate fraud upon him by getting the return of his securities and paying the money lender nothing. There were five or six provisions in the Act which money lenders had to comply with, and penalties were attached for breaches of those provisions. There was, therefore, perfectly good security that in the event of an attempt to evade the Act in any of those particulars the money lender would be amply punished, and there was no necessity to give the borrower an opportunity to escape his obligations. He thought honorable members would see the propriety of that amendment. When the Act was before the Chamber it was never thought that such a construction would be placed upon it, and the amendment proposed now was merely carrying out what he was sure was the intention of the Select Committee, and, he thought, the intention of the Chamber when passing the Act. The other amendments dealt with comparatively small matters. One of them dealt with the power of the money lender to deduct costs, &c., from loans. It stood to reason, if a money lender had to pay fees or commission to any one who introduced the borrower to him, that should be deducted from the amount of the loan. It was no injustice to the borrower. With regard to the amendment of section 12 he

would point out that the section was never intended to apply to anybody but a money lender. It was not intended to refer to any ordinary transaction, such as a man lending money to a friend or client in the usual way. This Act was for the regulation of money lenders, and was intended to apply to them alone. He had no hesitation in saying that the construction proposed to be placed on section 12 was the only one which could legally be put upon it. There was a certain vagueness about it, and some practitioners had preferred to go to trouble and expense rather than run any risk. In order to set that feeling at rest, it was provided in this Bill that the assignments required to be attested in the ordinary way were only those to money lenders. The Bill would simply carry out what was supposed to have been in the original Bill passed by the Council.

The motion was agreed to.

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

Clauses 1 and 2 were agreed to.

On clause 3, which provided—

Sub-section (1) of section 11 of the principal Act shall not be construed to prevent a money lender deducting from any loan of money all such fees costs charges and expenses of any kind whatsoever as may be lawfully charged pursuant to the provisions of section 10 of the principal Act,

The Hon. W. J. EVANS said he would like to know if there was any limit to the commission which the money lender might deduct? An excessive commission might be charged by a money lender.

The Hon. D. MELVILLE—That is exactly what some did.

The Hon. W. J. EVANS said it was a common thing for a money lender to make the borrower sign for a loan of say £50 and then only give him £40.

The Hon. J. M. DAVIES said section 10 of the Act provided—

(1) For procuring negotiating or obtaining any loan or for guaranteeing or securing the repayment of any loan it shall not be lawful for any person to charge recover or receive more than five per centum on the amount of the principal sum actually lent. Such percentage shall include all fees costs charges and expenses of any kind whatsoever for or in connexion with or preliminary to the procuring negotiating or obtaining the loan or the guaranteeing or securing the repayment thereof, but shall not include any costs or fees paid either by the lender or the borrower to any solicitor or valuator nor any fees paid out of pocket by the lender where no solicitor acts for him provided that the lender does not participate or have any interest in any such commission costs or fees.

(2) It shall not be lawful for the lender or his partner employer employé principal or agent or

any person acting for or in collusion with the lender to charge recover or receive any remuneration or reward whatsoever for or in connexion with or preliminary to the procuring negotiating or obtaining any loan or the guaranteeing or securing the repayment thereof.

The money lender could not charge a shilling.

The clause was agreed to.

On clause 4, which provided—

In sub-section (1) of section 12 of the principal Act after the word "assignment" where first used there shall be inserted the words "to a money lender,"

The Hon. R. H. S. ABBOTT asked if the Attorney-General could give any further information about this Bill? He would like to know the difference between a registered money lender and the ordinary money lender, and what distinction was made.

The Hon. J. M. DAVIES.—That is all defined in the Act. Anybody who lends money at a rate of interest exceeding 12 per cent. per annum is a money lender.

The clause was agreed to.

The Bill was reported without amendment, and the report was adopted.

On the motion of the Hon. J. M. DAVIES, the Bill was then read a third time and passed.

SHERWOOD RESERVE REVOCATION BILL.

The Hon. W. PITT moved the second reading of this Bill. He said the object of the Bill was to revoke the permanent reservation of certain lands in the parish of Sherwood as sites for military and other public purposes. It appeared that by an order of the Governor in Council dated 8th April, 1889, certain Crown lands were permanently reserved for sale for military purposes. These lands were in the parish of Sherwood, in the county of Mornington, and comprised something like 4,000 acres. When the Commonwealth was established all matters connected with defence were transferred to the Federal Government in accordance with the Constitution. The Federal authorities had made an inspection of this land and found that it was unsuitable for their purposes, and that they did not require it. They had therefore decided to hand it back to the State. The Bill proposed to revoke the permanent reservation of the land for military purposes, so that it could be used as unoccupied Crown land in the ordinary way.

The motion was agreed to.

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

On clause 1,

The Hon. D. MELVILLE said he understood this was the celebrated Langwarrin camp. A lot of money had been spent on the land, water having been laid on and all kinds of improvements effected. He did not know why the present change was being made.

The Hon. W. H. EMBLING.—It is not Langwarrin at all.

The Hon. D. MELVILLE said Dr. EMBLING was not a Minister yet.

The Hon. W. H. EMBLING.—I am very happy where I am.

The Hon. W. PITT.—I believe it is a place on the coast, near Western Port.

The Hon. A. O. SACHSE.—It is forty or fifty miles from Langwarrin.

The Hon. D. MELVILLE said if it were not Langwarrin he had nothing more to say.

The Hon. W. PITT.—It is Quail Island.

The Hon. D. MELVILLE asked if the honorable gentleman would give some particulars about Quail Island.

The Hon. W. PITT.—They are all given in the schedule.

The Hon. D. MELVILLE said he was afraid they were acting too hurriedly. The House should know a little more about the matter. Whatever action the Commonwealth authorities might take the State should look after its own rights.

The Hon. J. G. AIKMAN said he understood that the land was to be merely handed back to the Crown.

The Hon. W. PITT.—Yes.

The Hon. J. G. AIKMAN said otherwise he might suggest that it might be desirable for honorable members to visit the place.

The Hon. W. H. EMBLING said there was no necessity to postpone consideration of this matter. This was not the celebrated military camp at Langwarrin. If there were any invasion of the coast, which he hoped would never occur, it would be better to have this reserve settled, so that people might be ready to defend it. The Bill would not interfere with the Langwarrin camp at all.

The clause was agreed to.

Clause 2, the schedule, and the preamble were agreed to.

The Bill was reported without amendment, and the report was adopted.

On the motion of the Hon. W. PITT, the Bill was then read a third time and passed.

INFANT LIFE PROTECTION ACT AMENDMENT BILL.

The Hon. J. M. DAVIES moved the second reading of this Bill. He said this was not a new Bill to the Council. A

similar Bill had been introduced by Mr. Balfour, and it had been passed. That was a great improvement on the law which existed then. It was found that even that Act was capable of improvement, and in 1890 a Bill was passed by the Council that did not become law. Another Bill was passed in August, 1899, and, unfortunately, that also did not become law. The latter measure contained the principles embodied in this Bill. It was not exactly the same as this Bill, but it was very nearly so. The Council had received this Bill from another place, which had practically adopted what the Council had previously desired, and passed. One of the chief provisions of this Bill was that the Act had to be administered by the Secretary for Neglected Children instead of by the Chief Commissioner of Police, and instead of constables acting as inspectors of registered homes, special inspectors would be appointed, and they might be women. Every infant would have to be under the care of a medical officer. The age of protection of infants was raised from two years to five years. The original Act limited it to two years. The Bill passed by the Council before raised it to five years. Particulars as to the parents of the child were not to be entered on the roll kept at the registered home. They were to be furnished to the Secretary of the Department, who had to treat such information as confidential. It was not compulsory for the coroner to hold an inquest in the case of death of a protected infant, but medical certificates of death could be given only by the medical officers under the Act, who should be the medical attendants of the infants. Then there was power to establish maternity homes so that the mother and the child might be kept together. There was power to make regulations for the proper care and management of infants, prescribing the accommodation to be provided in the registered homes, and the conditions as to milk supply and methods of storage. Permission to board an infant had to be obtained from the Secretary for the Department, and the payments for boarding out were all to be made to the Secretary. The nurse was only to receive weekly payments—no lump sum. The weekly payments were to be not less than 10s. for an infant under the age of 12 months, and not less than 7s. over the age of 12 months. The granting of a death certificate in connexion with a protected infant, by a medical practitioner, other than a medical officer appointed under the Act, was to be an offence. The cost of medical supervision of

infants was to be £1,000 per annum. Then as to visiting officers, some of the work would be done by the existing staff of the Neglected Children's Department, in addition to their present duties, but it would be necessary to appoint, say, three additional visiting female officers at £120 each per annum. This would make £360, but it was impossible to say at present whether that provision would be quite sufficient. For the year 1901 there were 525 registered nurses, 779 children under their care, 99 deaths (percentage 12.7), and the number of police employed as inspectors 66. In 1902 there were 576 registered nurses, 875 children, 131 deaths (percentage 15.1), and 69 police employed. In 1903 there were 563 nurses, 839 children, 115 deaths (percentage 13.7), and the number of police employed 113. In 1904 there were 519 registered nurses, 912 children, 89 deaths (percentage 9.7), and the number of police employed 124. In 1905 there were 574 registered nurses, 1,001 children, 79 deaths (percentage 7.8), and 128 police employed. In 1906 there were 583 registered nurses, 974 children, 107 deaths (percentage 10.9), and the number of police employed 124. Now, the infantile death rates in Melbourne and suburbs among the general population for infants under one year of age was, in 1901, 12.41 per 100 births; 1902, 12.74; 1903, 12.43; 1904, 9.27; and 1905, 9.48. It would therefore be seen that, notwithstanding all the defects and the negligence, the percentage of deaths amongst boarded-out children was not very much greater, and in some cases it seemed to be even less, than among the general population. There could be no doubt, he thought, that this Bill would help to preserve the lives of these infants, and that it would have been better if the Bill which was passed by the Legislative Council years ago had become law. But although it was later in the day than it should be, this measure would practically give effect to what this House had desired in the past.

The Hon. W. H. EMBLING said that, as a medical man who for nearly thirty years had charge of the boarded-out infants in Prahran and South Yarra, he wished to say a few words about the Bill. There were two or three things in the measure that he objected to. The first was that the work of inspecting these homes was thrown upon the police. In his opinion it was not the proper province of the police to do this work. The work had been done perfunctorily by them, and they took pretty well everything for

granted. Therefore the inspection by the police was, to a large extent, a mere matter of form. The selection of the nurses was done as carefully as possible, and, speaking from his own experience, he was certain that everything was done by the nurses to keep the children alive and to render them as comfortable as possible. The inspectors of these homes should be people who knew something about babies and about nursing. The police were not fitted for the work.

The Hon. J. M. DAVIES.—Under this Bill we do not propose to employ the police.

The Hon. W. H. EMBLING said he was glad to hear it. The next point he wished to refer to was the way in which medical men were treated in connexion with these children. Many years ago the medical officer received a fixed fee of one guinea per annum per child, and for that fee he visited the children regularly. Then came the retrenchment era, and the medical fee was cut down by one-half. Some effort should have been made in connexion with this Bill to restore the position of these medical officers. Honorable members might say there was not much work to do; but, to a medical man who wanted to do his duty and who had his professional work at heart, there were no more difficult patients for him to consider than the children in these nurses' homes. There was no one but the medical man to guard the health of the children, and the medical officers should be properly paid. He knew it was almost useless to mention these facts, because so many people thought the medical profession should work for honour and love; but a great mistake was made by the Government when they reduced the fees paid to medical men attending on these orphan children. It was true that the death rate among these children was once abnormally high; but it must be recollected that they were not ordinary children. Many of them were in the last stages of wasting and disease when they entered the homes, and it was very difficult to rear children when they were reduced so low.

The Hon. W. H. EDGAR said he regarded the Bill as a very useful one, but he would much rather see these children handed over to the care of the womanhood in the city and suburbs. He was afraid that the appointment of female inspectors would lead to the idea that there was a good deal of officialism in the administration of the Act, and that this would tend against the training up of a child tenderly and sympathetically. There would be a tendency to adopt hard and fast rules. Provision should

be made in the Bill to utilize the services of the members of the various Ladies' Benevolent Societies in the city and suburbs. Some of these women had identified themselves with the alleviation of the sufferings of the poor and needy, and they were very well fitted to do useful work in the inspection of children boarded out to nurses in the districts in which they lived. If this were done it would lessen the expense of administering the Act and the work would be done carefully and well, at the same time casting around the children influences that would tend to beautify and soften their lives.

The Hon. D. MELVILLE said he was sure the House was very pleased that the Attorney-General had at last brought in this Bill. At one time this House took a deep interest in such matters, and on many occasions Mr. Balfour and other honorable members had spent a good deal of time in attempting to improve measures of this kind. It was surprising that the Government should have made the mistake of employing police to inspect the homes of these children. A few days ago it was brought under his notice that while there were only two policemen in half the city of Brunswick, with 30,000 inhabitants, one of those two officers said he had no time to attend to his ordinary duties, because he had to visit the homes of these children. The consequence was that, while the police were doing this work, the interests of the community were neglected and larrikinism was rampant. It was wholly improper and unsuitable that 124 or 128 policemen should be engaged in this work of inspection. Another aspect of the measure had reference to the question of infant mortality. At one time, it was suggested that a place should be provided where infants might be conveniently deposited, instead of being abandoned or destroyed. The problem had been discussed in this House many times, and he hoped that before the Bill was passed an effort would be made to do something in that direction. It was extraordinary that 9 or 10 per cent. of these infant children died under the present system. He would suggest that one of the principal causes of death was the improper food supplied to the children. He believed it was the deficiency of milk that was the cause of half the deaths. Great as our milk supply was, it had become too dear altogether to enable infants to be supplied with it in proper quantities. Some provision must be made in days to come which would enable an infant between the age of three or four months, and,

say, three years, to get ten times the milk that was now supplied to it. It was not impracticable for this House to look into the question why there was such a large proportion of deaths. The number of infants who died in families which enjoyed an abundance of milk was considerably less. The great problem of the present day was the population question. The Commonwealth Government was about to spend money to bring people here. Why not make an effort to save our own children? He was sure honorable members would give the Government every assistance in improving the Bill.

The Hon. J. G. AIKMAN said that he too was pleased that the Government had taken this matter in hand, and was only sorry they had not gone a great deal further. The Attorney-General said that about 10 per cent. of these infant children died, but that was not a very high percentage, when one considered the kind of children who were boarded out. He was told on good authority that really about 50 per cent. of the infants who were born under the conditions contemplated in the Bill were murdered or allowed to perish before the Government had a chance of taking them. If that were so, why not have a foundling hospital, in which these infants might be received, without any publicity? It was all very well for people to say that this would lead to an increase of immorality, but if it resulted in saving even half the 50 per cent. of infants who were murdered or allowed to starve it would be a great thing for the country. The Attorney-General stated that the inspection of these homes by the police was to be done away with, but he (Mr Aikman) did not see anything to that effect in the Bill. A great many people objected to the police doing this work, and the police themselves did not look upon it as a duty that they should be called upon to perform. It was something they were not paid for, and they did it in a very grumbling spirit. When a policeman entered the force, he did not pass any examination in the care and management of children, or the inspection of homes. Many of the police had no families of their own, and knew nothing about the care and management of children. It was proposed to pay these nurses from 10s. to 40s. per week for each child, but if the Government spent half the money on a foundling hospital he believed the whole of the State would hail the proposal with delight.

The Hon. R. H. S. ABBOTT said that, like other honorable members, he was very pleased to find that the

Government were endeavouring to deal in a reasonable manner with such an important subject. Previous speakers had referred to what had always struck him as a question which the Government should seriously consider, and that was the deaths of so many young children immediately after birth, apparently by foul means. If Mr. Aikman could see his way to propose any amendment in this Bill which would lead to the establishment of a foundling hospital he would at any rate have his (Mr. Abbott's) support, and would have gone very far towards relieving a situation that was becoming more and more intolerable. Although he did not tolerate immorality in any way he could not help sympathizing with the unfortunate mothers who apparently had no other means of dealing with the situation—a situation that perhaps they had been betrayed into—than that of practically making away with their infants. In inland cities there were sometimes two or three cases in a fortnight of the bodies of newly-born children being found in deep mining shafts. If proper provision was made in the way suggested by Mr. Aikman a lot of this life might be saved. Although it might appear that in making the provision referred to members were endeavouring to promote what might be regarded as immorality, still the lives that would be saved would outweigh any other consideration. Mr. Edgar had touched on a matter that must appeal to any one who had considered this question, and that was that if the Bill was to be administered properly, sympathetic administration was a very important factor. The sympathetic administration would not be insured unless many of the good and charitable ladies in the State were induced to take an interest in the question and to lend their valuable services. Unless this outside aid was availed of three female inspectors would be absolutely useless for the whole State. According to the Attorney-General it required 124 police constables to deal with the matter. Without the assistance of the local nursing societies, and other organizations of women, the results that were desired would not be achieved. Dr. Embling had referred to his profession. In the country districts the medical men must be greatly relied upon, and they should be properly remunerated. The number of infants dealt with appeared to be large, but it was satisfactory to know that our vital statistics were all right, and that Australia was nearly at the top compared with other countries in the increase of population by natural means. Any reduction in the death

rate of these children was desirable, and he did not think that money spent in administration would be grudged by the people. He would be very glad to assist in making the Bill increasingly useful. He did not think the nurses should be asked to do the work without proper remuneration. Some of the mothers of these children would not be able to pay 10s. a week, and they should not be expected to contribute more than their means would allow.

The Hon. J. STERNBERG said he desired to support the second reading of the Bill, as he recognised that it was an important measure and must have a beneficial effect on the community. It was practically the same Bill as one submitted to the Chamber years ago. He agreed with those who stated that the police were not the right people to look after these children, but it looked as if they would be continued because the Bill provided for male and female inspectors. It was not in the best interests of all concerned that the police, who had many other duties to perform, should be asked to do this work. The word "male" should be struck out, and the work should be carried out entirely by females.

The motion was agreed to.

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

Clauses 1 to 5 were agreed to.

On clause 6, which was as follows :—

The Governor in Council may, if deemed desirable, establish maternity homes, infant asylums, and also separate cottage homes for the care of infants and their mothers,

The Hon. J. G. AIKMAN moved—

That the words "foundling hospitals" be inserted after the word "asylums."

The Hon. J. M. DAVIES said he could not accept the amendment. He thought it was a great pity that whenever legislation was proposed that was a great advance on the existing legislation attempts should be made to do something that would raise a great deal of opposition and do more harm than good. If it was considered desirable to establish foundling hospitals a Bill should be brought in for that purpose, but he did not think the good that would be done by them would compensate for the evil that would result. This Bill had been practically passed by this House before, and was sent down to another place, which had not time to consider it. Another place took the Bill up this session and had it sent it on to this House for approval. It would be a mistake not to accept it.

The Hon. J. G. AIKMAN said that whenever a member tried to make what he

considered an improvement in a Bill the Attorney-General delivered one of his scathing speeches, and made it in such an apparently fair manner that it could not be taken objection to. If there was one thing he (Mr. Aikman) admired in the Roman Catholic Church it was the way they looked after their children. They were saving all classes of children whilst the Protestants were not doing anything.

The Hon. J. BALFOUR.—There is a foundling hospital in connexion with the Protestant Church.

The Hon. J. G. AIKMAN said he was sorry to see Mr. Balfour opposing his proposal, and if the honorable member would go out to Broadmeadows with him he would see one of these fine institutions. If a girl made a slip there were a great many prepared to look down on her, and nothing was done for her. Those who sought to provide for these cases were accused of encouraging immorality. It was forgotten by those who stood on such a high pedestal that they themselves might fall. It was only the deaths that were registered that were known of, and nothing was heard of the unregistered ones. There were reports in the newspapers nearly every day regarding children thrown into the river or some other place. He hoped his amendment would be carried.

The Hon. J. BALFOUR said that perhaps Mr. Aikman had not read the Bill carefully, for practically all he wanted was in it.

The Hon. J. G. AIKMAN.—If it is in the Bill, why does the Attorney-General oppose the amendment so strongly?

The Hon. J. BALFOUR said that clause 6 provided that the Governor in Council might establish infant asylums. What else was wanted? Was it an asylum where women could drop their children in a basket and then run away? That sort of thing was done away with ages ago, because it was found very bad for the children and very bad for morality. Those institutions were done away with except in Russia.

The Hon. W. H. EMBLING.—What about France?

The Hon. J. BALFOUR said he was not sure whether they were not done away with in France also.

The Hon. W. H. EMBLING.—I am sure they are not.

The Hon. T. H. PAYNE said he rose to oppose the amendment, for it would be a very grave mistake to allow it to be passed. It was a matter that should be considered very carefully, for it would provide an outlet for women to get rid of their children.

The Hon. D. MELVILLE said it was not a case of putting children in baskets, for they were murdered all over the State. Did Mr. Balfour prefer that the children should be murdered rather than there should be foundling hospitals? He was sorry that Mr. Balfour and the Attorney-General did not see that the children were virtually murdered to hide what was called shame. About 50 per cent. of the children born were absolutely done away with.

The Hon. J. M. DAVIES.—I do not think so.

The Hon. D. MELVILLE said he might get figures later on. Honorable members must be aware of the harrowing effects of reading, morning after morning, of the bodies of children being found, as Mr. Abbott stated, with strings round their necks, and thrown into water-holes. He could not conceive that we should not adopt some efficient remedy to cure that. But, as usual, when one began suddenly to deal with matters that were a sort of surprise to the House, everything was denied. It had been denied by some honorable gentlemen that there were such things as foundling hospitals. They were a matter of history, and they existed in all continental countries. They had been carried through in various forms from the time of the Greeks and the Romans. The *Encyclopædia Britannica* stated—

Foundling hospitals are intended to save children from death by exposure, and it is therefore difficult to describe them properly apart from the general subject of infanticide. The practice was extremely common among nearly all the ancient nations.

That flatly contradicted the denial about the existence of foundling hospitals. The same authority stated that they existed throughout the greater part of France. They were also to be found in Belgium, where it was said they were perpetuated for the same purpose that we had in view here, namely, the saving of infantile life. These nations had not thought of anything better for this purpose than foundling hospitals, and he doubted very much if anything else would suit the purpose so well.

AN HONORABLE MEMBER.—Are they under Government control?

The Hon. D. MELVILLE said most of them were. In England they, like most of the charities, had been founded by private people, but were all under Government control. Italy was very rich in foundling hospitals, orphans and other destitute children being separately provided for. In Turkey, Austria, and Russia there were Government

institutions, and apparently the people of all these nations were proud of what they were doing in that direction. In America foundling hospitals were principally private charities. With regard to Great Britain there was the foundling hospital of London, which was inscribed by Royal charter in 1780. A list of the different institutions was given in the work he was quoting from. Was it not a pity that honorable members should doubt that such things existed? Why were we different in this respect from the nations to which he had alluded? In this House on a former occasion, in a similar Bill to this—he had not referred to *Hansard* to ascertain what Bill it was—he moved an amendment to the effect that we should have a Government institution here. He did that on the grounds that we, in these days, were no better now, and were apparently a little worse in some respects. To hear of these constant occurrences in connexion with children hardened the community. If we found, day after day, coroners' inquests being held on these bodies, we thought over the whole matter, and it had a mischievous effect on ourselves. We became more hardened to the facts. The gentlemen who were adverse to the establishment of foundling hospitals used to believe at one time that these unfortunate children had everlasting souls, and if they still believed that, why should they seek to check the ordinary humanitarian who sought to benefit the people by practical schemes? What more practical or better scheme than what he proposed? Those who contemplated the murder of a child would know that, in the greatest secrecy, they could deposit the child at the institution. If there was an objection to a basket being provided at the doors of the institutions for this purpose, some other means could be adopted. Of course there was much reference to the question of morality, but we had changed now in some respects, and the ordinary man in the street was no longer actuated by all those awful fears that used to be aroused, and men had become more merciful. People now wished to take steps to save the children, so that they might be reared to be men and women under very different conditions from those which had prevailed. He would read a passage from the *Creed of a Layman*, by Frederic Harrison. It was as follows:—

The sound sense of our parents spared us from visions of Hell, of demons, and Divine "judgments," and of all the ghastly machinery by which in Calvinistic families children are tortured. Such cruel books as *The Fairchild Family*, and the whole literature of devilism and of everlasting fire, were

kept from us. Apollyon in my pictorial Pilgrim's Progress, "with fire and smoke issuing from his belly," seemed to me as childish as Giant Pope, mumbling in his cave, biting his nails and grinning at pilgrims.

Those were teachings that had been got rid of, and all the beliefs about illegitimate children being dreadful things who would be tormented because of the sins of their parents, had been abandoned. These children were the same as any others, and had as much right to be protected as any other children.

The CHAIRMAN.—I would remind the honorable member that the Bill deals with children of such an age that the children referred to in the book he has quoted from cannot come into the question. The Bill deals with infants.

The Hon. D. MELVILLE said the writer of the book was thanking the Lord that he had been saved from a certain kind of teaching.

The CHAIRMAN.—He thanked the Lord after he grew up.

The Hon. D. MELVILLE said he ventured to say it was too late in the day to draw differences between children born in wedlock and those born out of wedlock, and honorable members should bear in mind that Victoria was not the whole world. Let honorable members take into consideration the conditions obtaining in other parts of the world. They should be kind and merciful, seeing that there were such numbers of illegitimate children. This matter had been staring Parliament in the face ever since he became a member, and when the Government brought in a Bill to protect infant life they should not come down in a frightened, half-hearted way. Infants were being murdered every day, as was shown by the coroners' inquests, and that must be taken into account. Some people would argue, perhaps, that foundling hospitals did not stop infant mortality. It had been said that the question of creating foundling hospitals would bring about a divided opinion amongst the community, and that a great number of people would be opposed to them. Some people still seemed to think there was something awful in protecting an illegitimate child, but most people had got rid of that belief. In his opinion, it was desirable that the Government should start a foundling hospital. The bulk of the community had got rid of the feeling that the question of religion entered into the matter in any way. He would like to mention a case that occurred in Ballarat. A girl was seduced, and

a child was born. She was then turned out and got work with the child. She was interfered with in her employment and lost her situation. She passed a night on a doorstep and finding that the child was dying, committed suicide by drowning herself in one of the lakes in the Ballarat district after writing to her parents asking for forgiveness. Was it a credit to Parliament that such things might happen? That was only one of many such cases, and honorable members ought to show a merciful and Christian spirit, and should try and stop that kind of thing. "He that is without sin among you let him first cast a stone." Honorable members were not supposed to turn their backs on backsliders. Their duty as legislators was to consider the subject from a practical point of view, and ascertain what was the best thing to be done. They should not be alarmed by people saying that the proposal would lead to immorality. He had had a good deal of experience, and had come to the conclusion that it would be much better for everybody if the Government of the day provided what Mr. Aikman desired. He supported Mr. Aikman in his views, though he had not made any preparation to speak on the matter.

The Hon. J. M. DAVIES said Mr. Melville had remarked that he was supporting Mr. Aikman without any preparation. He thought if the honorable member had been prepared, he would have spoken more with reference to the point, and not delivered a speech nearly altogether foreign to the question. Every honorable member sympathized with unfortunate illegitimate children, and would do everything possible to help them in their future lives. The honorable member quoted from the *Encyclopædia Britannica*, and the instances given were rather ancient. It was stated in the *Encyclopædia Britannica* with reference to Russia, after referring to the two great central institutions in the country, that—

Of the 26,000 sent annually to these two houses from all parts of Russia, only 25 per cent. are said to reach majority. The hospital is still, however, a valuable source of recruits for the public service. Malthus has made a violent attack on these Russian charities. He argues that they discourage marriage, and, therefore, population, and the best management is unable to prevent a high mortality. He adds, "an occasional child-murder from false shame is saved at a very high price if it can be done only by the sacrifice of some of the best and most useful feelings of the human heart in the great part of the nation."

The *Encyclopædia Britannica* stated, after referring to the fact that only 4,400 children

lived to be apprenticed out of 15,000 presented in the four years following 1756 at the foundling hospital in London, that—

This alarmed the House of Commons. After throwing out a Bill which proposed to raise the necessary funds by fees from a general system of parochial registration they came to the conclusion that the indiscriminate admission should be discontinued. The hospital being thus thrown on its own resources adopted a pernicious system of receiving children with considerable sums (e.g., £100), which sometimes led to the children being re-claimed by the parent. This was finally stopped in 1801, and it is now a fundamental rule that no money is received. The committee of inquiry must now be satisfied of the previous good character and present necessity of the mother, and that the father of the child has deserted it and the mother, and that the reception of the child will probably replace the mother in the course of virtue and in the way of an honest livelihood.

That was very different from what Mr. Aikman proposed. The *Encyclopædia Britannica* further stated—

In 1704 the Foundling Hospital of Dublin was opened. No inquiry was made about the parents, and no money received. From 1,500 to 2,000 children were received annually. A large income was derived from a duty on coal, and the produce of car licences. In 1822 an admission fee of £5 was charged on the parish from which the child came. This reduced the annual arrivals to about 500. In 1829 the Select Committee on the Irish miscellaneous establishments recommended that no further assistance should be given. The hospital had not preserved life or educated foundlings. The mortality was nearly four in five, and the total cost £10,000 a year. Accordingly, in 1835, Lord Glenelg (then Irish Secretary) closed the institution.

He was quoting from the very authority that Mr. Melville had put into his hands. Mr. Balfour had also put into his hands the speech made by Mr. Wynne in reply to Mr. Melville, who had spoken in somewhat the same strain in 1890; in fact, that must have been when this very Bill was before the House. Mr. Wynne had quoted the following statement by a correspondent of the *London Daily Telegraph*:—

The existence of two immense foundling asylums in St. Petersburg and Moscow rather increases than palliates the evil.

The Hon. D. MELVILLE.—You had better read my speech. It will do good.

The Hon. J. M. DAVIES.—No; because the speech delivered by Mr. Wynne absolutely refuted what the honorable member said, and the House did not adopt the proposal then made.

The Hon. E. MILLER said he had listened carefully to the arguments for and against a foundling hospital. As Mr. Aikman had already pointed out, one existed at Broadmeadows in connexion with the Roman Catholic Church. There was also the infant

asylum and foundling hospital at East Melbourne, which was conducted by other religious denominations. He believed it was started by the late Hon. Mr. Francis and Mrs. Francis. That was a hospital which was a vast improvement on anything the Government could provide. The doors of the institution were open to the woman as well as the child. If a woman came with a child she was asked to go inside and look after it, and she invariably did so.

The Hon. J. M. DAVIES.—Is it not the same in the Carlton Refuge?

The Hon. E. MILLER said he was not sure of that. At the hospital he was referring to they not only saved the child but they frequently saved the mother. This was a well-known institution, and there was plenty of room for infants who might be brought to it. It was far better that all these charitable institutions should be conducted by benevolent ladies as at present. If they were Government institutions it would mean the employment of no end of hands, and they would be conducted at a large expense. It was much better that the Government should assist the ladies who were at present conducting these institutions instead of starting them themselves. The clause said that the Governor in Council, if it was thought desirable, might start various homes. He presumed that it was not contemplated that the Government would start any at present. It would be far better for them not to do so. A great deal had been said about the mortality among these infants, but it should be remembered that a large number of them were born in sin and misery and disease, and they were often more dead than alive when they came into the world. That accounted for the great mortality. The doctors kept a great many of the infants alive. It would be far better not to alter the clause in the direction proposed. Indeed he was rather in favour of excising the clause altogether.

The Hon. W. H. EMBLING said that the practice on the Continent for many hundreds of years had been to admit these children into a Government hospital without any inquiry. The mother or father of the child put it in the basket and the child was received into the hospital and taken care of. If it was a boy it was trained to become a soldier of the State. Of course, there was considerable mortality in these institutions, as there was everywhere. The system had answered very well in those old countries

where they had got accustomed to it. Here in Victoria we had to decide whether it was better to have these big Government institutions scattered all over the State or to encourage the family life of the children. That was the great question. It was not a question of religion or morality. Whether they were taken to a foundling hospital or to a home the children were the same. The question was whether it was better for the State to have these foundling hospitals, into which the children were received without comment and not heard of again, being brought up by the State for the use of the State, or to have family life introduced as far as possible in the education of the children. In Victoria it would be a difficult thing to have one foundling hospital that would suit the whole State. Honorable members were apt to forget that Melbourne was not the whole of Victoria, and that these children were scattered all over the State. In large cities like Paris, Berlin, Moscow, and St. Petersburg, the children born in such circumstances in those cities were taken care of. The Government realized that a foundling hospital in Melbourne, however, would be of no use to Bendigo, Ballarat, or other country centres, and that if any foundling hospitals were established a large number would be necessary. That would be a great strain on the State. The greater the number of hospitals the smaller they would be, and the greater would be the difficulty of doing the work. The Government, therefore, preferred the family system. The child was taken to the foster-parent, who was responsible for its care. A medical man visited the home of the child, and had power to see that everything was done for the best. If he thought that the foster-mother was not doing her duty, or that the surroundings were not clean, he had only to report to the Department and the foster-mother would lose possession of the child. Without going into the question as to which was the better system for a great nation, he considered that for a small State like Victoria the best plan had been chosen. Under the Bill provision was made for female inspectors. They did not want men interfering with babies. The best and wisest man became most helpless with a baby in his arms. He thought both Mr. Melville and Mr. Aikman were on the wrong track in this matter.

The Hon. T. C. HARWOOD said Mr. Melville had done him the honour to reply to something he had never said. He (Mr. Harwood) had not opened his lips either during

the second-reading debate or in Committee. What the honorable member had said he (Mr. Harwood) did not know, for the honorable member had spoken in a low tone of voice. However, he (Mr. Harwood) repudiated anything that Mr. Melville supposed he had said. Personally he agreed with Dr. Embling on this question, but whatever might be their feelings with regard to the amendment it was not appropriate in this Bill. If the amendment were carried, Mr. Aikman would see that similar amendments would have to be made in other clauses, involving the payment of fees in respect to infants in foundling hospitals which would negative the object of such institutions. Merely inserting the words proposed in this clause would have no effect whatever, and even if they were inserted in subsequent clauses they would be inoperative to a large extent. It would be a bad policy to attempt to carry this question in the way proposed. He was not as strongly opposed to foundling hospitals as some honorable members, but he was not prepared to say that these places should be made receptacles for the progeny of any persons desiring to get rid of parental responsibility in an indirect manner. This was a question which required to be well thought out, and if such an institution were to be established it certainly ought to be on a proper foundation and with reasonable and proper appliances for its success, which was not possible under the present proposal.

The Hon. R. H. S. ABBOTT said there was no doubt that unfortunately infanticide occurred too often, and most harrowing and distressing cases came under the notice of individual members. He was sure that honorable members must feel as he did, that there was a great deal to be said for this proposal, even although they might not perhaps be prepared to include the establishment of foundling hospitals in clause 6 of this Bill. Of course, the insertion of the words of the amendment would only mean that the Government might, if they deemed it desirable, recognise the principle in connexion with the preservation of infant life. Amongst uncivilized and untutored races infanticide was very prevalent, and a great many of the religious organizations, some of which apparently opposed the principle of foundling hospitals on what they considered to be high ethical grounds, sent out missionaries to equip establishments of the kind, and to endeavour to persuade savage races to refrain from infanticide. In connexion with infant life protection he was pleased that Mr. Aikman had referred to the great work which was being done in this

city by the establishments which the Roman Catholic church was maintaining and carrying on in such an admirable manner—a thing which must meet with the approbation of every person who regarded this question from a purely humanitarian aspect, irrespective of any other consideration. Next to the Roman Catholics he supposed the organization which did more than any other in regard to this question was the Salvation Army, whose refugees were one of the most admirable features of that organization. He believed that the maternal instinct of the poor class of mother was equal to, if perhaps not stronger than, that of the presumably higher class of woman, and that this instinct would cause the poor mother in almost every possible case to endeavour to preserve the life of her child. There were, however, occasions when an unfortunate mother was so situated that it might seem to her that the only possible way out, not only for herself but for her unfortunate infant, was by taking its life and so ending the matter. It had been pointed out that institutions of this character existed to a large extent on the Continent, and although the Attorney-General had endeavoured to show that they had not achieved the results that were desired from them and that the average of infant mortality in such institutions was very great, it was well known that much progress had been made of late years in connexion with the preservation of infant life, and this applied not only to the Continent of Europe but also to our own State. He quite agreed with Dr. Embling that foundling hospitals should never be allowed to be a substitute for the system of dealing with children in the ordinary home, but still there was the aspect of the case that real foundlings were not being provided for at the present time, and that no real assistance was being afforded in connexion with them. It might be that public opinion was not yet ripe enough to enable this question to be dealt with in the way in which it would be dealt with hereafter. It might appear that the inclusion of the words “foundling hospitals” in this clause would, to a certain extent, commit the Government in connexion with this measure to a consideration of one aspect of the trouble which the Bill would otherwise leave alone, and on this ground he was prepared to support the inclusion of the words—not that he imagined that the Government would undertake anything in this direction, at least at the present, but because it would be an indication from this Chamber that the matter was one which required to be dealt with, and which the

amendment would enable the Government to deal with in the future if they thought it desirable to bring such institutions into existence under a proper system and under proper control.

The Hon. J. G. AIKMAN said that he had not heard anything from honorable members who had opposed this amendment to cause him to change his views on the subject. He would point out that the amendment was not mandatory in any way. It was only a provision which the Government might take advantage of in the future, if they deemed it desirable to do so in the interests of morality and in the interests of the State. Mr. Harwood, who had spoken against the clause, had intimated that he would have been in favour of such a proposal only that this was not the proper time for it.

The Hon. T. C. HARWOOD.—I did not say that.

The Hon. J. G. AIKMAN said he understood Mr. Harwood to use words to that effect. He would point out that there could not possibly be any more suitable time for bringing forward such a proposal than when an Infant Life Protection Bill was before the Chamber. Mr. Harwood had also opposed the amendment on the ground that if it was made in this clause a similar amendment would have to be made in two or three clauses following, but surely this was one of the latest possible arguments which could be used against any proposal.

The Hon. T. C. HARWOOD.—I said it implied that some one would have to pay fees.

The Hon. J. G. AIKMAN said that the Government, under this Bill, would have to pay from 10s. up to 40s. a week, whereas if the State had its own foundling hospital, the maintenance of the children would not cost anything like that. Moreover, the children would be properly cared for, because no doubt there would be a good motherly person placed in charge, who would be able to look after the children properly, and keep the rate of mortality far below its present rate. Even if the proposal was not given effect to at the present time, its inclusion in the clause could do no possible harm, and he hoped the Committee would support it.

The Committee divided on the amendment—

Ayes	...	...	...	7
Noes	...	...	...	10

Majority against the amendment... 3

AYES.

Mr. Abbott	Mr. Melville
„ Aikman	<i>Tellers.</i>
„ Baillieu	Mr. Evans
„ Hagelthorn	„ McLellan.

NOES.

Mr. Balfour	Mr. Pitt
„ Davies	„ Sachse.
Dr. Embling	<i>Tellers.</i>
Mr. Harwood	Mr. Luxton
„ Little	„ Payne.
„ Miller	

The clause was agreed to, as was also clause 7.

On clause 8, providing that male or female inspectors might be appointed,

The Hon. W. H. EMBLING moved—

That the words “male or” be struck out.

He said he did not think that male inspectors were necessary. Female inspectors would be quite sufficient to do the work.

The Hon. J. M. DAVIES said it was intended to appoint these inspectors instead of employing policemen. The intention was to employ female inspectors wherever practicable, but there might be cases where it was not practicable to do so. There must be some elasticity in the working of the measure.

The amendment was negatived, and the clause was adopted.

On clause 9, relating to applications for permission to board out infants,

The Hon. W. J. EVANS drew attention to sub-clause (7), which was as follows:—

Any person who, either directly or indirectly, pays or receives, or agrees to pay or receive, any payment for the boarding out of any infant otherwise than in pursuance of the provisions of this section, shall, on conviction thereof, be liable to a penalty not exceeding One hundred pounds, with or without imprisonment for any term not exceeding one year.

He said the maximum penalty of £100, with or without imprisonment, appeared to him to be excessive. Some one who was ignorant of the law might render himself liable to these penalties. Could the Attorney-General give any reason why the punishment should be so heavy?

The Hon. J. M. DAVIES said it was considered very important that people should not take children for lump sums. It had been known in the past that a lump sum had been paid for the adoption of a child, and, of course, it meant that the parent of the child did not care whether the child lived or not, and the foster parent made a bigger profit if the child did not live. Where the offence was not a grave one a small penalty would

be inflicted. The maximum penalty would only be imposed in a very glaring case, and if it was wrongly imposed there was always an appeal to the Executive. It was a very abominable thing for a person to take a child for a lump sum of money, so that there was an inducement to allow the child to die.

The Hon. W. J. EVANS said he quite agreed that the punishment for such an offence as that mentioned by the Attorney-General should be a very severe one; but a man might commit himself through ignorance, and there might be cases in which £2 or £3 would be a sufficient penalty.

The Hon. J. M. DAVIES.—Then it would pay them to do the thing, and pay the fine out of the profits.

The Hon. W. J. EVANS moved—

That “£100” be struck out with a view of substituting “£50.”

The Hon. J. G. AIKMAN said it was quite possible that the mother of an infant might be in a position to give a few extra shillings per week to the foster-mother.

The Hon. T. C. HARWOOD.—That can be done with the permission of the officer.

The Hon. J. G. AIKMAN said the honorable member had no idea what some of these officers were like. They stuck to the very letter of the law. Another point was that where the maximum penalty was very high, the magistrates were apt to take that as an indication that the Legislature regarded the offence as a very serious one. Therefore, if the maximum penalty was £100, the magistrates would be inclined to impose a fine of £30, £40, or £50. The amendment could not possibly do any harm.

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

The remaining clauses, the schedules, and the preamble were agreed to.

The Bill was reported without amendment, and the report was adopted.

On the motion of the Hon. J. M. DAVIES, the Bill was then read a third time and passed.

JUSTICES (ORDERS TO REVIEW)
BILL.

The Hon. J. M. DAVIES moved the second reading of this Bill. He said it was a Bill to declare the law with reference to applications to review. The question had been raised whether the informant in a case which was dismissed by the justices was a person “who feels aggrieved.” He thought there was very little question about it, but in Lucas’ case, which was dismissed by the

justices and went before the High Court, special leave was granted to the appellant, Lucas, to raise the question that the Supreme Court had no power to grant an order to review on the application of an informant. In that case they upheld the conviction on its merits, and they decided that this particular point should be argued on a future day. Mr. Lucas did not care about that particular point, and the Government, having succeeded in establishing the principle that the holder of an Australian wine licence could not send out for alcoholic liquor at the request and expense of any customer, did not care much about the £1 fine, and so it was arranged that Lucas should abandon his appeal and the Crown would abandon the fine. In that case it was understood that the Chief Justice took the view—he did not give judgment—but as far as could be judged he took the view that the informant in a criminal case that was dismissed could not be a “person aggrieved” under the Justices Act. It was understood that Mr. Justice Barton was inclined to agree with the Chief Justice, but Mr. Justice Isaacs seemed to hold the contrary view. That part of the case was not gone into. The Court dealt only with the question of the “Australian wine licence,” intimating that as the case had been taken out of order for this point it would be sufficient to confine the argument to it, leaving the other question to be dealt with at the next sitting, to which the case was adjourned. The case would not come on any more. This Bill provided in clause 2 that—

It is hereby declared that in section one hundred and forty-one of the Justices Act 1890 the expression “any person who feels aggrieved” includes as well as a defendant any person who is an informant to an information charging an indictable offence or one punishable upon summary conviction and who is dissatisfied in respect of any order adjudication decision grant or refusal of any application or determination of whatsoever kind relating or incidental to such charge (including a refusal to hear or determine such information or to entertain any application) made given or come to by any Justice or Justices or any Court of Petty Sessions.

It seemed to him to be reasonable that when an Act said that a person could complain against another person and the justices wrongly decided that there was no case, that the informant was “an aggrieved person,” and ought to have the right to appeal just as the defendant had. It would be peculiar if a clear case of offence was brought against a person and the justices dismissed it, that there should be no appeal by the informant, whereas there was one by the defendant.

Hon. J. M. Davies.

This Bill made it clear that the informant was “an aggrieved person,” if his case was dismissed.

The Hon. T. C. HARWOOD said he was quite satisfied that the Bill was necessary, and that it was desirable to pass it to prevent any doubt as to who the person aggrieved was. Whether his opinion coincided with that of one or the other of the eminent Judges, who dealt with the matter, was immaterial. The fact that there was a difference of opinion showed that the matter should be made as clear as possible, and therefore the Bill should be passed.

The motion was agreed to.

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

Clause 1 was agreed to.

Clause 2 was verbally amended and agreed to.

The Bill was reported with an amendment, and the amendment was adopted.

On the motion of the Hon. J. M. DAVIES, the Bill was then read a third time and passed.

The House adjourned at a quarter past nine o'clock p.m., until Tuesday, November 19.

LEGISLATIVE ASSEMBLY.

Wednesday, November 13, 1907.

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

TOURISTS' RESORTS.

Mr. A. A. BILLSON (*Ovens*) asked the Minister of Lands the following questions:—

1. If he had noticed the fine advertisements now appearing in Victorian newspapers relating to the trout streams and tourists' resorts of New South Wales?

2. If he is aware that there are some fine trout streams in Victoria; if so, will he follow the example of New South Wales, and advertise them?

3. If the Government are preparing to make a special display of views of Victorian scenery, and generally to advertise the attractions of the State from a tourists' point of view, at the Franco-British Exhibition to be held in London next year?

Mr. MACKEY.—The answer to the first question is, “Yes.” As to the second question, I am aware that there are trout streams in Victoria that are thought very highly of by fishermen, but as to following the example of New South Wales, with regard to advertising, the matter is altogether outside my Department. The Railway Department have

been for some time advertising the tourists' resorts of Victoria. Here is the latest production of the Department—a very fine one indeed—"Picturesque Victoria." It is a book that is not widely known. Take a town with which the honorable member is familiar—the town of Bright. I find the following information given in this book—

Bright—196 miles from Melbourne, terminus of line branching from main Sydney line at Wangaratta. This is indeed an ideal tourists' district, abounding as it does in magnificent scenery, at the same time providing good fishing and shooting for those whose tastes lie in those directions, while the amateur photographer will find ample scope for the exercise of his abilities in the magnificent scenery lying on every hand.

I just mention this book, and will leave it on the table for honorable members to look at.

Mr. A. A. BILLSON (*Ovens*).—I particularly referred to advertisements in the public press.

Mr. MACKEY.—The Lands Department are not doing anything in the direction of advertising these tourists' resorts.

Mr. WARDE.—Won't you put an advertisement in the *Beechworth Mosquito*?

Mr. MACKEY.—The Railway Department are making a special study of the matter, and are doing the work very well by advertising these tourists' resorts. I will communicate the honorable member's questions to the Department.

Mr. MURRAY.—Is it the intention of the Railway Department to run Sunday trains to these tourists' resorts?

Mr. MACKEY.—I do not think so, but if the honorable member desires it I shall make inquiry.

Mr. MURRAY.—Thank you.

Mr. MACKEY.—As to the third question, the Lands Department has made an arrangement to have a large space allotted to it out of the thousands of feet allotted for the display of products by the State of Victoria at the Exhibition referred to, and it has already been arranged that special displays will be made there of Victorian scenery.

ORDER OF BUSINESS.

Sir ALEXANDER PEACOCK said the Government had promised that an opportunity would be afforded to the leader of the Opposition of dealing with the Legislative Council Elections (Hours of Polling) Bill, which had been passed unanimously by another place. He (Sir Alexander Peacock) therefore begged to move—

That Government Business, Orders of the Day, General Business, Notices of Motion and Orders of the Day, from 1 to 15 inclusive, be postponed until after the consideration of General Business, Order of the Day No. 16.

It was a question dealing with the hours of polling, and it passed through another place unanimously.

The motion was agreed to.

LEGISLATIVE COUNCIL ELECTIONS (HOURS OF POLLING) BILL.

Mr. PRENDERGAST moved the second reading of this Bill. He said—This Bill provides for an extension of the hours of polling for the Council, and it was unanimously passed through another place, no division having been taken at any stage of the Bill. Section 239 of the Constitution Act Amendment Act provides that the polls shall close at 5 o'clock p.m. for all Legislative Council elections. This is altered to 7 o'clock by the Bill. Section 5 of the Electoral Provinces Boundaries Act of 1903 is permitted to stand. That is, wherever the polling for the Legislative Assembly elections closes at 6 o'clock in the country districts the polling for the Council elections is to close at the same time.

Sir ALEXANDER PEACOCK.—I may say that this Bill received the support of the Government in another place, and will receive it here.

The motion was agreed to.

The Bill was then read a second time, and was afterwards passed through its remaining stages.

Mr. PRENDERGAST said he wished to thank honorable members for allowing the Bill to go through without any comment. He regretted that he had omitted to state that the Bill had the support of the Government.

INDETERMINATE SENTENCES BILL.

Mr. MACKEY moved the second reading of this Bill. He said—Perhaps the two most important problems that are agitating the minds of criminologists at the present time are—What is the most effective treatment of instinctive and professional criminals; and what is the best means of preventing first offenders or offenders who are not instinctive or professional criminals from repeating the offence? The history of criminology, coming down from the earliest times, shows us that mankind have taken from time to time very different views as to the theory of punishment. Those of us who recollect our early lessons in Holy Writ will remember the law known as *Lex Talionis*—the law of the eagle's talon, or "an eye for an eye, a tooth for a tooth." This is regarded as the most primitive principle of punishment, and that itself marks an advance

on the previous cruder notion of unlimited revenge by the person who was wronged or by his family. The State stepped in and insisted that the revenge should be limited by the rule of equality. Later on, in more advanced times, we come to a theory of punishment in which the aim was to deter the offender from a repetition of the crime, and to make the punishment such as to deter others from crime. Then later, we get the new or supplementary idea—not supplanting altogether the idea of deterring from crime—of reforming the criminal. At the present day there are two ideas underlying the theory of punishment in British communities, namely, to deter offenders from crime and to endeavour in some way to reform those who are susceptible of reform. We all know that since the time of Howard, in the early part of last century, prison reform has been going on and is going on, and perhaps at no time was it more active than it is to-day, not merely in British communities but in America and on the Continent. I think we can say that the idea of reform has come to be recognised by criminologists almost all the world over as the proper method. Instead of the theory that the punishment should fit the crime, the theory is that the punishment should fit the criminal. We should have regard to the previous life of the criminal, his antecedents, his associates, his history, and his general environment. All these matters should be borne in mind in inflicting punishment upon the man, or in determining whether any punishment should be inflicted upon him at all. To carry out that view, what is known as the theory of the indeterminate sentence has been promulgated. The theory of the indeterminate sentence is shortly, in the first place to deal with instinctive criminals—men who are born criminals, and who can no more refrain from crime than from breathing—and in the second place with men who, from their fault or from the circumstances in which they are placed, or misfortune, have made it their vocation to commit crimes, and who are professional burglars, pickpockets, &c., making their living by waging war on society. The idea of the indeterminate sentence is that those two classes of criminals—the criminal by heredity, and the criminal by acquired habit—having determined to make war on society, society for its own protection should hold them safe.

Mr. OUTTRIM.—That is what you do in connexion with combines. They make war on society.

Mr. Mackey.

Mr. BROMLEY.—They are all thieves.

Mr. MACKEY.—Does the honorable member say we are thieves?

Mr. BROMLEY.—No, we are not a combine. We are likely to be broken up every three years.

Mr. MACKEY. — Perhaps for that reason it is easier to deal with us than with a combine. With regard to the two classes of criminals I have mentioned, I think the common-sense idea is that they should be held safe. They are making war on society, and society is entitled to absolutely protect itself from them. The idea is that in dealing with the professional criminal, or the instinctive criminal, who belong to two different classes—

Mr. MURRAY.—Does not the instinctive criminal become the professional criminal?

Mr. MACKEY.—The instinctive criminal is a professional criminal, but, on the other hand, there are professional criminals who are not instinctive criminals. The instinctive criminal has some kink in his constitution, and has criminal tendencies from the very first. Criminologists say that, within limits, an expert can tell an instinctive criminal by examining him. Instinctive criminals have certain general characteristics. The tests are not absolutely reliable, but it is found that the instinctive criminals are of a particular type. They have prominent ears, prominent cheek bones, heavy jaws—

Mr. MURRAY.—There is no one here answering that description.

Mr. MACKEY.—There are certain characteristics which tend to form a type, but it is not suggested that any person having all or any of those characteristics is necessarily an instinctive criminal. The theory is that instinctive criminals, taken as a class, answer far more accurately to this type than any other class in the community. It is said that no punishment you can inflict upon instinctive criminals will deter them from crime. It would be just as reasonable to expect punishment to deter an insane person from doing an irrational act.

Mr. MURRAY.—They are irresponsible, I suppose.

Mr. MACKEY.—Yes. Then there is the professional criminal who may not have criminal tendencies, but who in some way—perhaps from the society he is cast amongst in his early life—has made crime his occupation. Such a man may be a charming fellow and may move in good society. There was a man named Sweeney who committed a series of crimes here a number of years ago, ending up in a bank robbery at Bruns-

wick in 1883. That man lived in the best apartments he could find in Melbourne. His fellow boarders all spoke in the highest terms of him. I think criminologists would say he was a criminal by habit. For the bank robbery at Brunswick he received seven years' imprisonment, and on coming out found Melbourne was too hot a place for him. He then went to Paris and committed a big robbery there. After being punished for that crime he went to London, and I believe is now in gaol for a robbery from a bank counter. Many men of that type are not instinctive criminals, but have made it their occupation to war on society simply because they like it, or because they have been brought up in that way by their parents or associates. The theory of the indeterminate sentence as applied to that class of man and to the instinctive criminal is that he is to remain in prison until it is safe to let him out. He is to be let out on probation.

Mr. McCUTCHEON.—Is it ever safe to let the instinctive criminal out?

Mr. MACKEY.—I should say not.

Mr. MACKINNON.—A man may lose his instinct.

Mr. MACKEY.—I do not think so. I have referred to the opinions of criminologists, and we have some of the most eminent practical prison authorities who strongly hold the same views. I would like to give honorable members some examples which have been furnished me by Mr. Connor, the Chief Inspector of Penal Establishments, in connexion with habitual criminals, and what I may call the absurd way we treat men who have made it their occupation to prey upon society. There is one case of a man called "R. R." Those may be his initials or they may not be. On the 9th November, 1891, that man was convicted of intent to commit a felony, and received six months' hard labour. On the 13th June, 1892, he was convicted of three offences of larceny. For the first offence he received three months' imprisonment; for the second offence, six months; and for the third offence, three months. The sentences were cumulative, making a total of twelve months. On the following day he was convicted of intent to commit a felony, and got two months' hard labour. On the 11th April, 1894, he was convicted on charges of larceny and receiving. For the first offence he received two years' hard labour, with terms of solitary confinement, and for the second offence six months' hard labour, both sentences being cumulative. Then he had a run for about three years, after serving those two periods. On 23rd

March, 1897, he was convicted of having housebreaking implements in his possession and of larceny. For the first offence he got two years' hard labour, and for the second offence six months, the sentences being concurrent. In the following month, 1st April, 1897, he was convicted of two offences, the first shop-breaking, and the second larceny. For the first he received two years' hard labour, and for the second also two years. On the 11th September, 1902, he was convicted of having housebreaking implements in his possession, and got two years' hard labour. A week later he was convicted of shooting with intent, and also of larceny. For the first offence he got twelve years' hard labour, and for the second offence two years, the sentences being cumulative. He may be still a comparatively young man. Reading this man's record I think it may safely be predicted that after he has served his last sentences he will return to gaol in the ordinary way, and will put the State to all the expense of detecting, arresting, trying, and providing for him in prison. We know what he will devote his time and energy to.

Mr. LANGDON.—Is he married or single?

Mr. MURRAY.—He is married every time he gets out of gaol.

Mr. LANGDON.—I know what I would do to him if he was single.

Mr. MACKEY.—Here is a second case, which I will call that of D. W. :—On 15th December, 1882, he was convicted of house-breaking and got two years and six months' hard labour. On 13th May, 1886, he was convicted of being an idle and disorderly person, and got six months' hard labour. On 15th April, 1887, he was convicted again of the same offence, and got six months' hard labour. On 1st February, 1888, he was convicted of feloniously receiving, and got twelve months' hard labour. On 6th November, 1889, he was convicted of being an idle and disorderly person, and got six months' hard labour, and on 15th July, 1890, was convicted of burglary and receiving. For the first of these offences he got two years' hard labour, and for the second eighteen months' hard labour, cumulative. On 17th July, 1893, he was convicted of burglary with wounding. Sentence of death was recorded. This was commuted to ten years' hard labour, with solitary confinement and two whippings. On 17th March, 1902, he was convicted of larceny from the person, and got six years' hard labour. He is still in prison.

Mr. MURRAY.—Under your Bill that man's case could not be considered. I think he is a dangerous spark to let out.

Mr. MACKEY.—It requires no scientific board of experts to decide on a case of that kind.

Mr. MURRAY.—He will have to be let out.

Mr. MACKEY.—Prisoners sometimes inform the warders that their intentions are to join their old associates and live a life of crime. But there is no option under our law—they must come out.

Mr. SANGSTER.—And they have no hope of making an honest living if they were willing.

Mr. MACKEY.—I am afraid there is no hope for some of these people under any circumstances. I will take another case, which I will refer to as that of H. F. On 17th February, 1883, he was convicted of housebreaking, and got nine months' hard labour, and on 17th December, 1883, he was convicted of robbery in company and receiving. He got four years' hard labour and three floggings of twelve lashes each for the first offence, and one year's hard labour for the second, cumulative. On 26th October, 1885, he was convicted of two charges of assault, for each of which he got three months' imprisonment, cumulative. On 10th May, 1886, he was convicted of illegally using a horse, for which he got twelve months' imprisonment, of attempting to pass tobacco into prison, for which he got three months' imprisonment, and of assaulting a constable, for which he received three months' imprisonment, the sentences being cumulative. On 1st June, 1888, he was convicted of unlawfully and maliciously wounding, for which he got six months' hard labour and solitary confinement, and of burglary, for which he got three years' hard labour, cumulative.

Mr. MURRAY.—A variety artist, this fellow.

Mr. MACKEY.—On the same date, for burglary, an offence against property, there is a rather heavier sentence. He got three years' hard labour. On 15th October, 1891, he was convicted of burglary, and this time got four years, with solitary confinement. On 12th February, 1897, he was convicted of having housebreaking implements in his possession, for which he got two years' hard labour, and of receiving, for which he got four years' hard labour cumulative, and of breaking into a counting-house, for which he got six years' hard labour concurrent, and on 15th March, 1897, was convicted of wounding with intent, for which he got twelve years' hard labour cumulative.

Mr. LANGDON.—What was the age of the man when he started?

Mr. MACKEY.—I have not got that. The total of his sentences amounts to 18 years, so he is now in gaol for a long period. There are a number of other cases furnished by the Inspector-General. As I have already suggested, these are men whom it is not safe to let out to make war on society at the end of their sentences. With regard to this I would read now one of the most valuable contributions made to criminology in recent years. It is an article by Sir Robert Anderson, one of the most eminent prison authorities in Great Britain. He gives certain cases.

Mr. MURRAY.—Is this the latest of Sir Robert's writings?

Mr. MACKEY.—This is the famous article which appeared in *Blackwood's Magazine* in 1896, but he has been continually writing on the matter. This is from *Blackwood's Magazine*, No. 159, of 1896—

Here then are men—and their cases are used only as representing the class to which they belong—who have deliberately outlawed themselves by choosing a career of crime. They have had warning after warning, but on each occasion they have returned to their evil courses. And now having been once again brought to justice, the State shuts them up for a period of less than four years—for such is the effect of a five years' sentence—and at the end of that term they are to be let loose on society once more to perpetrate a new series of crimes. What words are adequate to describe the folly of the whole proceeding! But some one will demand, Is it suggested that these wretched men should be doomed to finish their lives in penal servitude, as the penalty for a single crime? Whether any one should be subjected for a prolonged period to the severe discipline of penal servitude is a question which I will not turn aside to discuss. If it should be decided in the negative, it only proves that a suggestion which I have to offer is not so wild as some might be disposed to think. My contention is merely that in every case of the kind the public should be considered rather than the criminal, and if the interests of the public demand that the criminal should be deprived of his liberty, those interests should prevail. Whether the period for which he is to be kept in confinement should be four or forty years, and whether the rigour of that confinement should not, after some specified term, be modified to an extent that our present prison system knows nothing of—these are questions, not of principle but of policy, and purely incidental. Not many years ago a fever epidemic was regarded with ignorant helplessness as a visitation of Providence. But in these enlightened days more intelligent views prevail. The causes which tend to produce or spread the disease are removed or checked; and when a case of fever occurs the State intervenes, and insists that the patient shall be isolated until he can mingle again with his neighbours without danger to the public health. All I plead for is, that the same enlightened principles which now obtain in regard to sanitation shall be applied to crime. An outbreak of crime of a certain kind is due to causes as definite and as preventable as an outbreak of typhoid. And to

abuse the police in the one case is as reasonable as it would be to abuse the doctors in the other. The police may catch the criminals, just as the doctors may cure the patients. But it is wholly beyond their province to deal with the causes of the epidemic. These concern administration in a higher sense than either doctors or police have the power or the responsibility to meddle with.

He goes on to say—

My plea is, not that exemplary and drastic punishment should be meted out to criminals, but that they should be treated on some intelligent and intelligible system; that the crassly stupid principles which formerly obtained in dealing with disease should no longer govern our treatment of crime; that in this sphere there is need for a reform as thorough as modern enlightenment has produced in regard to sanitation. As already remarked, crime is inevitable in a civilization such as ours; but the prevalence of *professional* crime is unnecessary and disgraceful.

These are the views of one of the most eminent and practical men in Great Britain.

Mr. MURRAY.—Have you read his more recent writings? Some valuable articles from his pen appeared two or three years ago.

Mr. MACKEY.—I have not had the pleasure of seeing them. I will now read to honorable members some remarks made by the Chief Comptroller of Prisons in New South Wales, Mr. Frederick W. Neitenstein, who went on a tour of Europe and America with a view of getting the most advanced practical ideas upon prison reform. After dealing with certain juvenile offenders Mr. Neitenstein says in his report—

At the other end of the ladder is the habitual criminal, one of the deadliest and costliest products of civilization. In the course of my journey I consulted over one hundred criminologists and authorities on prison matters, and every one held the view that the professional criminal when caught should be kept in confinement until it was safe to release him.

Mr. MURRAY.—As you cannot cure that man of his inclination is it ever safe to release him?

Mr. MACKEY.—There are two classes of criminals. For the instinctive criminal there is no hope, but a man may have become a criminal by acquiring the habit. As Sir Robert Anderson points out, there may be hope, after examination of his antecedents and character, that a man who had been convicted three or four times may change his life.

Mr. MURRAY.—Don't you think it would be difficult to determine when that period had arrived?

Mr. MACKEY.—No doubt. Following the advice of criminologists, however, the Bill provides for the release of criminals on

probation or parole, and if they do not lead a reasonable life and if they re-associate with other criminals they are brought back to resume their sentences.

Mr. MURRAY.—Does that give any better protection than the present system?

Mr. MACKEY.—I think so. If a man is on parole and he begins to live again with criminal associates, you can bring him back to prison without waiting for him to commit a crime.

Mr. MURRAY.—Is that not sufficient now?

Mr. MACKEY.—Perhaps it is so under the law recently passed. Mr. Neitenstein goes on to say—

In this country, it is the practice to let him out for a run between sentences, and in this way life and property are subjected to great risks. In dealing with such a person, the offender rather than the offence should be considered. On the third conviction for serious crime, prolonged treatment would appear to be necessary in the interests of the community; and this treatment should continue until the subject was cured, even if it necessitated permanent confinement.

Mr. MURRAY.—How can he be cured if it is permanent confinement?

Mr. PRENDERGAST.—Old offenders do not receive the full sentences that may be imposed even now.

Mr. MACKEY.—The leader of the Opposition is echoing a complaint that has been repeated with considerable reason from time to time, that well-known criminals, whose offences are known to the Judges, receive sentences which are not only marked by a want of uniformity, but which are for ridiculously short periods. Our Judges at present do not avail themselves to the full of the sentences allowed by the law.

Mr. MURRAY.—Could the difficulty be met by giving them the power which the juries have in America to classify offences?

Mr. MACKEY.—In America, as here, a jury consists of non-experts. In this Bill, however, it is provided that the classification shall be in the hands of the Board of Experts, which is far better. Mr. O'Callaghan, the Chief Commissioner of Police in Victoria, in a report on this subject says—

The habitual criminals, men possessed with the genius of crime, who do not wish to lead the lives of honest citizens, are a very small class in each of the States, but their presence outside of gaol has a dangerous infective influence. To imprison such men for life may seem savage, but it must be recognised that they spend most of their lives in prison as it is. The intervals which they spend at liberty give them an opportunity to enlist recruits and to transmit their mental disease to children whom they beget. Society is bound to protect itself against its enemies, but what measure of protection has the citizen against the habitual

criminal? It is not practicable for any community to afford the cost of a police force sufficiently strong to entirely prevent the commission of crime even if it were possible. The cost of detection is large and the annual loss of property considerable. The up-keep of gaols and penal establishments is roughly estimated to cost something over £200,000 per annum for the whole of the States. Much of this could be saved if the habitual criminal were dealt with according to the dictates of reason and common sense. Men who habitually break the law, who carry on a systematic warfare against society, who are, in short, incorrigible, should not be permitted to continue in their evil courses. Society should rise up in its might and suppress them.

Mr. O'Callaghan has a different method for dealing with habitual criminals. He thinks that for the first offence a certain penalty should be imposed, for a second offence there should be a higher penalty, for a third offence—

Mr. MURRAY.—The penalties are on an ascending scale?

Mr. MACKEY.—Yes.

Mr. MURRAY.—It comes to much the same thing in the end.

Mr. MACKEY.—A man would have to commit six or eight offences against society before he could be confined for the term for which under the Bill he could have been sentenced in the first instance. I know that honorable members regard with considerable suspicion, and perhaps justly so, the opinions of men who have no practical knowledge and experience of the subject. Therefore I have only read to the House extracts from the writings of practical criminologists. The theory of indeterminate sentences has been adopted in certain American States—Michigan, New York, Indiana, New Jersey, Pennsylvania, Ohio, Wisconsin, and Colorado. In Great Britain the matter was considered by a Conference of the Judges of King's Bench Division, who, in May, 1901, passed a resolution in favor of special legislation for the treatment of habitual offenders. A Bill was introduced into the House of Commons by the Home Secretary for the purpose, but the Government went out of office before the measure could be passed into law. Coming to the measure before the House, it deals with two main classes of persons—the professional criminal and the habitual criminal. The habitual criminal may be a professional criminal or he may not. The habitual criminal may have committed three or four offences; he may be a man who has committed those offences perhaps during a long period of time, or the circumstances of his life may explain why he has committed offences. Of course, he should be punished,

but such a man is not necessarily a professional criminal or expert. The Bill aims, as I have said, at two classes—the professional criminals and the persons who are not professional criminals; and I will now deal with those two classes. Clause 4 provides that where any person apparently of the age of seventeen years or upwards—

Mr. MURRAY.—Why “apparently”?

Mr. MACKEY.—It is one of the most difficult things to determine a person's exact age, and I am following the Children's Court Act. A man is brought before the Court; we do not know where he comes from, and how can we define his age? He may not even be a native of Victoria. The Court has to be satisfied that he is apparently of the age of seventeen years; if he is apparently under seventeen years, then he comes under the Children's Court Act.

Mr. MURRAY.—This is assuming that at the early age of seventeen “apparently,” he may be an habitual or a professional criminal.

Mr. MACKEY.—He will probably be an habitual criminal; it is unlikely that he will be a professional criminal. However, he may be on the road to become a professional criminal, and the aim is to stop him.

Mr. MURRAY.—They must have begun almost in infancy.

Mr. MACKEY.—Of course, they are often the sons of criminals, and perhaps they are brought up to some particular branch of crime, burglary, pocket-picking, and so forth, just as children are apprenticed to trades. The habitual criminal is one who has been previously convicted on two occasions, and on the third conviction the Judge of the Supreme Court, or the Chairman of the Court of General Sessions, as the case may be, may declare that he is an habitual criminal, and direct, as part of his sentence, that on the expiration of the term of imprisonment then imposed on him he be detained during the Governor's pleasure in a reformatory prison. There is a special provision that before passing any such sentence the Judge or Chairman may, if he thinks fit, hear evidence to enable him to determine whether or not any person so convicted should be declared an habitual criminal. Dealing with habitual criminals we must remember that they may be divided into two classes—professional criminals and those who are not professional criminals—and they will be divided into those two classes more accurately by a Board of Experts after the sentence. The

Judge is to determine whether they are habitual criminals or not, and the Judge will determine that from the evidence brought before him on the trial, or if he is in doubt he can ask the police to furnish him with further evidence as to the man's associates, and so forth. Clause 5 provides that where any person apparently of the age of seventeen or upwards, is convicted of an indictable offence (whether such person has been previously convicted of any offence or not) a Judge of the Supreme Court or the Chairman of the Court of General Sessions, may—

- (a) direct as part of his sentence that on the expiration of the term of imprisonment then imposed upon him he be detained during the Governor's pleasure in a reformatory prison; or
- (b) without imposing any term of imprisonment upon him sentence him to be forthwith committed to a reformatory prison and to be there detained during the Governor's pleasure.

This clause provides for several classes of persons. We know, and of course, the police know, that some of the most dangerous criminals are men who practically do not commit crime at all—the organizers of crime, the men who in London or Melbourne or elsewhere have a small army at their command. They are the head centres, the organizers, and the difficulty is to catch them at all.

Mr. MURRAY.—You cannot get at them.

Mr. MACKEY.—Yes, under clause 5. Clause 5 provides for men who have only been convicted once; if a man of this class puts his head out at all and we catch him we can deal with him under the Bill.

Mr. MURRAY.—But not if he is not caught once.

Mr. MACKEY.—I am afraid not, if he avoids detection altogether. This clause will cover the cases of first or second offenders. In dealing with a first or second offender under this clause, the Judge or Chairman of General Sessions may simply sentence him to be detained in a reformatory gaol during the Governor's pleasure. Or in the case of a first or even of a second offender, the Judge may, if he thinks it safe, even let him out on probation right away. In each of these two classes, the persons must have been convicted of indictable offences—offences tried before the Court of General Sessions or the Supreme Court in its criminal jurisdiction. Clause 6 provides for persons convicted several times before a Court of Petty Sessions, under Part 3 of the Police Offences Act—known as the rogues and vagabonds part. The Court of Petty Sessions is not

intrusted with the indeterminate sentence, but if they think fit, after sentencing a man who has been frequently convicted, they may commit him to appear before a higher Court, which will go into the matter of determining whether the indeterminate sentence shall be inflicted upon him. Those persons who receive an indeterminate sentence will go to what will be known as a reformatory prison. I may say at this point that we here in Parliament may pass what laws we like on this matter, but our sole hope of success is the administration. Unless we have as administrators men who have more than a rough and ready knowledge of the way to deal with criminals, men who have some love of the work, men who are anxious to serve society and anxious to make a success of the work of Parliament and of the powers which Parliament has intrusted to them, the system must fail. The whole success of the measure will lie with the official administration of it. Certain reformatory prisons will be provided for persons on whom the indeterminate sentence has been imposed, and provisions are made for the transfer to reformatory prisons of persons confined in other prisons if it is thought desirable. Then where persons are detained in reformatory prisons there is power for the Governor in Council to make regulations, so that they may work there with some hope of reward. A portion of their earnings may be set aside for those outside who are dependent upon them, or for persons whom they have wronged, and another portion may be set aside and placed to their own credit. When they come out of prison, instead of it being necessary for them to resort to their old associates, they will have some little money in their pockets to provide for them until they are able to find some honest occupation. Then there are provisions for allowing these prisoners out on probation. They must report themselves from time to time.

Mr. MURRAY.—There is a very important provision in clause 9, that they may be transferred to a reformatory.

Mr. MACKEY.—Yes, and *vice versa*. There is an Indeterminate Sentences Board of three persons, to be appointed by the Governor in Council.

Mr. MURRAY.—The Board is referred to in clause 9 for the first time.

Mr. MACKEY.—The constitution of the Board is provided for in clause 22.

Mr. MURRAY.—Yes, but it is provided that the Inspector-General and the Board must act together. They cannot act independently of one another. You constitute a

Board to deal with the question of indeterminate sentences, but the Board under this clause can do nothing unless it is approved of by the Inspector-General. I am not finding fault with it.

Mr. MACKEY.—It is essential that they should work together. If a Board of three are appointed they cannot be expected to come into intimate contact with the large number of prisoners who will be confined in reformatory prisons, and they will have to depend to a very large extent upon the reports of the responsible officers. As I say, these responsible officers must be officers in whom the Board can have confidence.

Mr. MURRAY.—They cannot act without the concurrence of the Inspector-General. It is not only his report that is required.

The SPEAKER.—It will be better for the Minister to answer these questions in Committee.

Mr. MACKEY.—The constitution and duties of the Board are set out in clause 22. Sub-clause (5) provides—

It shall be the duty of the Board—

- (a) to make careful inquiry as to whether any persons detained in any reformatory prison are sufficiently reformed to be released on probation or whether there are any good and sufficient reasons for the release on probation of any persons so detained ;
- (b) to consult with the Inspector-General of Penal Establishments and to make careful inquiry as to whether pursuant to this Act any person should be transferred from a gaol to a reformatory prison ;
- (c) to make recommendations to the Governor in Council as to the release on probation of any person detained in a reformatory prison or with the concurrence of the Inspector-General of Penal Establishments as to any such transfer, setting forth in each case the reasons for the recommendation ;
- (d) in making any recommendation as to such release to have regard to the safety of the public or of any individual or class of persons and the welfare of the person whom it is proposed to release ;
- (e) to report to the Governor in Council as to any matters on which the Governor in Council may desire a report with regard to any such release on probation or the transfer of any person from gaol to a reformatory prison or from a reformatory prison to gaol.

Clause 23 gives very full powers as to releasing first offenders on recognisances, and I think this is by no means the least important portion of the Bill. It has been said that every gaol is to some extent a moral pest house and a school for crime. Lord Coleridge, one of the most eminent of the Chief Justices of England, said in 1885—

Sentences often did nothing but unmixed harm ;

that he was sure that throughout the country the greatest pains had been taken to make our prisons as useful as possible in the way of being reformatories, but, as a matter of fact, they were not so. The Inspector-General of Prisons in France said—

With our existing system, twenty-four hours' imprisonment suffices, in certain circumstances, to ruin a man.

Mr. MURRAY.—More criminals, it has been said, come out of gaol than go into gaol.

Mr. MACKEY.—He goes on—

I do not exaggerate ; I say what I have seen. The prisoner meets a confirmed criminal ; they appoint a rendezvous outside, and that man is lost.

Again, another writer says—

I have seen young men enter prison guilty, but not corrupted, who went out decided to commit crimes which a few months before they would have regarded with horror.

It has been said by another authority that prison is the incubator for those young in crime.

Mr. TUNNECLIFFE.—Will the Board have power to make regulations?

Mr. MACKEY.—The Board will advise the Governor in Council, and the Governor in Council will make the regulations. There are full provisions here as to the conditions on which a person is to be allowed out on probation, and as to his conduct while he is out on probation, and as to what will happen to a prisoner, if I may use that term, who does not fulfil the conditions of his probation. These, I think, are the chief purposes of the Bill. It is provided, by the way, that His Majesty's prerogative of mercy is, of course, to be in no way interfered with. Shortly speaking, the Bill provides, in the first place, for the infliction of indeterminate sentences, and secondly, for a more generous treatment of first offenders. It will give our Judges more discretion than they have at present to say—"This man, although he is over 21, shall not be sent to gaol. He shall be let out on his own recognisance, and if he behaves, he will hear no more of the matter." Then those persons who receive indeterminate sentences are to be sent, not to the ordinary gaol, but to a special reformatory prison. They are to be divided into two classes of persons—first, those of whom there is little or no hope, and, secondly, those of whom it is thought there is some hope of reform. They will work under conditions there different from those under which prisoners now work. The great stimulus to work, whether in prison or outside, is the hope of reward. That hope of reward will be given to these persons, because they will get a certain percentage of the results of their labours, either for

themselves or for those depending on them, or both. We will have a Board of Experts reporting on them from time to time, as to whether they should be sent to the ordinary prisons or not, or whether they should be allowed out on probation, and this Board will be able to report to the Governor in Council whether a person who has received an indeterminate sentence should be allowed to go free in the community or not. In New South Wales, about two years ago, an Habitual Criminals Act was placed on the statute-book, and I learn that it is working over there with very great success. One of the chief effects of it is that criminals, in order to avoid the place—

Mr. MURRAY.—Come over here.

Mr. MACKEY.—Come here or go to the other States where Parliament has more regard perhaps for the rights of criminals than for the rights of the public. Any way there is a general consensus of opinion over there that the Act is working well, and I believe a similar Act is in force in New Zealand. I trust the House will carefully consider this Bill. I think honorable members will find in it an honest attempt to bring our criminal legislation up to date. I sincerely hope that if Parliament sees its way to place this measure on the statute-book it will result in the good of the community.

Mr. PRENDERGAST.—I would like the Minister in charge of the Bill to agree to the adjournment of the debate, because I wish to consider what he has said. Still, if honorable members do not object to going on, I am prepared to go on.

Mr. MURRAY.—I think we could put the Bill through in a short time.

Mr. PRENDERGAST.—The reasons put forward for the Bill are such that must commend themselves to those who want to see a true measure of law and justice. There may, however, be something of the nature of panic legislation about the Bill. The mere assertion that a Bill like this is required may cause Parliament to legislate in this direction, though there may not be any special increase in criminality. We were told, when the Bill amending the Police Offences Act was before the House, that it would be the means of driving a great number of criminals from the State, because they would be subject to better police supervision. Apparently, that measure is not going to do what was expected. It has not carried out the idea of its promoters. Now it is followed by this Indeterminate Sentences Bill. The cases mentioned by the Minister show that sentence

after sentence has been recorded in the Criminal Courts, and that the sentences have been considerably less than the Judges had power to impose. Now it is proposed to introduce the principle of indeterminate sentences, and it is strange that the Judges did not feel compelled to impose heavier sentences on habitual criminals. You may see a man sentenced to three, four, or five years for burglary for a first offence, while for a subsequent offence he will receive perhaps only two or three years. The old principle of taking an eye for an eye and a tooth for a tooth has gone for ever, and now it is necessary to observe not only the degree of criminality but the demeanor of the offender. It is necessary not only to administer the law but to read human nature. We find the Judges giving lighter sentences for subsequent offences, when there is really no difference between the crimes committed. How then is this principle of indeterminate sentences to be carried out? It is proposed to constitute a Board, and I assume it will be composed of three of the Judges. I hope a separate Board will not be constituted, for we could have no better persons than the Judges, and especially those who are accustomed to sit in criminal jurisdiction. They should be men not only well versed in the law, but they should be acquainted with the law and the methods adopted by other countries in dealing with criminals. If we cannot get the Judges to recognise the evil of repeated offences, and treat the offenders accordingly, how are we going to give effect to the principle of indeterminate sentences? If we read what is written by Lombroso and other authorities we will find that there is not so much in the question of heredity as there is in environment. If environment leads to crime it is clear that criminality must be affected by the social surroundings, and, in fact, that can be established beyond the possibility of doubt in any progressive community.

Mr. MURRAY.—Is that not in favour of the Bill?

Mr. PRENDERGAST.—It is in favour of some points. The more our civilization advances, the more we raise the standard of education and increase the opportunities for obtaining a living, the more are we likely to reduce crime, and cause people to lead honest lives. The criminal life is followed because of the ease with which the offence can be committed, and the large reward that attaches to it. The criminal obtains by easy methods some reward that will support him for a time without doing any work. Our criminal records show that when our

population was smaller twenty-five or thirty years ago there were a greater number of criminals than to-day. It may be safely assumed that this difference is not altogether due to increased police inspection. In the early days hundreds of criminals were created by the immense charge put on miners' rights, and the first offences committed were not of the same character as those committed afterwards by the same individuals. The punitive methods adopted at that period did not have the effect of reducing criminality, but it was by lessening the force of the whip that we arrived at a better condition of things. It has been stated by Mr. Neitenstein, the Controller of Prisons in New South Wales, that many criminals were imprisoned for offences, and then allowed out to return soon again for another term of imprisonment. The whole question is surrounded by a great many difficulties. The Board should consist of members of the Supreme Court, and of men who have had experience of dealing with persons brought up for offences. It should be fully and clearly recognised that the Board must have the best methods of dealing with the people brought before them, and every man charged should have the most complete right of appeal against any decision of the Board. Under such circumstances we might give effect to some of the clauses of the Bill, with modifications, for the purpose of finding out to what extent the proposed treatment will be of benefit in the way of making certain people in the community lead a better life. I believe, also, that to reduce criminality, side by side with what is proposed, an alteration of the social conditions must take place. Probably honorable members will think I am introducing King Charles' head, but what I have to say fits the circumstances very well. There should be general factory legislation passed to give everybody a chance of earning decent wages. Will anybody tell me that, the incentive to crime is as great to a man earning £2 a week as to a man getting £1 a week, both of them having families to support? Those wishing to reduce the tendency to crime should give people an opportunity, under reasonable conditions, of obtaining a decent living. They must not be worked at starvation rates, because starvation wages lead to criminality. We should have general factory legislation so that everybody can take advantage of its conditions, and there should be such a state of affairs that any man should be able to make a fair claim on the Government to be provided with the means of keeping himself and his family. That would have a tendency

Mr. Prendergast.

to reduce crime. In my opinion, if the measure does nothing else, it will prevent those people—perhaps the relics of the old system of dealing with criminals—who have been committing crimes for a considerable period, and who have a good portion of their lives to run, from committing any more offences. There are men who have been brought before the Court and convicted a great number of times, and, if some method is adopted that will bring them under a different form of treatment, to some extent the expenditure in connexion with our Criminal Courts will be reduced. To deal with the statement of the Minister of Lands in introducing the measure would, of course, lead to an academical discussion. The honorable gentleman traced the progress of crime in the community. His statement regarding the conditions which have obtained at different times forms a foundation for the arguments I have used, and shows, at all events, that the better the opportunities afforded a man of obtaining work, and the more evenly the social system is regulated, the less liability there will be where crime is being committed to-day of crime being committed at all. It would have been very useful to honorable members if the Minister of Lands had given the House carefully prepared tables regarding criminality in Victoria. The tables that appear in the *Year-Book* are not such tables as we should have for the purpose of considering this question. We want to consider carefully the figures in connexion with crime against property and against individuals. We should have statistics relating to those offences which may be the result of nothing but weakness of character, and which would probably be just as well treated in a lunatic asylum or in an idiot asylum as in a gaol. Yet these offences are subject to heavy sentences, and the courts are being used in connexion with offences which arise from nothing but weakness of the brain. I am sorry these tables were not presented to honorable members.

Mr. MACKEY.—I omitted to say that the Inspector of Penal Establishments stated that of the longer-sentence prisoners in custody at the present time it is estimated that 45 per cent. may be regarded as habitual criminals—that is, they have three convictions and over.

Mr. PRENDERGAST.—We have in the community to-day men who are the relics of a more barbarous time when the law was much more drastic in dealing with criminality than it is now. I would like

some particulars regarding criminals of sixty years of age and over, who, in the early days, came here as flotsam and jetsam, probably from the worst portions of the Old World, and who may have served up to as many as twenty sentences in connexion with serious offences. The same problem faces us in regard to persons brought before the courts charged with drunkenness. Some individuals have as many as 100 convictions against them for drunkenness, and it seems to me that the power of sentence has never been fully exercised, though it would have been in the interests of the individuals themselves. After say the sixth offence, if some attempt had been made to reform those people it might have done away with the necessity of continually sentencing them when the habit has grown so strong that they are not able to break away from it. An Act was passed to deal with inebriates, and, in place of giving them what I may term an affectionate treatment under that measure, the vagrancy laws passed the other day are being utilized, not for the purpose of punishing criminals or to take away the criminals from the street corners, but for the purpose of getting at the old men and the old women, and the young men and the young women, whose chief weakness seems to be that they are in the habit of asking for money instead of working. There are beggars who must not be considered criminals in the same sense as the man who will steal something. There are a great many people who have been dealt with under the Act passed the other day who should not have been so dealt with.

Mr. ELMSLIE.—Nearly all of them are women.

Mr. PRENDERGAST.—The Act is being administered in a way I am sorry to see after hearing the explanation given at the time it was before the House by the Chief Secretary and the Minister of Lands. The police appear to be administering the measure without having any knowledge of what was the intention of Parliament. It is provided in clause 4 that a person who has been convicted twice may be dealt with as a habitual criminal. There is the possibility—and I have always a dread of this kind of thing—of persons convicted of political offences being dealt with in this way. A political offence may be and very often is an indictable offence, and there is the possibility of its being regarded in the same way as any other offence. Honorable members all know in connexion with the Government of England that in thousands of cases, and probably

hundreds of thousands of cases, men have been enabled to escape from the harsh conditions of the Continent, where they had been guilty of political offences, and have been sheltered in England. England has not lost one iota in strength on that account, and has not received any taint of criminality from these people. I would ask the Minister of Lands to make some distinction between political offences and other offences for the purpose of protecting those who are guilty of political offences, and so that the same odium shall not attach to them as to those guilty of offences against the person and against property. I would also call attention to clause 6, providing that the Court of Petty Sessions is to have power to order persons convicted of certain offences to be brought before a Judge of the Supreme Court or Chairman of the General Sessions to be dealt with under this Act. The clause begins with these words, "Where any person apparently of the age of seventeen years or upwards." I think that a person of seventeen is too young to be dealt with under this measure, and I think the age in this clause ought to be altered to twenty-one.

Mr. MACKEY.—The reason why seventeen was fixed is that this is the age at which they pass from under the control of the Children's Court Act. If they are seventeen or under they are under the control of the Act relating to children.

Mr. PRENDERGAST.—In my opinion seventeen is too young an age to be fixed in connexion with this matter, and I think the age might be altered with advantage, as I have suggested. I notice that the same age is mentioned in clause 5, dealing with indeterminate sentences on persons convicted of an indictable offence. But in clause 5 the question has to be dealt with by the Court, while in clause 6 it is the Court of Petty Sessions that commits to the Court, ordering that before the completion of his term of imprisonment the offender is to be brought up before the Supreme Court to be dealt with under this Act. The Court of Petty Sessions should not have any such power.

Mr. MACKEY.—The Court of Petty Sessions is to refer to a higher Court to say whether this indeterminate sentence should be passed or not. I deprive the Court of Petty Sessions of the power to pass the sentence itself.

Mr. PRENDERGAST.—But you do not deprive the Court of Petty Sessions of the power of casting a stigma upon the person dealt with. I think the age mentioned, however, is too young for the Court of Petty Sessions to take any cognisance of the matter.

These young offenders should not be dealt with by a Judge of the Supreme Court unless they offend against any Act, and then let the Judge of a Supreme Court, or the Chairman of the General Sessions, consider the question of passing an indeterminate sentence without any recommendation from the lower Courts. This provision is not required. If the offence committed is one which can be punished they will go for trial before the Judge, and the Judge may then take the matter into consideration; but there does not seem to be any necessity for giving the Court of Petty Sessions this power. If there is any necessity for the Court of Petty Sessions having such a power, I think that the honorable gentleman would be well advised if he were to increase the age in these clauses. It is clear that the Court of Petty Sessions can commit for trial under any circumstances, and it need not sentence at all unless it chooses. Courts of Petty Sessions may sentence anybody for certain offences, but they cannot give more than a certain period of sentence.

Mr. MACKEY.—They can give two years.

Mr. PRENDERGAST said the Courts of Petty Sessions need not sentence, and in these cases the only thing they should be able to do should be to commit for trial.

Mr. MACKEY.—In this class of cases they have no power to commit for trial.

Mr. PRENDERGAST.—In such cases as burglary and arson, and in a number of foolish offences against the person, the work more of idiots or lunatics, the Court of Petty Sessions has the power to commit for trial, and the Judge should be left to please himself with regard to indeterminate sentences, without any recommendation from the lower Courts.

Mr. MACKEY.—As to these offences in which the Court of Petty Sessions commits for trial, the whole thing must go for complete review before there is any recommendation from the magistrate at all.

Mr. PRENDERGAST.—You are giving Courts of Petty Sessions power to make recommendations in these matters, and I hold that the whole case should go to the Supreme Court.

Mr. MACKEY.—The Supreme Court will have all the evidence of the lower Court, and will have power to take further evidence.

Mr. PRENDERGAST.—The power to take further evidence should also be extended. The provision with regard to this matter is sub-clause (2) of clause 4—

Before passing any such sentence the Judge or Chairman may, if he thinks fit, hear evidence to

enable him to determine whether or not any person so convicted should be declared an habitual criminal.

I think the word "may" should be altered to "shall," so that the Judge shall hear evidence.

Mr. MACKEY.—Enough evidence may come out during the hearing of the case.

Mr. PRENDERGAST.—The Judge here would have the power to limit the opportunity of getting evidence, and he should certainly be compelled to take evidence.

Mr. MURRAY.—But is that not a matter for discussion in Committee?

Mr. PRENDERGAST.—I want to deal generally with the weaknesses of the Bill. I would point out that the same opportunity does not offer in Committee, because you cannot connect one clause with another as you can in discussing the measure generally. So long as the Speaker does not rule me out of order I shall be satisfied.

The SPEAKER.—It is all right.

Mr. PRENDERGAST.—I would suggest the use of the word "shall" so that it will be compulsory that the Judge shall take evidence and that a man may have every opportunity of proving that he has not the capacity for crime that he is supposed to have. I think in a Bill like this there should be an opportunity for a man to prove that the lapse is a weakness that he has overcome. Then in paragraph (b) of sub-clause 3 of clause 6, it is provided that "after hearing such other evidence (if any) as he thinks desirable," the Judge may direct that on the expiration of the term of imprisonment imposed by the Court of Petty Sessions an offender may be detained during the Governor's pleasure in a reformatory prison. I have called attention to the words "as he thinks desirable." I think the provision should be positive. We should give an opportunity to those who may lose their liberty for a long period to prove that they do not merit this treatment. There should be the positive opportunity, as a right, and that opportunity should not be taken from them under any circumstances. I do not think the House should agree with these proposals. I do not think it would increase the expense if we allowed offenders an opportunity of adducing evidence in these matters. In the Courts of Petty Sessions we know that there is sometimes no proper defence. All the powers of the law are directed against a man, and he may be so poor as not to be in a position to engage a lawyer, and there will be the whole force of the police against him. Whatever evidence

can be produced in his favour should be produced, and the Judge should be able to consider it. The Judge should be compelled to hear all the evidence, and not the evidence of the prosecution only. In paragraph (a) of sub-clause (5) it is provided—

The Supreme Court or any three of the chairmen of General Sessions respectively (as the case may require) may make any rules and orders which such Court or chairmen may consider necessary for carrying the purposes of this section into effect and for regulating the times, form and mode of procedure, and generally the practice to be observed in the matters to which this section relates.

I intend to ask that these rules should be circulated in the ordinary way for the information of Members of Parliament. There is a difficult and delicate question dealt with in clause 16, where power is given to detain a person in a reformatory prison to work at some trade or vocation, or be employed in some labour. It is provided that "the products of his work shall be sold or otherwise disposed of." The whole of these provisions will at all events increase the prison competition with outside labour, and it is a question how far the House should go in this direction. I feel that it is unsafe to allow this competition in some trades. In some cases numbers of men, being unable to make a living, assert that there is a social inducement to crime, and that it would be better and cheaper for them to work in gaol if they could find some means of handing the money from the proceeds of their labour over to their families. I question very much under these conditions, whether some men would not commit a crime and work for their family in gaol if they could do so, rather than have their family starving because of their trying to live honestly. How many disappointed people commit suicide because they cannot work? Such people are desperate and would do anything. Poverty is really an inducement to crime. Of course it is a difficult question to deal with, but I will ask the Minister to make some explanation of this clause in Committee. In connexion with clause 22, I would point out that the object of the police and of the law is to convict. I recollect the case of a detective going to Sydney, where he had to be positive about his assertions or there would be no committal. He was asked, "Did you caution them?" and he replied, "No; I do not think I did." I remember it being pointed out at the time that other members of the force might not have been so particular. I think you ought to provide that those who are tried by this Bill shall have counsel assigned to them to protect

their interests. No matter how black the circumstances may appear, every facility should be given a man to defend himself. Of course, in the time of Judge Jeffreys almost the mere suspicion of crime was sufficient to hang a man. The more we get away from secret methods, and the further we go in the direction of open evidence in Court, the stronger we will become in the administration of our moral code, and in protecting ourselves from the predatory instincts of those who live on the community. Honorable members may recollect the old Lunacy Commission—how the altered methods—investigation in open Court, and the provision of counsel to protect individual interests—resulted in astounding revelations, and how it was found that a number of people were merely detained in lunatic asylums because some hard-swearing individual had probably desired to get them out of the road.

Mr. MURRAY.—You really do not think that there are any of those cases nowadays?

Mr. PRENDERGAST.—No; but we should be chary about reverting to old methods. I again say that there should be a right of appeal against the decision of the Board. Clause 23 relates to first offenders on recognisances. I think we ought to deal with the position of married men committed by their wives on maintenance orders. A husband is often under an indeterminate sentence now, because he has refused to obey an order that his wife had obtained against him. We might safely provide that in such cases detention should be limited to twelve or even six months. Some protection should be afforded a man against the drastic action which a wife will in some cases take. I think I would rather have been in gaol than attempt to placate one woman I know. That was the view the husband took, and he went to gaol, but she can keep him there.

Mr. WARDE.—I suppose she kept him there because he would not keep her outside.

Mr. PRENDERGAST.—I do not think any reasonable man could have afforded to have kept her outside. I think the law bearing on these cases might be altered. Other points in connexion with the measure I will deal with in Committee.

Mr. MURRAY.—Before sitting down, the Minister in charge of the Bill said that this was an honest attempt to deal with what is undoubtedly a difficult problem. It is more than an honest attempt. Despite what the leader of the Opposition has said, I think it is an intelligent attempt to deal

with it, and it is dealing with it on lines recommended by all the authorities on criminology I have read. Of course crime is an enticing subject, whether it comes before us in the form of detective stories or novels, the plots of which frequently turn on the commission of crime, or in a measure such as that which we have before us. I do not know that I have listened to a speech delivered by a Minister in introducing a Bill with greater pleasure than I listened to the Minister of Lands to-day.

Mr. PRENDERGAST.—You must have been in the Cabinet when this measure was formulated.

Mr. MURRAY.—Instinct with humanitarian feeling, this matter commended itself to me before I was in Parliament. It seems to me that this measure has been to the Minister of Lands a labour of love. He had the opinions of criminologists at his fingers' ends, and he quoted them in a style which made his illustrations very palatable to the House. He has to a large extent followed the opinions expressed in numerous articles in magazines, extending over a large number of years, from the pen of Sir Robert Anderson—a gentleman who, in his official capacity, had an extensive knowledge of crime, and is recognised as the most capable writer who has yet dealt with the question in the magazines of the Old Country. I do not know that there is any phase of the subject that Sir Robert Anderson has not touched upon. This is a Bill that does not merely deal with crime after crime has been established in the individual, but is an attempt to go to the bedrock and endeavour to deal with the origin of crime. With crime, as with every other disease, I do think, and I am perfectly sure that all honorable members will agree with me, that prevention is better than cure. You deal with those who are little more than first offenders under the Bill, and you deal with the habitual criminals. Very properly the Minister has pointed out the two divisions into which the criminal classes may be divided, but after all, as far as society is concerned, it does not matter what theoretical or academical divisions you make, the effect upon society is the same. Society wants to be as much protected from the man who is a criminal by instinct as from the man who is a criminal by force of environment. They prey in exactly the same manner, and the evils they inflict upon society are exactly the same. We know from experience in our own prisons, and the experience of all prisons is the same, that you cannot judge the character of a

criminal by his behaviour in prison. It is notorious that the very worst criminals make the very best prisoners. They never fail in getting the fullest reduction of sentence allowed under the law as a reward for good behaviour, and that is the dangerous point in connexion with indeterminate sentences. After all, there will be great difficulty in watching a prisoner liberated on probation, but that will not occur in the case of the fellow who has finished his education as a prisoner, who holds the highest degree in the University of crime. There is only one way of dealing with him, and that is the way in which it is proposed to deal with him in the Bill, to keep him in prison until, through the feebleness of old age, he may be released with safety to society. As regards younger criminals, there is no doubt that the association with old criminals when they get in our prisons, which nothing can entirely obviate, has a bad effect upon them. A young fellow goes out of prison worse than when he enters it. That is the experience which we gather from the after lives of these men. I am humanitarian enough to act under the impulse of humane instinct, but I cannot see that we ought to lose sight of the punitive in our treatment of prisoners. That must not be entirely taken away from prison life. Whatever we may do to prevent these men warring on society, their lives must not be made too easy and too attractive. If we have erred on one side the pendulum has swung in the opposite direction. It is ghastly to read of the conditions which prevailed at the time of Howard, the great prison reformer. It is very doubtful whether, in mediæval dungeons under a brutal baron, a prisoner was nearly so badly treated as he was under what was once thought to be a fairly good prison system in the Motherland. The prisons were foul pest-houses. They were in a most insanitary condition, and, between starvation and disease, the prisoners had a terrible time. It must be remembered that a great proportion of the men in the prisons then were decent enough fellows, and had simply been unfortunate. For the smallest offence men were sent to prison for long periods, and under those awful conditions they emerged from prison in an enfeebled condition, even although they had only been there a short time. Now, however, it is not a question of treating prisoners too harshly. If we err at all we treat them too leniently. If sometimes the sentences were shorter, but the punishment harder it might have a better effect on some of the

more hardened cases. To try to prevent those who are taking their first step in that direction from joining the really criminal class, as is done in this Bill, is an admirable object to attempt to achieve by legislation. There is one point which I regard as unsatisfactory in the Bill, and perhaps it is the only one, but I dare say the Minister of Lands will be able to give an explanation. In clause 6, magistrates dealing with cases of the more trifling kind in crime have the power to sentence the men right off, and, before the period of his sentence has expired, order that the convicted person may be brought before the Judge of one of the courts. That is very well in its way. I do not cavil at that as the leader of the Opposition does, for I think it is a proper provision that there should be power to refer the punishment to some tribunal, but I do not think that is the proper tribunal. In some of his later articles Sir Robert Anderson expressed the view that the question whether a man who has repeatedly committed crime should be regarded as an habitual criminal or not should not be settled by the Judge who dealt with the last case and imposed the sentence, but by a Board. We create a Board as he recommended, but there was one power, and it was the most important power of all, which he desired should be placed in the hands of that Board, which is denied to the Board provided for under this Bill. I think we stop short in this proposal of giving the Board its full functions. After it has been settled that an individual is an habitual criminal, then he comes under the purview, and to some extent under the control, of the Board. But what Sir Robert Anderson recommended was that there should be a tribunal—a Board if you like—created, and that that Board should deal with all cases. It was to settle whether the man was an habitual criminal or not. The question might be referred to the Board by the Judge who dealt with the case, or it might be referred to it by the Inspector-General of the Penal Department, or by the Chief Secretary; the authority referring it does not matter so much. But, at any rate, the cases would come before that Board for consideration, and the Board would deal with them, and not the Judge who tried one or any of the offences. I think that is really a better plan for various reasons that will be apparent. In the first place, you would get a uniformity of treatment in all cases by the Board, which, in arriving at the decisions or determinations, would proceed on fixed lines. In the creation of the

Board, of course, you would select men for some special qualifications.

Mr. MACKAY.—I admit the excellence of the idea in the abstract.

Mr. MURRAY.—It would take very little alteration in the Bill to give effect to this proposal.

Mr. MACKAY.—But the constitution of the Board, I am afraid, would be difficult.

Mr. MURRAY.—The honorable gentleman will see that the Board loses much of its usefulness by not giving it this power. Any Judge who tried a case could, under this Bill, determine if a man has to be classified as an habitual criminal or not, but Sir Robert Anderson did not recommend this, and it must be remembered that he had a long experience of Judges. Still with all that, I am perfectly sure that when he wrote those articles he yet recommended that the Board should have that power. That is perhaps, after all, the crux of the Bill. The Bill, I think, requires very little alteration at our hands to make it as nearly perfect as an Act of Parliament can be. The leader of the Opposition seemed to imply in the course of his remarks—I may have misunderstood him—that innocent men are suffering in our gaols.

Mr. PRENDERGAST.—I did not say that.

Mr. MURRAY.—The fault is not that innocent men are sent to gaol, but that the guilty are too frequently allowed to escape.

Mr. PRENDERGAST.—I only referred to those committed on maintenance orders.

Mr. MURRAY.—There is another point upon which I think the leader of the Opposition dwelt somewhat unnecessarily, and that is that the whole of the evidence on which convictions are made should be placed before any Judge or tribunal, who is determining whether a man should be pronounced an habitual criminal or not. The fact that a man is found guilty by the Court is evidence in itself.

Mr. MACKAY.—After conviction.

Mr. MURRAY.—Yes, after conviction. Of course, the surroundings and general character of the man would be given to the Board. As I say, I think there is one point in which an alteration for the better could be made in the Bill, and I recommend it to the Minister for consideration. I believe the Bill would be found to work well even if it is passed into law in its present form, but I think it would work better if an amendment such as I suggest were adopted. But we must remember this, that if we are to give full effect to this measure, it cannot be done without considerable additional expense.

Mr. MACKEY.—I am afraid not.

Mr. MURRAY.—You will have reformatory prisons and one thing and another, which will all mean expense, but it will be money well expended if we achieve what we hope to do under the Bill. The leader of the Opposition alluded to the decrease of crime. Sir Robert Anderson also alludes to the decrease of crime in England. The records of the Criminal Courts there show that crime is considerably on the decrease. Sir Robert Anderson attributed the decrease to one thing in particular, and that was the spread of education. In the same way our crime records have gone down extraordinarily, but I do say that if this measure is properly administered we may blot out a large amount of professional crime, and may even hope to get rid of the habitual criminal altogether. Our education system, despite the fierce condemnation it has received at certain hands, has resulted since about the year 1892, when the real effects of the system began to be felt, in our criminal statistics going down steadily, and they have been going down ever since. If they had been going up ever since 1892, what would those people have said who condemn the Education Act? Would not the increase have been attributed to our ungodly system of education? But there is no getting away from the fact that the opposite has taken place, and that our education system, whether with religious instruction or without it, works out for the welfare of the community generally. In conclusion, let me repeat that even if we have to pay a great deal for it, if this measure will have the effect of stamping out crime to the extent we have a right to anticipate, and if the criminal class as a class almost entirely disappears from our midst, then, though it be a considerable sum, the State could find no better investment for its money.

The motion was agreed to.

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

Clauses 1, 2, and 3 were agreed to.

Discussion took place on clause 4, which was as follows:—

(1) From time to time when any person apparently of the age of seventeen years or upwards is convicted of any indictable offence and has been previously convicted on at least two occasions of any indictable offence or offences the Judge of the Supreme Court or the chairman of the Court of General Sessions of the Peace before which such person is convicted may declare that he is an habitual criminal and direct as part of his sentence that on the expiration of his term of imprisonment then imposed upon him he be detained during the Governor's pleasure in a reformatory prison.

(2) Before passing any such sentence the Judge or chairman may if he thinks fit hear evidence to enable him to determine whether or not any person so convicted should be declared an habitual criminal.

Mr. PRENDERGAST said he would ask the Minister in charge of the Bill if he could do anything in connexion with political offences? Political offences should not be brought under the operation of this clause.

Mr. MACKEY.—What offences do you mean?

Mr. PRENDERGAST said he was referring to political offences of any kind.

Mr. MACKEY.—I can think only of criminal libel, and we have never had a conviction for that offence for twenty years. The Attorney-General will not prosecute.

Mr. PRENDERGAST said a man might get into trouble for belonging to a Republican organization with aims subversive of our Constitution. He might insist on airing his opinions and come into collision with those in power at the time. Those who committed such an offence on the Continent of Europe were able to go to England, and were protected there.

Mr. MACKEY.—We do not create any offences by this Bill at all.

Mr. PRENDERGAST.—No, but the offences were not defined. The Bill dealt with indictable offences of any kind. The trouble was to understand what was an indictable offence.

Mr. MACKEY said an indictable offence was one that must be tried by a jury. The honorable member must recollect that not only must the Judge be satisfied under this clause, but the Board of Experts must also be satisfied, so that the accused person had two hurdles which had to be got over before he could be made to suffer. The leader of the Opposition had made another suggestion with regard to this clause which seemed a very good one, and he (Mr. Mackey) would bring the clause up again for reconsideration.

The clause was agreed to, as was also clause 5.

On clause 6, giving power to the Court of Petty Sessions to order persons convicted of certain offences to be brought before a Judge of the Supreme Court or a Chairman of General Sessions to be dealt with under this measure,

Mr. PRENDERGAST said this was the clause to which he had referred as to the age of the persons to whom this Bill was to be applied.

Mr. MACKEY said the honorable member thought the age of seventeen was too low, and that it should be twenty-one. The honorable

member would bear in mind, however, that he must not fix his eyes on the professional criminals or even on the habitual criminals of the community. A boy of seventeen might have been living all his life among professional criminals, and if he had been convicted on three occasions he could be dealt with under the Bill. It would be a very great thing for a boy of that kind if he could be taken away from his former associates and segregated for some period of time.

Mr. PRENDERGAST.—You do that now.

Mr. MACKEY.—Not to the same extent. The idea was to keep the man really in a reformatory. It would be a charity in the case of a young man of that kind, instead of giving him three or six months' imprisonment, to say, "We will keep you in a reformatory until you are properly weaned from your old associates." He (Mr. Mackey) considered that the age adopted in this clause was one of the most beneficial provisions in the Bill.

Mr. PRENDERGAST.—Provision is already made for separate treatment, and you have gaols where only first offenders are confined.

Mr. MACKEY said that the persons dealt with under this clause would not be first offenders.

Mr. PRENDERGAST.—It is an experiment, and I shall not oppose it any further.

Mr. MACKEY said the leader of the Opposition had called his attention to the rules that were to be framed by the Court under sub-clause (5) of this clause. He (Mr. Mackey) would see that the rules were circulated before they were finally passed.

Mr. PRENDERGAST said the Rules of Court were very important. The Judges were given almost legislative power in that respect, and it was wise to have the rules circulated before they were adopted.

The clause was agreed to, as were also clauses 7 to 12.

On clause 13, which was as follows:—

Notwithstanding anything contained in this Act the provisions of this Act with respect to sentencing persons to be detained in a reformatory prison or with respect to the transfer of persons from a gaol to a reformatory prison shall not apply to persons convicted of any offence punishable by death or by imprisonment for life,

Mr. TUNNECLIFFE observed that the list of offences that were punishable by death or by imprisonment for life was a very comprehensive one

Mr. MACKEY.—Too comprehensive really.

Mr. TUNNECLIFFE said he thought this provision might be eliminated altogether. At the present time practically the only crime for which the death penalty was inflicted was the crime of murder.

Mr. MACKEY said the leader of the Opposition reminded him that the Crimes Act already provided for what the honorable member for Eaglehawk suggested. Our criminal law was altogether antiquated. The great changes that were made in Great Britain in 1865 had not been adopted here. A great many offences still appeared on our statute-book as punishable by death or imprisonment for life, but those penalties were never enforced.

Mr. TUNNECLIFFE.—Can any of those cases be brought under the provisions of this Bill?

Mr. MACKEY said he appreciated the aim of the honorable member, but it would change the scope of the Bill. The Bill did not provide for the creation or alteration of the penalty for any offence beyond the indeterminate sentence itself. When the new criminal code was passed, as he hoped would be done next session, the changes to which the honorable member referred would be brought about automatically. Directly an alteration was made in the substantive law in regard to these offences, they would come under the operation of this measure.

The clause was agreed to, as were also clauses 14 and 15.

On clause 16, providing that persons detained in a reformatory prison should be required to work,

Mr. PRENDERGAST said it was provided by sub-clause (2) that—

The products of his work shall be sold or otherwise disposed of.

He wished to have a further explanation of this matter. It was proposed by this clause that prisons should be manufacturing establishments, and he wished to know upon what arguments the clause was based?

Mr. MACKEY said he was unable to elaborate the matter any further than what appeared in the clause. The clause meant nothing that was not plainly stated in it. He recognised that it involved an important point of policy, but any explanation he could make with regard to it would not clear away the objections of honorable members. If the leader of the Opposition would allow the clause to pass, he (Mr. Mackey) would bring it up again in order that the matter might be fully discussed.

Mr. TUNNECLIFFE observed that in America he understood the products of prison labour were not allowed to be sold on the local market. That might solve the difficulty under this clause.

Mr. MACKEY.—It might.

Mr. BEAZLEY.—It is so in America, and, I think, in Germany also.

Mr. PRENDERGAST said it was a very good idea not to allow these prison products to besold on the local market. At the same time the idea of sending goods outside of the country, because we did not allow them to be sold inside, did not seem a very charitable one. What we would not tolerate ourselves was to be passed on to someone else. However, on looking at the Bill as a whole, he did not think it would come into operation for some years yet. There was so much machinery about it that it would cost a good deal of money.

The clause was agreed to, as was also clause 17.

Discussion took place on clause 18, which was as follows:—

(1) Every person so released while he remains within Victoria shall once at least in every three months during the said period of probation report his address and occupation to the principal officer of police at the place in which he was convicted or at such other place as may be prescribed.

(2) Such report may be made either by the offender personally or by letter signed by him and posted to the principal officer of police at that place.

Mr. TUNNECLIFFE said it was provided in sub-clause (2) that the probationer might report himself either personally or by letter. Did the Minister think there would be sufficient supervision over a prisoner outside on probation who reported himself only by letter? The prisoner might really be committing depredations in other parts of the State. It seemed eminently desirable that he should be kept under supervision and control.

Mr. MACKAY.—I recognise the difficulty, and will consult with the authorities.

Mr. PRENDERGAST said he wished to take the opportunity of mentioning the case of one of the chaplains at Pentridge prison, who, in his opinion, did more good while he occupied that position than any one else he (Mr. Prendergast) knew of. In fact, he did more good than any other half-dozen chaplains.

Sir ALEXANDER PEACOCK.—Hear, hear.

Mr. PRENDERGAST said the chaplain to whom he referred had done more to keep men who had been released from gaol from committing fresh offences than any other man in the community. He reformed a number of these men, and they became honest and decent members of the community, and they had now lived for a number of years without attempting to commit any further offences. This gentleman had been

removed from Pentridge probably because his denomination wished to place some other man in the position.

Mr. J. W. BILLSON (*Fitzroy*).—Did his collections fall off?

Mr. PRENDERGAST said he did not think the person he referred to cared very much about collections. He was a man who led a good life, and did good work for the State during the time he was in that position. The gentleman he alluded to was the Reverend Mr. Greer, the former Wesleyan chaplain. In his (Mr. Prendergast's) opinion it would have paid the State to have kept Mr. Greer in the position for the sake of the good work he was able to do. It was not so much that he poured religion into the minds of the prisoners, but he brought about an affectionate feeling of fellowship, and obtained a very strong hold over the men. Such a man would be one of the most valuable adjuncts of our prison system, and the Chief Secretary would do well to see whether something could not be done to retain his services.

Sir ALEXANDER PEACOCK said he was glad the leader of the Opposition had mentioned the case of Mr. Greer, because, from his previous experience as Chief Secretary and his experience since then, he could fully bear out what the honorable member had stated. He was now trying to work out a scheme which would enable Mr. Greer's services to be utilized in the manner suggested. No other clergyman had given such great satisfaction in his prison work as Mr. Greer; and in that testimony he (Sir Alexander Peacock) was supported by the late Inspector of Penal Establishments, the present Inspector-General, and all the officers.

The clause was agreed to, as were also clauses 19, 20, and 21.

On clause 22, providing for the creation of an Indeterminate Sentences Board,

Mr. TUNNECLIFFE said this was practically the most important clause in the Bill, because upon the proper constitution and efficient working of this Board the ultimate success or failure of the scheme would depend. It seemed to him that the duties of the Board were not sufficiently defined in the Bill. They were to have the power of inspection as to the probationary periods, but they seemed to have no power to make regulations to deal with prisoners while under their control. In the reformatory prisons in America, with which the Minister dealt so fully in his second-reading speech, the authorities had power to deal with prisoners in all kinds of ways. They had power to send them on to farms under

probation, and also had power to deal with them by making experiments in connexion with physical exercises, dieting, and other means of improving their physique and generally their mental and moral calibre. The most competent men should be obtained as members of the proposed Board, and they should be fully empowered to deal as they thought fit with persons under their control in order to obtain the best possible results. The aim should be to make the reformatory prison a model one, so that further extensions might be made if it was found to be a success. With regard to the gentleman mentioned by the Chief Secretary, if that gentleman were efficient in other respects he might be appointed on such a Board, because of his sympathy with this kind of work. Above all things the Board should be independent of political influence, and independent to a great extent of the military system that dominated most of our gaols. They should act on humane lines with the idea of reforming the prisoners, though, of course, punishment should be kept in view. Would it not be possible to extend the powers of the Board and define them in the Bill? If not, they might be circumscribed by a Minister who was not in sympathy with the measure, as the Minister in charge undoubtedly was.

Mr. MACKEY said he would be very glad to go over the matter again. The House had received the Bill with much more sympathy than might have been anticipated, and he was very much encouraged by the honorable member's remarks, and would see if he could not extend the powers of the Board in the way suggested. In drafting the Bill he had not gone to the fullest extent suggested by criminologists in other countries.

Mr. PRENDERGAST said this was a clause in which right of appeal should be given from decisions of the Board. Would the Board be able to issue orders for friends to visit the prisoners?

Mr. MACKEY.—They will have the power by regulation. The right of visitation is considered one of the most potent influences to reform.

Mr. PRENDERGAST said he recognised that, and that was why he mentioned the matter. It was only reasonable that the right of appeal should be allowed from decisions of the Board. Then counsel should be assigned where a man asked that it should be done.

Mr. MACKEY said the right of assigning counsel had eminent authority behind it in a rank individualist like Herbert Spencer, who,

in his work on *Justice*, advocated the principle. He (Mr. Mackey) believed that system was in force in Norway and Denmark. A great deal could be said in its favour in all criminal cases. When a man was charged with an offence eminent counsel was told off for the prosecution, and all the forces of the law were at the command of the prosecution. The prisoner charged was often under a disadvantage, and had one hand tied behind his back, but he (Mr. Mackey) did not know that any great evil would result owing to the leniency of our jury system. The prisoner did not fight the battle for his life on a fair plane with the prosecution.

Mr. PRENDERGAST.—There are two classes to be tried—the man who can afford to pay, and the man who cannot.

Mr. MACKEY said that when a man was tried for his life counsel was assigned to him. He would ask the honorable member not to press the matter in connexion with this Bill, because it was a question that had a wider scope than the operation of this Bill. He did not see how the right of appeal from the decisions of the Board could be provided for. The Board would be comprised of experts, who would be in touch with the prisoners. It was inevitable that they would make mistakes, and he would remind the leader of the Opposition that Appeal Courts were not much in favour just now. One of the difficulties in this case would be that the appeal would have to be made to a body with little or no knowledge of the matters that would be tried. The Board would be composed of men who knew the circumstances of the prisoners, and would be in touch with the matters dealt with. The Board would not be infallible, but he did not think it could be improved upon.

Mr. TUNNECLIFFE said that sub-clause (3) provided that any two members of the Board should form a quorum, but that the three members would have to be present when any resolution was carried recommending the release on probation of any person detained in a reformatory prison. That might work arbitrarily in the case of the serious illness of a member of the Board, and the Board would not be able to grant the release on probation that might be necessary. Some power might be given to the Governor in Council in connexion with the matter to appoint an acting member.

Mr. MACKEY.—Yes; to appoint an acting member.

The clause was agreed to.

On clause 23, providing for power to suspend the execution of sentence for a first offender,

Mr. PRENDERGAST said the question of maintenance orders should be taken into consideration on this clause, which enabled the Judge of the Supreme Court, or the Chairman of the Court of General Sessions, or the Court of Petty Sessions, to suspend the execution of the sentence. Persons should not be committed to gaol indefinitely under maintenance orders. He believed the Crown Law Department would not allow these people to be imprisoned for more than twelve months now. A man might not be able to pay the maintenance order owing to poverty, and might be willing to work if he could obtain work.

Mr. MACKEY.—I will consider that.

The clause was agreed to, as was also clause 24.

On clause 25, providing for the recognisance,

Mr. GRAY said probation officers were mentioned in this clause, and he wished to know if it was intended to make fresh appointments for that purpose?

Mr. MACKEY said that as far as possible the probation officers who served in connexion with the Children's Courts would be used, but it might be necessary to make some fresh appointments. In regard to probation officers he would remind honorable members of the remarks of the honorable member for Warrnambool, when Chief Secretary, with which he (Mr. Mackey) thoroughly agreed. This Bill might involve the Government in some extra expense, but if it tended to the more effective dealing with criminals it would be wise economy. He hoped the Government would be able to get three men from the Public Service for the Board.

Mr. PRENDERGAST said there would be a great deal of difficulty in dealing with this clause, for it provided for what was practically a ticket-of-leave, as the offender had to be under the supervision of a probation officer during the period specified in the recognisance.

The clause was agreed to, as were also clauses 26, 27, 28, and 29.

On clause 30, which was as follows :—

If any such offender has not during the period limited by his recognisance or within three months from the expiration thereof been so adjudged guilty of misbehaviour in respect of any failure during such period to observe any of the conditions of his recognisance he shall, *ipso facto*, be discharged from the sentence,

Mr. TUNNECLIFFE observed that the Board fixed the period of probation, but that this clause extended it three months beyond the time fixed by the Board.

Mr. MACKEY said he thought the idea was to cut the period down, and he would see that that was made clear.

The clause was agreed to, as was also clause 31.

On clause 32, empowering the Governor in Council to make regulations, and providing that—

(2) All such regulations shall be published in the *Government Gazette*, and shall be laid before both Houses of Parliament within one month after the publication thereof if Parliament is then sitting, and if not, then within one month after the commencement of the next ensuing session. On such publication the regulations shall be valid in law.

Mr. TUNNECLIFFE said that paragraph (g) of this clause empowered the visiting justices to impose a fine for any breach of prison discipline, in addition to inflicting any other punishment that might be inflicted under the Gaols Act. He did not think it desirable that visiting justices should have the same power in connexion with persons undergoing reformatory treatment as they had in other cases. The Board should have the power to impose the punishment.

Mr. PRENDERGAST moved—

That sub-clause (2) be omitted, with a view of inserting the following :—

All such regulations when made by the Governor in Council shall be published in the *Government Gazette*, and when so published shall have the force of law and shall be judicially noticed and shall be laid before both Houses of Parliament within fourteen days after the same shall have been made if Parliament be then sitting, and if not, then within ten days after the next meeting of Parliament, and a copy of any proposed regulations shall be posted to each member of Parliament at least twenty-one days before such regulations are approved by the Governor in Council.

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

Clause 33 and the schedules were agreed to.

Mr. TUNNECLIFFE said he wished to know if it was intended that the Board should be a purely honorary one? There would be a great deal of work to be done, and some compensation should be given.

Mr. MACKEY said his intention was to look through the Service to see if he could find three gentlemen who, whilst giving proper attention to their ordinary duties, would be able to perform this work. He felt that Dr. Norris would do admirably for a member of the Board, but he was afraid that that gentleman's hands were full. Dr.

Norris had given him valuable assistance in framing the Bill, and was in thorough sympathy with it. If that gentleman's services could be obtained it would be very desirable to have them.

Mr. TUNNECLIFFE.—Don't kill the Bill by false economy.

Mr. MACKEY said he agreed with the honorable member, but if he could get the work effectively done by gentlemen in the Service he would follow that course. If three gentlemen could not be got in the Service it would be necessary to go outside.

The Bill was reported with an amendment.

SUPPLY.

The House went into Committee of Supply for the further consideration of the Estimates of Expenditure for the year 1907-8.

AGENT-GENERAL'S OFFICE.

Discussion was resumed on the vote to complete the vote (£54,419) for "administrative and scientific" (Chief Secretary's Department).

Mr. ANSTEY said he had received a communication from Mr. Peppard, formerly of the Agent-General's office, requesting him (Mr. Anstey) to make it plain that he had not been approached by that gentleman. He (Mr. Anstey) had no objection to making the statement, and when he spoke before on this question he merely referred to the different treatment meted out to two officers. He was requested by Mr. Peppard to say that it was not true, as the Premier stated, that he (Mr. Peppard) was away half his time through illness. Mr. Peppard stated that he was away only three times, once for a month, once for two days, and once for one day. As to the charge that he was incompetent Mr. Peppard stated that he had never been found fault with whilst in the office. As to the statement that there was not sufficient work to keep him employed for more than six months in the year Mr. Peppard stated that there were now two officers doing his work.

The vote was agreed to, as was also the vote to complete the vote (£15,345) for the Government Statist.

DANDENONG POLICE PADDOCK.

On the vote to complete the vote (£241,733) for police,

Mr. KEAST said he did not know whether he would be in order on this item in bringing under the notice of the Chief Secretary the case of the Dandenong police paddock. It was an area of about 1,800 acres, and only

a few horses were grazing there. The residents of the district thought it would be wise to make a national park of part of this area, and either to cut up the rest for closer settlement or establish an agricultural college on it. He understood Dr. Cherry had made a report on this police paddock to the effect that it was a most suitable place for an agricultural college. It was a great public waste to use 1,800 acres of land for grazing a few police horses. It would be an excellent place for a national park, as there was some of the best scenery there to be found within 50 miles of Melbourne. The late Chief Secretary went with him to Dandenong, and together they made a careful inspection of this police paddock. Some of it was good land, and some poor, but it had some very fine scenery. From the higher land one could see the whole of the Bay and the whole of Melbourne and suburbs, and in his opinion part of it would make a splendid national park, while the rest of it could be used for an agricultural college. He would be glad if the Chief Secretary would look into the matter and see if something better could not be done with this land.

Mr. MURRAY observed that the Dandenong police paddock had been used for a number of years as a place on which to turn out police horses. He did not suppose a more unsuitable place for this purpose could be chosen in the neighbourhood of Melbourne. Where there was grass in the paddock it was of such a sour character that the horses did not do well. When one turned out horses to give them a rest they should be put on fresh rich country, such as Bacchus Marsh, for instance, where race-horses, after two or three weeks, renewed their strength and spirit to such an extent that animals which were looked on as not fit to win a suburban race became dangerous candidates for the Melbourne Cup. He had brought this matter under the notice of the Cabinet, recommending that the area should be reserved for the purposes of a national park. It would be a crime to do anything else with it. It furnished far and away the best view that could be obtained within 30 or 40 miles of Melbourne. It commanded a view of the Bay and of the city and suburbs. The view was a revelation to him. It might be Dr. Cherry's opinion that this was a suitable place for an agricultural school or experimental farm. He was afraid Dr. Cherry would lead the Government very far astray if they attempted to make an experimental farm of this paddock. No place by nature was more unsuitable. The highland was of granitic formation,

and the low-lying land, where the soil was of a better quality, was very liable to be flooded. The Government ought to adhere to the decision formerly arrived at, and keep this land for a national park and nothing else.

Mr. BEAZLEY.—What sort of park?

Mr. MURRAY said it would be a place where the honorable member for Abbotsford could go when he had a well-deserved holiday, and take his friends with him and enjoy the beauties of nature, as one could not do anywhere else in the neighbourhood of this great Queen City of the South. It should be a breathing place where the weary artisans of Collingwood could go and recuperate, and breathe the ozone fresh from the ocean. They would come back different men, quite recovered from the effects of the struggle that went on from day to day. The honorable member for Richmond had been there. To make a picnic complete it would be only necessary for the holiday-maker to take a basket of the best cordials that could be obtained down Richmond way. That beverage, added to the ozone, would complete the cure for weariness. What first directed his attention to this area was this: The gentleman who was now Agent-General, when Minister of Lands, was very enthusiastic about settling people upon the lands of the country. Wherever that gentleman saw a vacant spot, no matter what it was reserved for, he stretched out his unholy hand to seize it. That gentleman's scheme was to make an exchange of this land for certain land at Broadmeadows, some 600 acres, that was used by the opulent farmers in the neighbourhood, and was returning no revenue.

AN HONORABLE MEMBER.—It is used by the poor people.

Mr. MURRAY said he would ask what show the poor people had when the farmer wanted to send out his horses and cows and flocks of sheep? Wherever they went they left a condition like that which was caused by Attila and his hordes. The grass never grew where their hoofs had trodden. It was proposed to exchange this paddock for the Broadmeadows park land, and he must compliment the people in the neighbourhood of this latter place on not having destroyed the whole of the trees there. There were some magnificent trees on the Broadmeadows park land—trees with stout boles and spreading branches, affording most grateful shade on summer days. He would have liked to stretch himself under one of those trees on the previous day, when

the weather was so hot. There was a financial difficulty in making the exchange. The Treasurer declined to provide the money that was necessary to move the old buildings, or to re-erect new buildings upon this 600 acres, which had since been utilized for a sanatorium, which was a very useful institution. As he had stated, he was surprised and delighted at the magnificent view to be obtained from the hills in the police paddock. But the place was utterly unsuited to the purposes of an experimental farm, there being high granite rocks all over the hills. Where the land lay low there was a great deal of blackwood, which in the future would be valuable. A report was obtained from one of the officers of the Lands Department, who was qualified to give a report, and who was familiar with most of the beauty spots in the State. This officer strongly recommended that the whole of the area should be dedicated to the purposes of a public park, and further suggested that something should be done there towards protecting our native game upon it, or of acclimatising animals from other countries. But there the matter stood. He would assure the Chamber that it would be a pity to use this area for any other purpose than a national park. The city of Melbourne was not richly endowed with open spaces where the inhabitants could go on holidays. They were often under a compliment to private owners when they went picnicking. They should be made independent of that as far as possible; they should have their own parks, not only within the city, but within an easy distance of the city. Melbourne compared very badly with Sydney in this respect. When it was considered that half the people of Victoria were gathered together in Melbourne and suburbs, and that there was not a single open space outside of Melbourne that they could call their own, and to which they could go without being charged with intrusion, it behoved the Government to set about making some provision in this direction. He would strongly support the honorable member for Dandenong in his desire to have this police paddock reserved for the purposes of a park.

Mr. BEAZLEY remarked that his interjection, as to what sort of park was intended, might be misunderstood, and he therefore desired to explain the object of his question. There was a vast difference between a national park, as that term was understood in most parts of the world, and a recreation ground. In the great public reserve of America, the Yellowstone National Park, and in similar parks in New South Wales and other coun-

tries, specimens were preserved of native animals and indigenous trees and plants. It was particularly desirable that we should have something of that sort in Victoria, seeing that our marsupials were dying out. This was a class of animal that could not be found in other parts of the world, and it was desirable that steps should be taken to preserve specimens of them, as was done in New South Wales to a large extent. There was one matter which might be mentioned with regard to the Dandenong police paddock if it was reserved as a park. Its distance from the city would prevent those for whose benefit it would be reserved getting to it. We had a park quite close to the city which had not this disadvantage. He referred to Studley Park. Many honorable members had seen those grounds and knew how beautiful they were. He did not know that any honorable member knew as much about them as he did, as he had visited them ever since his boyhood days. When the Kew Asylum was removed it would be possible to increase the area. Studley Park, with its elevation, had many advantages as a beauty spot, and it had the additional advantage of being close to the residences of the poorer classes, who could not afford to pay railway fare and travel a long distance. A national reserve for the use of the city residents should be available for people to get to when they had an afternoon or a few hours to spare. If the Lands Department paid more attention to Studley Park they would have it properly looked after, and the people then would make more use of it. He knew the Chief Secretary had some knowledge of this park.

Mr. ELMSLIE.—What has this do with the police? Do you want more police there at night?

Mr. BEAZLEY said the matter he was referring to had something to do with the question which was before the Chamber, because it was suggested that the paddock which was now being used for the police horses should be reserved as a national park, and he was showing reasons why that should not be done, seeing that there was a better park closer to the city which would repay expenditure. He did not know that he need pursue the matter any further. He was sure the Chief Secretary would give the subject his consideration, and that he would draw the attention of the Minister of Lands to the advantages of using Studley Park for the purposes he had mentioned. There was another matter he desired to refer to, and that was the question of holiday privileges for the

police. He had attended a deputation to the Premier some time ago, with a number of other honorable members interested in the subject. It was pointed out that the police had to do more work on holidays than at any other time, and while the general public and the other branches of the Public Service, with the exception of the railways, had an opportunity of travelling to the country at holiday excursion fares on those days, the police had to work harder then, and could not avail themselves of those opportunities. It seemed to be a fair proposition that the police, when the holidays were passed, should have the same advantages with regard to railway fares that the general public had during the holidays. To give the police the right to travel at any time at half fares would not be reasonable, but he did not see why they should not have this privilege when their holidays came round. He understood the only difficulty was with the Railway Department, which wanted payment for every concession it gave. The Department represented that it would lose money by making this concession. He did not believe it would lose anything by it.

Mr. ELMSLIE.—They would gain.

Mr. BEAZLEY said he thought the Department would gain by it, as the police would be induced to make use of their holidays for taking a trip to the country, and the revenue would be increased in that way. But whether the revenue was increased or not, he thought, as a matter of justice, the police should have the same concession as other public servants.

Mr. J. CAMERON (*Gippsland East*) observed that he quite agreed with the honorable member for Dandenong that the police paddock at Dandenong, if suitable, should be used for the dual purpose of a national park and an experimental farm. He disagreed with the honorable member for Warrnambool, who made a point of referring to Dr. Cherry. Dr. Cherry was doing, perhaps, more for the people of this country than any other man in his particular line. Any one could make good land pay; we wanted some one to show us how to make our poor lands pay. We had two colleges which were established under the same conditions, and one of these could do the work of the two. An agricultural college was required in a different climate and on different soil, and from what he could learn the Dandenong police paddock presented the condition that was wanted. It had some high land which was poor, and some low-lying land, which should be drained. As he had said before, it would pay better to drain our southern lands than to irrigate the

northern lands. There was scarcely any land on the southern side of the Dividing Range that did not want draining.

Mr. BAYLES.—What has this to do with the police paddock?

Mr. J. CAMERON (*Gippsland East*) said he was dealing with the Dandenong police paddock, and he agreed with the honorable member for Dandenong that if it would serve the dual purpose of a national park and an experimental farm it should be used in that way. There had been a proposal by the police to turn it into a horse-breeding paddock, but it was found that each horse raised there would cost £20, not allowing for the rejects. If this land was suitable for an agricultural farm, it had the advantage of presenting different conditions from those to be met with at the existing colleges.

POLICE.

Mr. THOMSON stated he would like to draw attention to the small amount of the allowances granted to police constables when they were sent on relieving duty. He believed they got only 1s. a day for expenses and 1s. for meals. The Chief Secretary would know that the amount allowed to men who were sent away on relieving duty was altogether too small. Very often they had to stay at places where the charges were higher than the scale allowed by the Government, and the men then had to pay the extra amount themselves. He thought that when the police were sent on this duty, which inconvenienced them to a great extent, and seeing that they very often had other expenses in connexion with their home, they should be allowed fair expenses while they were away. He trusted that the Chief Secretary would see that they were allowed sufficient money so as not to be out of pocket.

Mr. BAYLES remarked that he was fortunate enough to get a reply this afternoon from the Chief Secretary in reference to a matter he had brought under the honorable gentleman's notice in connexion with the inadequate police protection at Toorak, Armadale, and Malvern. He was glad to see that the Chief Secretary had agreed to give extra police protection at Malvern, but the honorable gentleman considered that the circumstances of Armadale and Toorak did not call for any increase in the police strength there. Those places were without police protection between 5 a.m. and 9 a.m. It was not that the residents of Armadale and Toorak were given to breaking the law, but the residents there had a number of gentlemen coming from

other constituencies. It was not known where they came from, because their visits were paid in the dark and they could not be identified. Another point he wished to direct attention to again was the difficulty, when there was a burglar scare, of ringing up the Toorak police station. He understood that the Toorak police station had to be rung up through Prahran, and if the constables at Prahran were engaged in other duties at the moment a Toorak resident might have to ring for some time. He hoped the Chief Secretary would give him a more favorable answer with regard to the request he had made in regard to Toorak and Armadale. He had brought under notice a case where two or more gentlemen, whose antecedents were not known, and who were not discovered, must have spent several hours in trying to get a horse and cart to assist them in stealing fowls. The police, if they had come round on their beats, would have found the men trying to harness jibbers into a cart. He agreed with the honorable member for Abbotsford as to the want of a national park. The park at Dandenong was all right for those people who could go to Dandenong, and in Toorak there were several small parks which the municipalities administered out of their own funds. He thought a park like Studley Park would be a splendid place as a sanctuary for animals. In the Richmond Park in England there were deer browsing, and he did not know that the young Australian was any more of a vandal than the young Englishman. Some people said that if the fences were removed from the gardens in Melbourne the people would spoil the flowers, but he thought it had been found that the people of Melbourne and Australia generally realized the good things that were theirs and would not destroy their own property. If kangaroos and other animals were placed in Studley Park the people would see that their boys would not soil dogs on to them. If it was necessary there could be a small part enclosed so that other animals could not get in. Many honorable members had been in England and had seen the parks around London, where there were deer and game. He hoped the Chief Secretary would bear in mind his request regarding the need of increased police protection at Toorak and Armadale.

Mr. MURRAY said there was one matter to which he would like to draw the attention of the Chief Secretary. There was a danger which threatened Melbourne at the present time. There was an erratic

individual who went out to the bush, caught a lot of snakes, put them in a bag, came back to town, looked on the beer when it was long, and then let some of the snakes go. It appeared that this man could not be punished for letting these reptiles loose in populous neighbourhoods, where they might bite some one. Was there anything to prevent this man Morrissey doing that kind of thing? There were some suburbs Morrissey had not got to, but he might stay for a little while in Toorak.

Sir ALEXANDER PEACOCK.—He sees snakes at times.

Mr. MURRAY.—Yes, but Morrissey had the genuine article. The police had begun killing the snakes, but he felt that if they killed Morrissey instead it would certainly settle the man and his idiosyncrasies. It was all very well for the Chief Secretary to laugh about Morrissey, but if that man was to go into the honorable gentleman's home and let a few snakes go, the honorable gentleman would realize the danger. The kind of snakes Morrissey handled was very dangerous. The last lot he had brought in were copper-headed snakes. The Chairman, who had had a large experience of snakes when surveying, knew that, as it was with the human being, so it was with reptiles. The auburn-headed man and the auburn-headed snake were dangerous, but the black-headed snake might be looked upon as harmless, the same as the black-headed man.

Mr. KEAST.—What about the fellow with no hair at all?

Mr. BAYLES (to Mr. Murray).—What about the honorable member for Dundas?

Mr. MURRAY said the honorable member for Dundas barked but did not bite. The copper-headed snakes did bite two or three times where the black snake would only bite once, and the bite of the copper-headed snake was more effectual. It seemed farcical for the police to arrest Morrissey. He was lodged in gaol for two or three days, and afterwards went out to the bush, got a fresh lot of snakes, and came into town again. Apparently snakes must be getting very numerous. It would be necessary to start a campaign against them. No matter where Morrissey went he could catch snakes. Whether the man fascinated the reptiles or not he (Mr. Murray) did not know, but Morrissey was singularly successful in his efforts to accumulate snakes. The other day 5,000 or 6,000 people were down at the beach at Williamstown, and Morrissey chose the opportunity for showing what he could do in the way of handling snakes. Possibly some of the

snakes might have escaped and bitten a few people. Some honorable members might not think this was an important matter, but it was getting beyond a joke. Morrissey was getting rid of his snakes, and probably he let a male and a female go together. He (Mr. Murray) had opened up snakes and found thirty or forty young ones inside a single reptile. It was not only the old snake that Morrissey let go, but if he let loose a snake in an interesting state, harboring thirty or forty Miss Copperheads and Master Copper heads, in due course, in hot weather like yesterday, they would develop rapidly.

The CHAIRMAN.—How does this come under division 11?

Mr. MURRAY said he wanted to give the police the authority which they had not got to deal with Morrissey. He would show how the snakes would increase. If thirty female snakes each having thirty young ones escaped there would be an increase of 900 snakes. If each of the 900 snakes had thirty young ones, there would be nearly 30,000 snakes. Snakes bred like rabbits, and in a few years the young bloods of Toorak going home in the morning and singing "We won't go home till morning, till daylight doth appear," would find themselves in a nice predicament when they arrived at their homes with their legs garlanded with snakes. Our mortality bill was large enough, and we did not want it to increase. No townsman perhaps realized the horror with which men in the country regarded snakes.

Mr. J. CAMERON (*Gippsland East*).—Morrissey likes them.

Mr. MURRAY said Morrissey was the exception which proved the rule. A countryman travelling through the country would go to a lot of trouble to kill a snake. No one appeared to want to kill the snakes Morrissey let loose in Melbourne. They did not seem to be regarded with aversion. They might be pets for Morrissey, but he was an exceptional individual, and could do with impunity what would be dangerous to anyone else. He (Mr. Murray) would not touch a snake if it was dead, let alone a live one.

Sir ALEXANDER PEACOCK said the points which had been brought under his notice were very varied in character. All he could promise was to look into them and see what he could do.

Mr. KEAST asked if the Chief Secretary would look into the matter of the Dandenong police paddock?

Sir ALEXANDER PEACOCK.—Yes

Mr. KEAST said he had been at this matter for seven years. He understood the Premier was going to do something with regard to the matter.

Sir ALEXANDER PEACOCK.—I have only been here for seven months, and I have learnt from the police that they do not regard the place as suitable for a paddock. I will go into the question at the earliest opportunity.

Mr. KEAST said reference had been made by the honorable member for Abbotsford to the need of a national park. There was part of a national park at Ferntree Gully, and on Cup Day 5,000 people journeyed there. From a revenue point of view alone, a national park at Ferntree Gully would be of great service to the State. He hoped the Government would do something with regard to the police paddock.

Mr. ELMSLIE said, after hearing the eloquent manner in which the honorable member for Dandenong and the honorable member for Abbotsford had advocated the claims of their districts, he felt he would not be doing the right thing if he did not bring under the notice of the House the beauties of Albert Park. He thought that Albert Park had some of the advantages that some of the other parks did not possess. There was a beautiful sheet of water there, and all that kind of thing. Later on he intended to ask the Minister of Lands if he could not see his way clear to give Albert Park a further grant.

Several HONORABLE MEMBERS.—Oh !

Mr. ELMSLIE said his experience was that if you did not ask for a thing you would not get it. The reason he rose was to again ask if it was possible to get a reply from the Chief Secretary, with regard to the request of the honorable member for Abbotsford, that the police should be treated in a more generous way than they were at the present time. He thought the request of the honorable member for Abbotsford was a reasonable one. When people were enjoying themselves at certain times of the year, and had opportunities of getting away into the country at reduced rates, the police were called upon to work. He thought it was only fair, therefore, that when they got their holidays, in return for their services and the sacrifices they made, the Railway Department should give them a chance of travelling at excursion rates.

Mr. GLASS said there was one little matter he wished to refer to in regard to travelling allowances for the police which were dealt with, he understood, by regulations

published in the *Government Gazette* some time ago. He remembered having a conversation with some members of the Police Force in Bendigo, and they pointed out that the allowance of 1s. 6d. per day they received when bringing a lunatic prisoner from a centre in the north to one of the Lunatic Asylums in Melbourne, was not only inadequate to obtain refreshments for the person in charge, but did not enable them to pay for their own sustenance. He had a case in his mind where in the height of summer a lunatic, who was of a fractious nature, was sent down to Melbourne in charge of an officer. It necessitated great bodily exertion on the part of the officer to control the lunatic, and the consequent exhaustion of the patient and the officer was of such a character that the officer was unable to leave the patient at the wayside station to get refreshments. He (Mr. Glass) was on the train at the time. The officer had to leave Bendigo in the morning at ten minutes to 6 to bring this very fractious lunatic to the asylum, and received an allowance of 1s. 6d. It was necessary that the lunatic should have some refreshment by the wayside, even though it was only a cup of tea and a sandwich, which was provided by the officer. Usually the cost of the refreshments for the patient was a third of the small sum allowed the officer by the Department. When the policeman delivered the person of whom he had charge at the asylum he had not only to make provision for himself, but also had to get back again to Bendigo within eight hours, because if he did not do so he would get no further allowance. That was not a humane principle at all, and in his opinion some slight increase should be made in the travelling allowance for policemen, particularly when they were travelling with lunatics. The honorable member for Dundas had spoken with regard to the allowance paid to some of the men on special duty in the country, and the position was a particularly hard one where they had to go about investigating crimes, as recently happened in the northern part of the State, in one case which came under his (Mr. Glass's) knowledge, where a charge of horse stealing was laid and maintained against a man. The constable who effected the capture was practically on his trial, as he was trying to win his spurs as a plain-clothes officer. The constable had to go from Bendigo, to the north of the State, to conduct the investigation, which was of somewhat an important nature, and which required a good deal of time. The circumstances were such that he was compelled to

disassociate himself from the police officers in the district in question, so that he would not be known to the person to be arrested. He (Mr. Glass) was given to understand that the allowance in this case, and the expense which it was necessary for the man to incur, were altogether disproportionate. It had been pointed out to him since that if the constable had made his claim under a different section it might have been allowed. The constable had done good service in tracing and convicting the horse thief, and he had been placed under the disability of having to maintain his home and family in Bendigo while doing special duty which left him out of pocket. He (Mr. Glass) was sure the Chief Secretary and Parliament did not expect policemen to be under any such disabilities. He thought when the Chief Secretary looked into the matter, as he had promised to do, he would find that there were a number of similar cases to those which he (Mr. Glass) had mentioned. With regard to the position of the police when they were on their holidays, he wished to support what the honorable member for Abbotsford and the honorable member for Albert Park had said. It would be a small thing to give the policemen, when on leave, an opportunity of travelling at ordinary holiday rates. Even if the Railway Department had to be recouped by the Police Department the money would be well spent, because at the times of the greatest aggregation of people in the large centres not only the police stationed in the centres but those in outlying districts had to go on duty, no matter at what inconvenience to themselves, or whether they were being visited at those times by relations. Sometimes the policemen were given their holidays at times they did not wish to have them, and they had to travel on the railways as ordinary individuals paying the full fare.

Mr. McCUTCHEON said there were two matters in connexion with the Police Department to which he would like to draw the attention of the Chief Secretary. The first was with regard to the number of men employed. In the constituency which he represented, the number of constables, so far from having been increased with the increase of population, had been reduced. The consequence was that there was not sufficient police protection for the inhabitants. When he applied to the Chief Secretary and to the Chief Commissioner of Police in regard to this matter inquiry was made, and the answer given was that the Department was prepared to bring the number of men in St. Kilda up to the proper standard, but that the men were

not available. He knew an application was made some time ago to the Treasury for increased provision for fifty more men, but that application had not been granted by the Treasury. It was necessary to look to both the Chief Secretary's Department and the Treasurer's Department in this matter if any redress was to be obtained. If the Treasury refused to find sufficient money to employ the necessary number of constables the Chief Secretary's Department could not be blamed. With an overflowing Treasury, such as there was at present, honorable members ought not to have to ask for proper police protection for their constituencies, but it should be granted in advance by the Ministry. He trusted the Chief Secretary would draw the Treasurer's attention to this matter. The time had come when there should be a sufficient increase in the police force to enable a proper number of men to be stationed in the suburbs. Some honorable members had requested that the members of the Police Force should be allowed railway concessions when on their holidays, but the thing that surprised him (Mr. McCutcheon) was to find that the wages of a policeman were only 6s. 6d. per day, whereas it was agreed not long ago that labourers in the Government employ should be paid 7s. per day.

Mr. MURRAY.—The police wages are provided for by law.

Mr. McCUTCHEON said that was so, but it did not matter whether they were provided for by law or not, because if the law provided too little, it was the duty of honorable members to get it altered. Would any reasonable man, coming as a visitor to this country, imagine that a labourer in the Government employ received 7s. a day and that a policeman, with all his duties and responsibilities, received 6d. per day less? He admitted that the members of the Police Force certainly did receive free lodging, but, even then, it could not be said that they were sufficiently recompensed. He would remind honorable members that the occupation of a policeman was anything but an easy or safe one. A police officer belonged to a semi-military force, and took all the risks of belonging to a semi-military force, yet his wage was only 6s. 6d. a day.

Sir ALEXANDER PEACOCK.—This is only when he is serving his apprenticeship. He is not much good when he goes in as a recruit. He is taken in and taught, and paid 6s. 6d. a day.

Mr. McCUTCHEON asked how long were the men kept on at 6s. 6d. per day?

Sir ALEXANDER PEACOCK.—Until they are passed out for duty.

Mr. McCUTCHEON said the wages paid to the police were low. He thought that in the Police Department, as well as in the Education Department, the Government ought to get rid of the national disgrace of sweating its employes, and he would be very glad to see the Cabinet take this matter into consideration and fix some reasonable wage for policemen. The duties of the police had been enormously increased during the last few years.

Mr. KEAST.—See how we are coming on in this corner.

Sir ALEXANDER PEACOCK.—See how Kyabram is being forgotten.

Mr. McCUTCHEON said no doubt he would be accused of having a brief for the police, as he had been accused of having a brief for the Victorian Employers' Federation.

Mr. ELMSLIE.—If any one else speaks about anything you charge him with holding a brief.

Mr. McCUTCHEON said he had not charged any one with holding a brief.

Mr. ELMSLIE.—You did in connexion with the tramway employes.

Mr. McCUTCHEON said he had never used the words. Owing to the duties which had been imposed upon the police during the last few years, they expected a really good class of men in the force. Honest, superior, reliable men were expected, and men of this description could not be obtained unless fair wages were paid. If really good men were wanted in a Government Department they should be given good salaries. If a public officer were ground down he might be tempted to make money in a way that was not good for the State. Let them then remove all temptation and pay their officers properly. He thought he had the approval of the House in this matter, and he hoped the Chief Secretary would consider the addition to the number of police in the suburbs and the rates of pay of the lowest-class members in the force.

Mr. BENNETT.—Move for an extra sixpence to be paid to policemen.

Mr. McCUTCHEON said he did not think he could move an addition to the Estimates.

Mr. BENNETT.—It would be the honest way to do it.

Sir ALEXANDER PEACOCK.—We don't want a sixpenny crisis.

Mr. McCUTCHEON said if the Government brought down a proposal for such an increase, he would vote for it. He could not

move an addition to the vote, but he would support the honorable member for Richmond if he brought forward a motion on the subject.

Mr. PRENDERGAST said after the eloquent speech which they had just listened to, with regard to the pay of the police, he supposed that the honorable member for St. Kilda would vote in the same direction when the treatment of the tramway employes came up for consideration.

Mr. McCUTCHEON.—I will not make a rash promise.

Mr. PRENDERGAST said it was the first time he had heard the honorable member for St. Kilda stand up for better pay for the men. Considering the duties the police had to perform, they should be limited to six days' work a week, and the pay they should receive for that work should be sufficient to keep them. He hoped that the honorable member for St. Kilda would not consider only the position of one section of the community, but would vote for a reasonable wage being paid to tramway, as well as all other employes. The police were entitled to fair payment, and so were the bakers when their case came up for consideration.

Mr. McCUTCHEON.—Did the honorable member not remember that I said the tramway men were paid too little, and I used my influence to help them get more?

Mr. PRENDERGAST said if the honorable member for St. Kilda wished the police to be paid more he could follow the usual procedure. The honorable member could move to reduce the vote by a pound as an indication that sixpence a day extra should be paid to policemen. Mouth talk was all very well, but honorable members on the Opposition side of the House would like to see something effective done. The honorable member for St. Kilda said if the Government would propose an increase in the pay of the police he would support them. The Chief Secretary, however, did not want a sixpenny crisis, and he did not think anything would be done by the Government to precipitate the question of increased pay to the Police Force. The honorable member for Abbotsford had been eloquent about Studley Park, and the honorable member for Albert Park had talked about Albert Park, but what about Royal Park? There was not enough income to build roads through it, and he would like to see provision made for that. In connexion with the Police Force, there was the question of holidays.

Sir ALEXANDER PEACOCK.—The police never waited on me at all in the matter.

They went straight to the Premier, who laid down a policy. I have not heard a word from them.

Mr. ELSLIE.—They went to the Premier as Minister for Railways, to get a concession from the Railway Department.

Sir ALEXANDER PEACOCK.—Very clever.

Mr. PRENDERGAST said no doubt the police would rectify the position and wait upon the Chief Secretary. The honorable gentleman should give them an opportunity of getting the holiday. The police were entitled to a certain amount of time to themselves. The same question cropped up in connexion with the Lunacy Department. There was "reserve" time amounting to eighty or ninety hours a week. The employes might not be doing much, but they had to be on hand in case they were wanted. The police in barracks might be called upon at any time, and they could even be summoned from their beds, so they had really to be ready for duty whether they were awake or asleep. There was the question also of sleeping quarters in Russell-street. He would ask the Chief Secretary to see that when one constable was on duty during the day another constable who had been on duty at night should not be occupying the same bed and *vice versa*.

Mr. WARDE.—Keeping it warm.

Mr. PRENDERGAST said it was going a little bit too far, and the practice should be stopped. Restrictions were placed upon good policemen in connexion with their confinement to barracks during the night time. He hoped the Chief Secretary would see that such men got a little more freedom according to their reputations. Recruits might be subjected to stricter supervision. It was a mistake to impose the military system in connexion with the Police Force. The best officers in the Police Force were not those who went spying behind corners to see what the men were doing, but those who trusted their men. The latter class of officers got better work from the men on beat under them than officers who went in for the military half spy system. He hoped the Chief Secretary would give consideration to the points which he had referred to.

Mr. LANGDON said he could not make out why comparisons between the agricultural colleges were introduced. It was simply absurd to imagine that the soil at Dookie was like that at Longerenong. He thought practical men would have known a little better. He would certainly advocate a national park at Dandenong for the conservation of our native

game. He was strongly in favour of such a provision being made. As the summer was coming on he would like the Chief Secretary to see that the police were instructed to look out for bush fires. He had taken a great interest in this direction. Unfortunately, the northern and north-eastern portions were short of grass, but in the North-Western District there had been a splendid season and things were looking excellent. He was there the other week, and realized that every protection against fire should be taken. He therefore hoped that the Chief Secretary would see that instructions were issued to the police in this connexion. He wished to direct attention to the desirableness of agricultural statistics being collected early. It was very important, seeing that there had been a partial failure in the crops and a splendid yield in some districts, that reliable statistics should be prepared as soon as possible in the interests of the producer as well as of the merchant and the consumer.

Sir ALEXANDER PEACOCK.—I will attend to that.

Mr. TOUTCHER said he strongly supported the requests of previous speakers for deserving concessions to the Police Force. The expenses allowed for travelling were most meagre and beggarly. He had brought one case under the notice of the Chief Secretary where a man in a responsible position, the clerk to the superintendent, was allowed two shillings a day when he was relieving in another town, and had to leave his home and wife and family. That would not provide him with three sixpenny meals and a shilling bed. It was a beggarly pittance, but no increase had been made when it was brought under the notice of the Chief Commissioner of Police. In view of the multifarious duties which had been heaped upon the police by various Acts of Parliament some consideration should be given to them. He hoped the feeling of honorable members on this point in connexion with the police would not result in a sixpenny crisis, but if a vote were taken, and there was no question of embarrassing the Government, there would be a large majority in favour of deserving consideration being extended to the force. The superintendent of police at Stawell was charged £90 a year for his quarters, which were estimated by the town clerk at £31 per annum. The superintendent had therefore practically to pay £60 out of his own pocket. Stawell and Maryborough were, he believed, the only towns where the superintendents were saddled

with such a burden. At the former place the officer was practically exiled. He had to live at Stawell West, where he was not in touch with the town. Some time ago the Stawell Borough Council offered the Government the use of a room at the town hall, in order that the police might carry out their duties there. It was a more central locality, and would be a great convenience to residents. At present, however, the police had to carry on their business at Stawell West, which was about 2 miles from the business part of the borough, and people were put to a lot of trouble and inconvenience. The superintendent could get a decent house in the middle of the town for a pound per week, so that as he was charged £90 for the present quarters he really had to put his hand into his pocket and pay £40 more than he should. It was an unjust demand, and it was not surprising that an officer should desire to get away from Stawell in those circumstances. Since he (Mr Toutcher) had represented the district every superintendent of police there had been anxious to go to some other place, and escape that tax. It was not a proper thing that a man in such a responsible office should be kept in a state of dissatisfaction with his surroundings. He hoped the matter would be looked into.

Mr. McCUTCHEON said he must decline the suggestion of the leader of the Opposition, that he should move for a reduction of the vote. If such a motion were carried, it would practically be a vote of want of confidence, but it would not be carried. The leader of the Opposition was, therefore, disingenuous in stating that he (Mr. McCutcheon) could give effect to what he desired by adopting such a course. He (Mr. McCutcheon) was sorry that he had poached upon the preserves of the leader of the Opposition. These were things, however, which he declined to treat as preserves.

Mr. GLASS said he saw that there was provision for £100 for law costs incurred by the police. Some prosecutions under the Gaming Act were launched a few weeks ago in the district which he represented. He had no sympathy with persons who broke the law, but comment had been made on the method of prosecution in these cases, and the manner in which convictions were secured seemed a trifle doubtful. One man was arraigned on four charges, all of which had been the result of five minutes' negotiations with an individual, who it was stated in Court had been specially retained by the police for this purpose.

Sir ALEXANDER PEACOCK.—This is a general vote in connexion with law expenses where policemen have to undertake cases.

Mr. GLASS asked if it might not refer to the case of men who had to do underground work to secure the conviction of a person?

Sir ALEXANDER PEACOCK.—No.

Mr. GLASS said he would like to know if there was not a special allowance?

Sir ALEXANDER PEACOCK.—I do not know of any such case, but I will make inquiries.

Mr. GLASS said if the police had to import persons into the service to do the underground work to enable charges to be launched in any shape or form, it was introducing a reprehensible feature into their work.

Mr. ANSTEY said it amused him to hear the honorable member for St. Kilda and the honorable member for Stawell advocating things which they did not intend to vote for.

Mr. TOUTCHER rose to a point of order. He said he would like to know if the honorable member for Brunswick was in order in charging any honorable members with insincerity, and advocating things they did not believe in? Perhaps the honorable member for Brunswick was speaking for himself, and was a bit mixed.

The CHAIRMAN.—The honorable member must not impute motives to other honorable members.

Mr. ANSTEY said if he had not to withdraw the statement, he would stick to it. If a majority of honorable members behind the Government wanted an increase in the pay of the police they could easily get it, or secure half-a-dozen men to take the place of those in office. It was purely piffle to talk in a certain direction, and when it came to a vote to go against it every time. Honorable members behind the Government were in the majority, and if the Government would not carry out their desires they could pick another lot of men who would. Honorable members talked about not being pledged.

Mr. TOUTCHER.—I am not bound by a pledge.

Mr. ANSTEY said the honorable member for Ararat was bound by a hard pledge to vote against his conscience and against his principles.

Mr. TOUTCHER.—There is one thing, it is a clean conscience.

Mr. ANSTEY.—How about that five hundred quid? He had no desire to embarrass the Government, but he proposed to move that the vote be reduced by one pound as an indication to the Government that the pay of the police should be raised.

Sir ALEXANDER PEACOCK.—May I suggest that you should not do so at this stage, but defer it until the Estimates are reported.

Mr. ANSTEY said he had no desire to annoy the Chief Secretary, and he would agree to the suggestion.

The vote was agreed to.

Sir ALEXANDER PEACOCK said that the previous evening he promised the House that after the dinner hour this evening he would go on with the Factories and Shops Act Amendment Bill, as the Government and honorable members were anxious to get that Bill to another place as soon as possible. He, therefore, begged to move—

That progress be reported.

The motion was agreed to, and progress was reported.

GEELONG MUNICIPAL WATERWORKS TRUST BILL.

This Bill was returned from the Legislative Council, with a message intimating that they had agreed to the same with amendments.

The amendments were ordered to be taken into consideration on the following Tuesday.

ALEXANDRA-ROAD TO ALEXANDRA RAILWAY CONSTRUCTION BILL.

This Bill was returned from the Legislative Council, with a message intimating that they had agreed to the same with amendments.

The amendments were ordered to be taken into consideration next day.

FACTORIES AND SHOPS ACTS AMENDMENT BILL.

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

Mr. McGRATH proposed the following new clause:—

H. (1) Section 6 of the principal Act is hereby repealed.

(2) The Factories and Shops Acts and all determinations thereunder shall (subject to the provisions of section 8 of the Factories and Shops Act 1905) have full force and effect throughout the whole State of Victoria.]

He said his object in proposing the repeal of section 6 of the principal Act was that the determinations arrived at by Wages Boards should extend to all parts of Victoria, and should not be limited as at present to the metropolitan area, cities, towns, and some boroughs. As a country representative he believed that our industrial legislation should be uniform. He failed to see why the

workers in the country, who had to pay any increased price which manufacturers put on a commodity in consequence of the determination of a Wages Board, should receive no benefit from the operation of the Factories Act. He also desired, if section 6 of the principal Act was repealed, as he proposed, to eliminate from the repeal those portions which were contained in section 8 of the Factories and Shops Act 1905. That section provided—

Nothing in this Act shall apply to creameries, butter and cheese, concentrated and condensed milk factories, or persons engaged in dairying and in agriculture, or in horticulture, viticulture, or pastoral pursuits in any shire, town, or borough outside the metropolitan district, as defined in this Act.

Therefore, if his amendment was carried, honorable members would understand that the industries mentioned in section 8 would still be exempt from the operation of any Wages Board determination which might be made. The effect of his proposal would be confined principally to extending the operation of Wages Board determinations to many boroughs which did not receive the benefits of the existing factories legislation. He was very anxious that there should be uniformity in this matter, and he would point out when the question of compulsory purchase was before the House the honorable member for Warrnambool pleaded very strongly that the great principle of compulsory resumption should not be partial in its application, but should be made to apply to the whole of Victoria. He (Mr. McGrath) had heard no argument from those who were opposed to factories legislation being extended to the country to convince him that it would be injurious to country interests or country industries were such legislation extended to it. He would remind honorable members that this was not new legislation. It had been in operation for many years in Victoria, so that it could not be said to be in its experimental stage.

Mr. WATT.—You say you want to extend it to boroughs?

Mr. McGRATH.—Yes.

Mr. WATT.—You are cancelling the clause which does extend it to boroughs.

Mr. McGRATH said that factories legislation only extended to a few boroughs, and he desired that it should be extended to all boroughs. There were many boroughs to which the Wages Boards determinations did not extend at present. Of course, there were some boroughs which were specifically mentioned which came under the operation of the Act, such as the borough of Buninyong,

to which he had recently alluded in connexion with the tannery question. The Act automatically extended to those boroughs, and yet many others were excluded from its operation. He failed to see why, because a factory was situated in a shire, a sweating rate of wages should be paid any more than in a factory in the metropolitan district. Indeed, he could confidently appeal to those honorable members who represented metropolitan electorates to acknowledge that this was unfair competition with the factories in metropolitan districts, as it enabled the factories to which the Wages Board determinations did not extend to pay a lower rate of wages. He hoped that section 6 would be repealed, and he would remind country members that, as he had already pointed out, section 8 of the principal Act would provide that creameries, butter and cheese, concentrated and condensed milk factories, or persons engaged in dairying, or any of the other pursuits mentioned in that section would be exempted from the operation of the Act.

Sir ALEXANDER PEACOCK said that the other evening an amendment was proposed by the honorable member for Fitzroy, in clause 8, by which the honorable member wished to insert the words, "or in any specified indoor or outdoor trade or calling, or employment, otherwise than in any profession." That gave power for the creation of Wages Boards in any indoor or outdoor calling or employment. That proposal was negatived by the Committee, but the present amendment went very much further. It proposed to extend the whole of the provisions of the Factories and Shops Acts to all parts of the State, and also the determinations of all the Wages Boards that were in existence. The Government could not accept such an amendment. There were many reasons why it would be unwise even in the interests of those who were benefited by the present Act to attempt to make such an extension. He was one of those who believed that legislation of this kind could only be extended gradually, and that people must be gradually educated with regard to it. He believed that if this clause were adopted it would excite more hostility to factory legislation than any other step that could be taken. There were factories now in the country districts, but their principal trouble was with regard to railway freights. The cost of living was very much less in the country districts than in the metropolitan area, and rents were very much lower. To extend the

determinations of all the Wages Boards to these country districts without any general demand on the part of the public would, he believed, prove fatal to the legislation already on the statute-book.

Mr. J. W. BILLSON (*Fitzroy*) said he was sorry the Chief Secretary could not see his way to accept the new clause. The honorable gentleman referred to an amendment which he (Mr. Billson) had moved, and which was vetoed by the Committee, but as a matter of fact, the two things had no connexion whatever. The amendment he moved gave permission for all those trades not already enjoying Wages Boards to have Wages Boards appointed, on giving proof to the Chief Secretary that they were being sweated. The present clause merely extended the determinations of the Wages Board to country districts in those trades that were already enjoying the benefit of factory legislation in the towns and cities. It did not propose to bring in any new trades. The Chief Secretary said that in the country districts living was very much cheaper. As a matter of fact, rent was cheaper in the country, but living was dearer.

Mr. WATT.—Where?

Mr. J. W. BILLSON (*Fitzroy*).—In nearly all the country districts. The produce which had to be carted from Melbourne to the country districts was sold dearer in the country than in Melbourne.

Mr. WATT.—Some produce is.

Mr. J. W. BILLSON (*Fitzroy*) said that nearly all the produce consumed in the home was cheaper in Melbourne.

Mr. TUNNECLIFFE.—Even butter and eggs are cheaper in the city than in the country.

Mr. WATT.—Rubbish!

Mr. J. W. BILLSON (*Fitzroy*) said he had had occasion to visit the country a good deal lately, and found the produce consumed in the household was dearer in the country than in town. This opened up an important question, because this Ministry a little time ago declared against centralization. What they desired was to make the country districts so attractive that the population in the country might remain there instead of coming into the city. The object of this new clause was to enable operatives in the country to earn as much as they could earn in town, so that they might remain in the country. There was another important fact connected with this question. The Chief Secretary mentioned the question of railway freights, but the railway freights on the various items used by country manufacturers were very

small. The goods they manufactured were brought into the city and distributed in bulk, and the freight formed a very small item compared with the wages sheet. Manufacturers in the country had an advantage over those in the town. Manufacturers in town had to pay increased rents for their factories.

Sir ALEXANDER PEACOCK.—I think all the factories are shifting from the country into the town, except where they have brick buildings.

Mr. J. W. BILLSON (*Fitzroy*).—Why?

Sir ALEXANDER PEACOCK.—Because of the railway freights and other disadvantages.

Mr. J. W. BILLSON (*Fitzroy*) said he knew a couple of firms which had come from the country into the town. One was Niven & Co., printers, who declared that they had been driven from Ballarat by the determination of the Wages Board. As a matter of fact, up to that time the Wages Board determination had never applied to that particular firm.

Sir ALEXANDER PEACOCK.—I was about to point that out.

Mr. J. W. BILLSON (*Fitzroy*) said the other case was that of the proprietor of the Sunshine Harvester works, who moved from Ballarat to Braybrook and announced that the Factories Act had driven him from Ballarat. As a matter of fact, again, the Factories Act never applied to him. He was simply making it an excuse, and many of these excuses had no foundation in fact. It was merely a desire on the part of certain employers to break down the little protection which the employés enjoyed.

Mr. WARDE.—That man saved £4,000 a year in railway freights by the change.

Mr. J. W. BILLSON (*Fitzroy*) said a good deal was heard about town *versus* country, and he was afraid that legislation of this character which was restricted in its operation would do much to foment the jealousy which existed. If our laws were made more uniform, and gave the same protection to the country worker as to the town worker, matters would be placed on a much better footing. He knew it was asserted by country members that people in the country were not anxious to have this legislation extended to them. This was not his experience. So far as the workers were concerned they were looking forward to the time when they would get the benefit of all this legislation. He hoped that if this clause was not adopted the country workers would continue to agitate until they obtained such representation in Parliament as would secure for them an ex-

tension of the protection to which they were justly entitled.

Mr. TOUTCHER said he would like to know from the Chief Secretary the full effect of the proposed clause.

Sir ALEXANDER PEACOCK said that if the clause were carried the whole of the provisions now on the statute-book and in this Bill would be extended to all parts of the State, and the determinations that had been arrived at by all the existing Wages Boards would be applied to the whole of the State.

The Committee divided on the proposed new clause—

Ayes	...	...	...	18
Noes	...	...	...	30

Majority against the clause ... 12

AYES.

Mr. Anstey	Mr. Prendergast
„ Beazley	„ Sangster
„ Bennett	„ Smith
„ Bromley	„ Tunnecliffe
„ Elmslie	„ Warde
„ Glass	„ Wilkins.
„ Kirton	
„ McGrath	
„ Membrey	
„ Outtrim	
	<i>Tellers :</i>
	Mr. J. W. Billson
	„ Lemmon.

NOES.

Mr. Bayles	Mr. Mackey
„ Beat	„ Mackinnon
„ Boyd	„ McCutcheon
„ E. H. Cameron	„ McKenzie
„ J. Cameron	„ Murray
„ Carlisle	Sir Alexander Peacock
„ Downward	Mr. Robertson
„ Duffus	„ Stanley
„ Farrer	„ Swinburne
„ Forrest	„ Toutcher
„ Gurr	„ Watt
„ Harris	„ Weedon.
„ Hutchinson	
„ Keast	
„ Langdon	
„ Livingstone	
	<i>Tellers :</i>
	Mr. Argyle
	„ Lawson.

PAIR.

Mr. McGregor.

| Mr. Hunt.

Mr. LEMMON proposed the following new clause (to follow clause 28) :—

I. (1) No employer shall without the previous sanction in writing of the Minister of Labour dismiss or discharge from his employment any person who is a member of a Special Board.

(2) The burden of proof that a member of a Special Board has not been dismissed or discharged because he was such member shall in all cases be on the employer.

(3) Any employer who is guilty of a contravention of this section shall be liable on conviction to a penalty not exceeding fifty pounds, and shall also be liable to pay to the member so dismissed or discharged special damages for loss of employment.

He said this proposal was designed to protect the representatives of the employes on the Wages Boards. One unfortunate phase of industrial legislation had been that whilst the Government had called upon the representatives of the employers to take their places on the Boards, it was found that in many cases unfortunate employes representing their fellow-workers were sacked by the employers and boycotted in the trade. That took place particularly in connexion with the bone-dust trade. Three men on that Board were sacked, and he recollected endeavouring to organize the men for the purpose of trying to get three of them to come forward and take the vacant seats. For nearly two years that Board was hung up, and no work could be done, simply because it was impossible to get representatives of the employes to take the vacant seats for fear of being dismissed and boycotted. There was a similar case in connexion with the butchers' trade. One of the representatives of the employes on the Butchers Board had been working for years for a master butcher in the country, and when it became known that he had voted with his fellow employes to advance the interests of the men he was sacked from the country shop, and he journeyed to Collingwood, where he got employment in another shop. His old employer happened to pass by the Collingwood shop, and, strange to say, within a few weeks the man was dismissed from that shop. Four men out of the five on that Board were discharged, and were unable to get employment for a considerable time. The fifth man was the secretary of the union, and could not be discharged because the employes were his master. That was brought out in evidence before the Royal Commission, when the secretary of the union stated that one of the men who was discharged was in the same employ for six years, and that it was peculiar that he should become incompetent all at once; he was discharged and came down to Melbourne, and as his employer from the same town in the country came down to Melbourne, this man was discharged from the same place in Melbourne also. The secretary stated that that was very suggestive, although it was very difficult to prove these things. He had a letter from the secretary of the Tanners' Union, who made a similar statement. Every member of the employes on that Board was discharged. The secretary stated that he had been working for years for one firm, and it was because he was a member of the Board that he lost his place. The same

Mr. Lemmon

thing occurred in connexion with the Jam Board. In connexion with the starch trade, there was one man who did more than any one else to bring about the revelations. That man did his best to advance the interests of his fellow employes, and took a very active part in collecting evidence concerning the industry, but because he would not sign a petition glorifying Mr. Harper on his return to the State that man was told that he was no longer required, and was discharged. In New Zealand a case came before the Arbitration Court where three bootmakers, because they had given evidence and had taken a prominent part in organizing their trade, had been discharged. The attention of the Judge was called to the matter, and he found that the employer was guilty of a breach of the Act, and he was compelled to reinstate them. There was another case in New Zealand in connexion with the wax-match makers. One of the girl employes who took an active part in organizing the trade lost her place, and on the matter being brought before the Arbitration Court the employer was punished. It was hardly necessary for him to give any other cases showing where intimidation had been used because the men had answered the call of Parliament in taking their seats on the Wages Boards. A deputation of employers to the Premier took exception to this new clause because they said that the members of the Wages Boards should not be agitators. That statement was a justification for the clause, because of necessity the duty of the men on the Wages Boards was to endeavour to obtain all the information about the industry in order that they might properly represent their fellow employes on the Board. This was ample justification for giving this reasonable protection to the employes who were carrying out a very important duty.

Mr. MURRAY said he wished the Chief Secretary to explain what position he took up on this proposal. It did appear that the members of the Wages Boards required legislative protection in some form or another. They must be protected against being discharged merely because they did their duty. We prided ourselves on protecting all our courts, whether the Supreme Court, County Court, Police Court—

Mr. WATT.—And the Appeal Court.

Mr. MURRAY.—Yes. The Wages Boards were, after all, much the same as Courts, though not perhaps of a very high jurisdiction.

Mr. WATT.—How can you compare them with Courts?

Mr. MURRAY said they had to take evidence and arrive at their decisions on that evidence. The clause might be going a little too far, and might make it almost impossible for a master to discharge a servant who might not be doing his duty. It might have the effect of making a servant presume upon the immunity from discharge that the clause would give. Not alone did the employés on the Board require protection, but the witnesses who gave evidence also required protection. If a master did not hesitate to discharge a man who was selected to represent the workers on the Board he would not hesitate to deal with witnesses who gave evidence which might affect the decisions of the Board. It was a question as to what form the protection should take, but both the witnesses and the members of the Boards deserved protection.

Sir ALEXANDER PEACOCK said the honorable member for Warrnambool had pointed out the difficulty that he (Sir Alexander Peacock) foresaw. He understood the object of the clause, but the effect of it would be dangerous to the employés. There was only suspicion in regard to a few cases. There were over 400 members of Wages Boards, and he had not heard of any serious complaint.

Mr. ELSLIE.—What is the good of complaining when there is no remedy?

Sir ALEXANDER PEACOCK said that the proposition submitted would have the opposite effect to that desired. Would it be right to place the employer in a position in which he could not dismiss a man who had proved himself to be a duffer simply because that man was on a Wages Board? If there was a section of employers who would do what the honorable member for Williamstown had stated, they would not wait until the man was appointed to dismiss him, but they would dismiss him as soon as he was nominated for appointment on a Board. There was no provision for that.

Mr. McGRATH.—The man is sacked for the work he does on the Board.

Sir ALEXANDER PEACOCK said there might be a few cases, but he was sure that this proposal would have the effect of greatly hampering the proceedings of the Board. He understood the difficulty that the honorable member had in mind, and what the honorable member was trying to cure.

An HONORABLE MEMBER.—Try to meet it.

Sir ALEXANDER PEACOCK said he would consult his colleagues whether any

means could be adopted in connexion with this matter. He would make inquiries with regard to similar legislation elsewhere to see whether any means could be devised to meet any possible case. With regard to the present proposal, he was afraid it would have the opposite effect to what was intended.

Mr. WARDE.—When shall we have an opportunity given us of considering the matter?

Sir ALEXANDER PEACOCK said the matter could be considered on the third reading or the report stage.

Mr. LEMMON stated that he would withdraw his amendment.

Mr. WATT observed that, of course, it was a common practice for Ministers to conciliate honorable members by promises to consider proposals, but was the Chief Secretary prepared to admit the statement of the honorable member for Williamstown that there was great danger of employés on the Boards being subjected to inflictions and penalties? Was that admitted by the Minister?

Sir ALEXANDER PEACOCK said he knew of a case where the employers on a certain Board had asked him to call upon a certain employé to withdraw from the Board, and he had refused to do any such thing.

Mr. LEMMON.—The Bone-dust Board was hung up for two years, as representatives could not be got.

Sir ALEXANDER PEACOCK said he did not remember the case. In the case he was alluding to, the employers virtually wanted to dictate to the employés as to whom they should elect, and wanted to dictate to him as to whom he should appoint.

Mr. J. W. BILLSON (*Fitzroy*). — I brought up some cases four years ago of dismissals of men who were on Boards.

Sir ALEXANDER PEACOCK said he did not know of those cases. He was going to consider the point with regard to the protection of men who were elected to Boards.

Mr. McCUTCHEON observed that he would like to emphasize the point which had been raised by the honorable member for Essendon. He would rather have left it to honorable members who were not employers like himself to point out these objections, but he could not let the matter pass. He did not know of any case similar to what had been mentioned to-night by the honorable member for Williamstown. He had never heard of it. It had never come to his knowledge directly or indirectly, and he had never seen any mention of it in the newspapers.

Mr. BROMLEY.—You have a lot to learn.

Mr. McCUTCHEON said he was learning more every day. As he had stated, he had not seen anything about the matter in the newspapers, and the Chief Secretary confirmed his statement by saying that he was not aware of anything of the kind. He would join with the Chief Secretary in condemning emphatically any employer who attempted to dictate in any shape or form as to who should be elected to the Boards by employées, and he thought there must be some reason, apart from a desire to dominate over the employées as to whom they should select, for their action in that case. You could bring a horse to the water, but you could not make it drink, and he felt certain that employers could not be made to take on hands or keep hands in their place if they did not desire to have them there. The simple result of insisting on that would be that the conduct of the factory or shop would be handed over to the employé who was thrust upon the employer, and the establishment would then be governed entirely by the men and not by the employer. It would be the men then who would direct the use of his capital and experience, and he would be replaced by the men instead of being master in his own shop. Employers would not submit to that sort of thing, and there would be more industrial fights over this question if the rights of the employers were not respected than were likely to occur over anything else. Here were a number of men who, through their official mouth-pieces in the House, said they would not obey the award of the Appeal Court unless it suited them, and in the next breath they asked the Chamber to pass most drastic penal laws against the employer who would not take or keep a certain man in his employ. Could inconsistency go further than that? All that the employers asked for on the deputation to the Premier and the Chief Secretary, and all they were asking for now in Parliament, was that if the employées would not keep the law the employers also should be left free not to keep the law. Here the Labour Party, representing the employées, were saying that they would not only not keep the law when it did not suit them, but would compel the employer, under most drastic conditions, to keep the law whether it suited him or not. He did not think the Chamber would swallow such a monstrous proposal, and he would venture to predict that the Chief Secretary would not find any means of compelling employers to keep in their employ hands whom they did not want. Knowing the employers as he (Mr. McCutcheon) did, he

could say that they would be utterly opposed to the exhibition of such a spirit as was mentioned by the honorable member for Williamstown. In his own trade the very best relations existed between the employers and the representatives of the employées. In fact, there was almost personal friendship between them, owing to the manner in which the business was conducted; and he thought that would be likely to be the case with most of the Boards, because the men on these Boards had come to their decisions in peace and quietness and by general agreement. As the Chief Secretary pointed out, there had only been five appeals in connexion with 40 or 41 Boards. That state of things could not exist if there was a feeling on the part of the employers against the employées who were on the Boards. He could almost at the present moment give his contradiction to what had been stated. The instances which had been given by some honorable members should be carefully inquired into by the Chief Secretary, and some proof given to him as Minister, or to this House, through a Committee, that the statements were true. If such statements were accepted in good faith by honorable members there would be no end to legislation. None of these statements should be accepted until after careful inquiry by a Committee.

Mr. WARDE observed that the honorable member for St. Kilda stated that the employers had never asked for any protection or any restrictions in connexion with this Act. Whether they had asked for that publicly or privately he did not know, but they had evidently got more protection under the amendments of the Act than the employées had up to the present. Only the other night an amendment was passed, either at the request of the employers or in their interests, giving power to the Minister to suspend the determinations of Boards. This meant that if one section of a trade determined to improve their position, and forced the issue by a strike, the Minister of Labour, if he was satisfied that a strike existed in that trade, could penalize all the other branches of the trade by suspending the determination of the Wages Board, and withdrawing the protection that the determination afforded.

Mr. WATT.—Do you think a strike is justifiable under the determination of a Board?

Mr. WARDE said in some instances a strike might be justifiable, but he was not dealing now with the question of whether it was justifiable or not. What he was pointing out was that the employers had got this

protection. The honorable member for St. Kilda stated that they had never asked for it. That might be correct, but he (Mr. Warde) thought that the provision was never put in without being asked for either publicly or privately by the Employers' Federation. That was a protection the employers had got. What protection had been obtained by employes? None at all. If the employes in one branch of a trade did not obey the determinations of a Board it might result in the protection of the determination being withdrawn from the whole of the trade, and yet the employer, because a man sat on the Board, or because of the evidence he gave before the Board, could dismiss that man without being under any penalty or obligation. Did that put the employer and employe in the same position? Was it not giving the employer a privilege, while giving no protection to the men, on whom the employer could vent his spleen if he felt so disposed? The proposition of the honorable member for Williamstown was that if an employer dismissed a man because of the way in which he discharged his duty on the Board in the interest of his fellow workmen, and forgot the financial interest of the employer, there might be some means of imposing a penalty against the employer. The employers had undoubtedly got a benefit, whether they asked for it or not, and there should be some penalty if they abused their powers.

Mr. WATT stated that the argument of the honorable member for Flemington seemed to imply that the men would be justified in striking if they did not agree with the determination of the Board under which they were working. There could be no other deduction. That was tantamount to saying that the men might come to a bargain with their employers and the State when the Board was created, and if they were satisfied with the rate that was fixed they would work under it, and if they were not they would strike.

Mr. ELMSLIE.—What is a Board created for?

Mr. WATT said a Board was primarily to prevent sweating, and, secondly, to prevent strikes. Both parties joined in a compact with the State and each other to try to obviate the unfortunate conditions which formerly existed, and the argument seemed to be that if the employes were dissatisfied with the result they would have a perfect right to strike.

Mr. J. W. BILLSON (*Fitzroy*).—In some circumstances, he said.

Mr. WATT said he would ask in what circumstances would the men in that case be justified in striking?

Mr. ELMSLIE.—If the employer sacked a member of the Wages Board, I would strike in a moment.

Mr. WATT said such gentlemen were inciters to strikes when they tended to make men think about striking instead of following the normal course of industry, and earning the wages fixed by the Board. If the honorable member for Williamstown could show that there was some reason to believe that there had been a vindictive set by some of the employers against some of the members of the Boards, then those members should receive some measure of protection.

Sir ALEXANDER PEACOCK.—That is right.

Mr. WATT said the trouble was that the Chief Secretary, or any other Minister, in order to conciliate criticism and get his Bill passed, frequently made promises to consider points which were raised, and if there was no protest against what was proposed it might be assumed that the Minister promised to do what was asked. There was no objection to the Chief Secretary getting rid of discussion. This provision would never work with any justice to either side, particularly to the employers. It would be unthinkable that the employer of a member of a Wages Board would have to go to the Minister, and explain first of all that he wanted to dismiss the man because he was not competent or insubordinate, or because he wished to get a better man. If the man was dismissed, in accordance with sub-clause (2) of this clause the employer would have to explain to the Minister that the man was not dismissed because he was a member of the Board. Because the Minister did not believe the allegation of slowness or cheekiness, or being ginning work late, or drunkenness as the cause of the man's discharge, then the man was to be put back into the work-room or the shop, and that man would be a force for insubordination and disaffection every time he went into the shop. In framing provisions to meet the case of men who might be threatened by vindictive employers, the Minister would meet with many practical difficulties of that kind.

Mr. McCUTCHEON said he felt satisfied that the employers did not wish to do anything that was unfair. He believed they would agree that if any case of the kind mentioned was found to be true, the Minister should have the power to nominate another member of the Board in the place of the man who was dismissed. He presumed

honorable members were not there for the purpose of trying to disagree. They were there to try if they possibly could to find a way out of the difficulty. He was equally strong with the honorable member for Williamstown in condemning any man who would act in that way towards one of his employes, because of his being a member of a Board, but one had to be satisfied first of all that that was done, and then one would have to find a means of stopping it if possible. He thought if the Chief Secretary would go into that, first being satisfied that this was done, and then finding some means of providing a substitute whom the employer could not discharge, it would be coming to practical work.

Mr. J. W. BILLSON (*Fitzroy*) remarked that the honorable member for St. Kilda suggested that in the event of a member of a Board being dismissed because of his being a member of the Board, the Minister should have power to nominate another man in his place. That meant that the man whom the workers desired to represent them on the Board might be dismissed, and that a man whom they did not wish to represent them might be nominated by the Minister and might represent them.

Mr. McCUTCHEON.—He would do it in consultation.

Mr. J. W. BILLSON (*Fitzroy*) said he was satisfied the honorable member for St. Kilda desired two things—first of all, that the best evidence should be brought before the Board that it was possible to obtain in order that its decisions might be correct, and, secondly, that the men who went there to give evidence should have all the protection that could legitimately and rightly be afforded them. At present there was either this protection or there was not this protection, and either men had been victimized or they had not been victimized. The Chief Secretary, in his opinion, had taken the proper course. The honorable gentleman asked that the clause should be adjourned, and said he would consider the matter. The honorable gentleman asked that evidence should be brought to him to show that men had been victimized on account of their having been members of a Wages Board. The honorable member for St. Kilda and the honorable member for Essendon had pointed out that a man might become a member of a Wages Board and commit all kinds of acts, but because he was a member of the Board the employer would have no power to dismiss him. Such an idea was absurd. It was foreign to the intention of members on the

Opposition side of the House. All they desired was that the employer should have the same control over his employes as at present, with the exception that an employe should not be dismissed or victimized simply because he happened to be elected as the representative of his fellow workmen on a Wages Board, or because he gave evidence which the employer did not desire should be given to the members of a Wages Board. A little while back he (Mr. Billson) mentioned a number of cases of the kind, and had affidavits to prove the statements if they were challenged, but those statements were not challenged. He believed some evidence could be obtained to satisfy the honorable member for St. Kilda and the Chief Secretary.

Mr. McCUTCHEON.—Not for me.

Mr. J. W. BILLSON (*Fitzroy*) said if any honorable member was doubtful on such a point, evidence should be made available to guide him in his vote. While he (Mr. Billson) was a member of the Wages Board in his trade, he was employed by two firms. Two better employers no one could wish to have. They provided him with every facility to attend the meetings of the Wages Board, and rather helped than hindered him. He had nothing to complain of regarding his employers, as they assisted in every possible way to allow him the necessary time to sit on the Board. At that time he had to obtain evidence of the conditions prevailing in other factories, and before he could get the witnesses to give evidence he had to enter into a guarantee that if they were dismissed on account of the evidence they gave, he would pay their wages until they secured another job. A union should not have to guarantee that protection to the men, but the Government should have to guarantee it. He did not say that if a man went drinking, wasting the time of his employer, or was insubordinate in the factory, the employer should have to retain him. What the members on the Opposition side of the House said was that in the event of witnesses giving truthful evidence to a Wages Board or a Court, they should have the protection of the law, and it should be provided that their employers should not dismiss them because they gave evidence. There were very few employers who would dismiss a man for that reason. The majority of them would rather respect a man who had the courage to go into Court and speak his mind on things he believed to be true. Honorable members ought to recognise that, while the majority of the employers

were of that disposition, there were some who would, if they could by hook or crook, prevent the conditions obtaining in their factories being exposed. He knew of one factory where, in one room, nearly all the employes used to be men. Now there was only one man and fourteen boys. If that man intended to go to the Wages Boards and say that some regulation of boy labour should take place, because in the room where he was working there were fourteen boys to one man, the employer, if he knew the man was going to give evidence, would tell him that his services would not be required any more, or he would be dismissed without any reason being given. If the Wages Boards were to obtain the best evidence possible, then the House would have to give some protection, not only to the employes sitting on the Boards, but to the witnesses appearing before the Boards. No decent employer—or decent Member of Parliament—would object to that protection being given. The only fear in the minds of honorable members, he believed, was that it might be carried too far.

Mr. McCUTCHEON.—The inspector could always give the evidence about the boy labour.

Mr. J. W. BILLSON (*Fitzroy*) said he would tell honorable members something he knew in connexion with the inspection of a factory in Collingwood. When the inspector went up the stairs he had known certain signs to be given, and the boys were hidden away. On one occasion a little fellow was put into a barrel and a nail in the barrel stuck in his side. The youngster cried out, and the inspector said, "What have you got here?" The inspectors did their level best, but there were some very tricky men inside factories.

Mr. WATT.—Give us the name of the factory and the date of the occurrence.

Mr. BENT.—Instead of that I would like to get on with the clause.

Mr. J. W. BILLSON (*Fitzroy*) said he was prepared to do his best to help the passage of the Bill because he believed members would carry the clause, which would reasonably carry out his wishes. He did not desire to injure any decent manufacturer.

The new clause was withdrawn.

Mr. LEMMON proposed the following new clause:—

J. (1) In sub-section (1) of section 91 of the Principal Act after the words "proportionate number of" for the word "improvers" there shall be substituted the words "apprentices or improvers or of apprentices and improvers (as the case may be)."

(2) In sub-section (2) of the said section before the last word "improvers" there shall be inserted the words "apprentices or."

He said the object of the new clause was to give the Wages Boards the power of stipulating the proportionate number of apprentices to journeymen. At the present time the Wages Boards had the power of stipulating the proportionate number of improvers to journeymen, but not of apprentices. In the Act of 1896, the Boards were given the right of determining the number of apprentices, and every satisfaction was given. In 1903, when there was a great outcry against factory legislation, the Parliament elected by the Kyabram movement decided to strike out the word "apprentice," and thus denied the Wages Boards the power of limiting the number of apprentices to journeymen. The cry at the time was that we did not know what to do with our boys. As a matter of fact the proportionate number of apprentices to journeymen fixed by the Wages Boards was of such a reasonable character, that there were not sufficient boys in proportion to the adult population to go round. The figures were worked out, and that was clearly demonstrated. The question of boy labour was a very important one, and he would read to honorable members a leaflet circulated in connexion with the furniture trade. It was as follows:—

You are requested to attend the Trades Hall to consider the following suggestions:—

1.—That the proportion of boys in any factory shall not exceed one to every four journeymen.

2.—That no member of the Union be allowed to teach boys in any factory where the proportion exceeds one to every four journeymen.

3.—That in the event of any member of the Union not complying with suggestion 2, the members in the factory will refuse to work with such member.

4.—That in the event of any member of the Union being discharged through carrying into effect, and complying with suggestions 2 and 3, he be paid the same rates of wages by the Society as he was receiving when discharged by his employer.

The boy question is a very important one. Take a few shops:—

No. 1.—11 journeymen, 28 boys.

No. 2.—19 journeymen, 30 boys.

No. 3.—23 journeymen, 29 boys.

Was there any possibility of the boys in those shops ever getting a chance of learning their trade while there was such an enormous proportion of boys to journeymen? He would remind the House of the fact that the Conference, representing both masters and men, brought up an excellent report on the apprentice question, and recommended that the Boards

should have the power of fixing the proportionate number of boys to adult workers. That recommendation was indorsed by the Chamber of Manufacturers. He would read to the House a leaflet issued by the Master Farriers' Association. There was no trade in which the masters had announced to the world more loudly the ill-effects of the existing system of apprenticeship.

Mr. BAYLES.—Hear, hear.

Mr. LEMMON said it would be found that the honorable member for Toorak, when he introduced the Farriers Bill, would recommend the abolition of improvers and the establishment of only two classes in the trade—master farriers and apprentices. The leaflet issued by the Master Farriers' Association stated—

1. Since the custom of serving a seven years' apprenticeship to the trade has been abandoned, young men who had worked a few months in the trade commence business as farriers, with the result that many horses are irreparably damaged by bad shoeing.

2. Horse owners, having no means of knowing whether a man is competent to shoe a horse or not, suffer great loss.

3. From one-third to two-thirds of the working life of a horse is often lost through bad shoeing.

4. One out of every four horses working in Melbourne is lame. Much of this lameness might be prevented or alleviated if farriers were properly trained in the principles of their art and in anatomy, and the physiology of the horse's feet.

He did not desire to labour the question to any extent, only he knew of agreements that had been entered into under the Act. The agreements were not worth the paper they were written upon. One employer said to the mother of a child, "If you want to take your child away you can do so at any time. If I want to dismiss her I can dismiss her. This is only a matter of form to comply with the law." He (Mr. Lemmon) asked that the Boards which once had the power to regulate the number of apprentices should now be given power to regulate the number of apprentices as well as the number of improvers.

Sir ALEXANDER PEACOCK said he felt that the time which he could fairly ask the Government to devote to the Bill in this Chamber was slipping away. The measure had been before the Chamber longer than any other.

Mr. McCUTCHEON.—It is an important Bill.

Mr. BENT (to Mr. McCutcheon).—Are all these amendments important?

Mr. McCUTCHEON.—Yes.

Sir ALEXANDER PEACOCK said the Bill would not reach another place in time if all these amendments had to be discussed

and voted upon. Some important principles had been affirmed in the measure, and he was anxious to get it to the Council as soon as possible. If they went on at the present rate they would soon reach new clause Z.

Mr. WATT.—P and Q have been circulated to-night.

Sir ALEXANDER PEACOCK.—Yes. He would ask honorable members on the other side of the Chamber to consider the position. The Bill had not yet gone through Committee, and even clause 6, which was a most important one, had not been dealt with.

Mr. J. W. BILLSON (*Fitzroy*).—If it had not been for our staying this afternoon, you would have had a count out.

Sir ALEXANDER PEACOCK said there was other business than factory legislation which the Government had to deal with.

Mr. BENT (to Mr. J. W. Billson, *Fitzroy*).—Why did you say that? Your leader has been fair, and we have played fair.

Mr. J. W. BILLSON (*Fitzroy*).—We have stopped up all night, and helped the Government in connexion with their Bills, but there is a covert threat now.

Sir ALEXANDER PEACOCK said he had devoted much time to considering the recommendations and suggestions which had come from honorable members on the Opposition side of the House, and no threat was intended.

Mr. J. W. BILLSON (*Fitzroy*).—If it does not mean that, I am sorry I said it.

Sir ALEXANDER PEACOCK said he was anxious to get the Bill away to the Council this week so that the other House might have time to consider it. It was true, as the honorable member for Williamstown had stated, that power was once given the Wages Board to fix a proportionate number of apprentices, but the Government, after considering the matter, felt that they could not accept this and other amendments, which might mean the overloading of the measure. In connexion with apprentices a big question was involved. A Conference of representatives of employers and employes, presided over by Mr. Fink, had considered the whole question of apprenticeship. The report of that Conference had been circulated among honorable members. It was far-reaching in its recommendations, and the Government proposed to take it into consideration during the recess, with a view of bringing in legislation on the subject next session. The Government realized that something should be done. No one wanted to see a large amount

of boy labour. In the circumstances he would ask honorable members to negative the amendment.

Mr. WATT said he hoped, in view of the circumstances explained by the Chief Secretary, that the honorable member for Williamstown would withdraw this amendment.

Mr. LEMMON.—It is too important.

Mr WATT said the issues raised by the Conference on the subject were more far-reaching. They dealt with the question of security of indenture, and the effectiveness of the teaching which the youth or girl was to get. If the honorable member for Williamstown went to a division he would vote with him, because he thought that this provision should not have been struck out of the Act. He did not think that all Boards should fix the number of apprentices, but he believed that a Board should have power to do so if it thought it necessary. However, this was not the time for fencing with the Act, or taking risks with it. He thought the statement of the Chief Secretary should operate with force on the earnest advocates of the Bill. Things might be done now which would render the passage of the Bill in another place difficult. He was not talking about bending to the other place, but it would not be fair to ask the Council to pass at a few hours' notice a measure which the Assembly had taken so long to discuss, especially as the Council was surrounded by many important problems, such as the Western District scheme, which had just reached their door. Honorable members who proposed these amendments must take the responsibility attaching to them after hearing the statement of the Chief Secretary. He could conceive of a guerrilla warfare being carried on which might result in the delay of the Bill for a fortnight. Honorable members might bring down all sorts of proposals in the consideration of which the Committee might be engaged for two or three weeks. That might mean the jeopardy, and perhaps the loss of the Bill. If the Bill were retained in this House for another fortnight, he could see no possibility of the other House debating the measure and getting it through.

Mr. McCUTCHEON said personally he was in favour of having the number of apprentices limited. A great mistake had been made in providing that the number of improvers should be limited and the number of apprentices unlimited. That was an extraordinary decision. The number of

improvers should be unlimited, and the number of apprentices should be limited. He felt that the Government would take the best means of getting this Bill through, and in view of the statement of the Chief Secretary honorable members had better accept what they could get now.

Mr. PRENDERGAST said he was sorry to see that any heat had been displayed by the Chief Secretary as a result of the time devoted to this measure. It should not be forgotten that the consideration of the Bill had been broken into on various occasions, and that honorable members on the Opposition side of the House had facilitated the passage of other Bills as much as possible, while they had also refrained from much discussion on points in the measure.

Sir ALEXANDER PEACOCK.—Hear! Hear! I admit that.

Mr. PRENDERGAST said he had informed the Chief Secretary that only one honorable member on the Opposition side would speak on each new proposal. Therefore they could not be accused of wasting time.

Mr. BENT.—Who accused you?

Mr. PRENDERGAST said there should not even be the suggestion.

Mr BENT.—There is no suggestion.

Mr. PRENDERGAST said the Opposition were desirous of facilitating the business of the House, and they had done so. A Bill had been run through this afternoon that might have occupied a week. The Opposition had helped the Government with other measures, but the Government would have to bend a bit to the Opposition and earn consideration by making some concessions.

The Committee divided on the clause—

Ayes	...	...	...	20
Noes	...	...	...	33

Majority against the clause ... 13

AYES.

Mr. Anstey	Mr. Prendergast
„ Beazley	„ Sangster
„ Bennett	„ Smith
„ Bromley	„ Tunnecliffe
„ Elmslie	„ Warde
„ Glass	„ Watt
„ Kirton	„ Wilkins.
„ Lemmon	
„ Membrey	<i>Tellers.</i>
„ Murray	Mr. J. W. Billson
„ Outtrim	„ McGrath.

NOES.

Mr. Bayles	Mr. Lawson
„ Bent	„ Livingston
„ Bowser	„ Mackey
„ Boyd	„ Mackinnon
„ E. H. Cameron	„ Mason
„ J. Cameron	„ McCutcheon
„ Cullen	„ McKenzie
„ Downward	Sir Alexander Peacock
„ Duffus	Mr. Robertson
„ Farrer	„ Stanley
„ Forrest	„ Swinburne
„ Gray	„ Thomson
„ Gurr	„ Toucher
„ Harris	„ Weedon.
„ Hutchinson	<i>Tellers.</i>
„ Keast	Mr. Argyle
„ Langdon	„ Carlisle.

PAIR.

Mr. McGregor. | Mr. Hunt.

Mr. GLASS proposed the following new clause :—

J. In section 17 of the Factories and Shops Act 1905 (No. 2) wherever the word “Minister” occurs there shall be substituted therefor the words “Special Board.”

He observed that this section dealt with the question of apprenticeship, and was as follows :—

Notwithstanding anything to the contrary in the principal Act—

- (a) A person may with the sanction in writing of the Minister be bound as an apprentice to any trade for less than three years if owing to his previous experience or length of employment in such trade it is not possible to bind such person as an apprentice for three years;
- (b) a person bound pursuant to this section with the sanction of the Minister shall not be deemed to be an improver.

It had been pointed out in the discussion on a previous clause that the Chief Inspector could not necessarily be an expert in all trades, and the same remark applied to the Minister of Labour. The members of special boards were charged with special duties and had special qualifications. In the recent case argued before the Arbitration Court, presided over by Mr. Justice Higgins, the Judge laid it down as a necessity that a special board should have some power of direction and control as far as apprentices and improvers in the particular industry with which he was dealing were concerned.

Mr. WATT.—Are you sure of that? Did he not reserve judgment on those matters?

Mr. GLASS said that in his published statement Mr. Justice Higgins gave that as his opinion. It was also the opinion of honorable members on that—(the Opposition) side of the House, and of the persons engaged in industries, that it would be better

and safer to have this provision vested in a special Board, rather than to have the possibility of some slipshod reference to the Minister, which perhaps might result in a hasty decision that would not exactly fit the circumstances of the case. In order to save the time of the Committee, he would refrain from arguing the matter further.

Sir ALEXANDER PEACOCK observed that the previous evening the honorable member for Fitzroy moved with regard to the special permits, that the power should be taken from the Chief Inspector and handed over to a Board. That proposal was arguable, but this matter could not be compared in importance with the matter discussed the previous evening. At present the Minister had power to allow a person to be bound as an apprentice for less than three years, and the proposal of the honorable member for Bendigo East was that this power should be taken from the Minister and vested in a special Board. Now in nine cases out of ten, the matter was a thoroughly formal one, and he had never heard one complaint either officially or privately as to any dereliction of duty on the part of the Minister. Of course, the Minister acted on the report and advice of his officers, and the provision had worked satisfactorily. They could not, therefore, accept the amendment.

Mr. McCUTCHEON stated that he might also point out that Wages Boards were not constantly sitting, every day and all the year round. When an application of this kind came before the Minister, he could immediately decide upon it; but if it had to be dealt with by a Wages Board, ten men and the Chairman would have to be called together to decide what was merely a trifling matter.

The clause was negatived.

Mr. TUNNECLIFFE proposed the following new clause :—

K Section 30 of the Factories and Shops Acts 1905 (No. 2) is hereby repealed and section 138 of the Principal Act is hereby revived.

He remarked that section 138 of the Principal Act provided—

Every person who on a Sunday after the hour of 12 o'clock noon cries or sells milk, or who delivers milk on sale, whether in a retail or wholesale way, and whether the same has to be paid for on or after delivery, and every person who causes any milk to be so cried, sold or delivered, shall be guilty of an offence, and shall, on conviction, be liable to a penalty of not more than £5 for every such offence.

This provision was in operation for some time with beneficial results to all concerned. In consequence of its passing into law milkmen conformed to it, and a great many of them

continued to do so up to the present date, showing that it inflicted no hardship, while it secured to those who desired it the enjoyment of Sunday afternoon, either for recreation or for religious purposes. The very fact that, although it was not now the law, the provision was still being acted upon and observed by a very large number of milkmen voluntarily was *prima facie* evidence that it would be observed without difficulty by the whole of the trade if it was again in existence. The Employers' Federation, which had issued a private circular to honorable members concerning various provisions of the Factories Act, had made no objection to this particular provision, so that it might be said that both employers and employes were agreed that it might be accepted. He trusted that the Minister would allow section 30 of the Act of 1905 (No. 2) to be repealed and section 138 of the principal Act to be again revived, so that the employes might have the Sunday afternoon either for religious observance, or for recreation. It would be a distinct gain to the employes, while the public interest would in no way suffer.

Sir ALEXANDER PEACOCK observed that the honorable member for Eaglehawk had correctly stated the case. In the original Act there was this provision with regard to prohibiting the delivery of milk after twelve o'clock on the Sunday. That provision was repealed by section 30 of the Factories and Shops Act 1905 (No. 2). He (Sir Alexander Peacock) felt at the time, and still felt, that that repeal was a mistake—that it was the result of an outcry and that there was no real justification for it. And what had occurred since? As a matter of fact, at present there was no delivery after noon on Sunday throughout the metropolis, speaking generally, because there was only one lot of milk brought into Melbourne, which came in on Sunday morning. There was no second lot of milk brought in, but there was a small number of persons who delivered milk on Sunday afternoon, while the great body of the milk vendors did not do so. He really thought it would be wise to go back to the original provision, which had worked fairly until it was repealed, and therefore he was prepared to accept the honorable member's amendment.

Mr. McCUTCHEON observed that in regard to the attitude of the Employers' Federation in this matter, to which the honorable member for Eaglehawk had alluded, honorable members would see that the Employers' Federation had no business

to interfere with the delivery of milk on Sundays. This was altogether a domestic matter, and no doubt this was the reason why the Federation had not included any reference to it in their circular. It did not come within their functions at all. However, he would remind the Chief Secretary that the milk supply of Melbourne had very frequently been drawn attention to by medical men, and leading men in the medical world had pronounced the absolute necessity of pure milk being delivered on Sunday, if possible, for infants and young children—particularly for infants. The doctors attributed the great loss of infant life largely to the absence of a proper supply of pure milk. Great trouble had been taken in the way of legislation to obtain pure milk.

Sir ALEXANDER PEACOCK.—The honorable member must see that the milk which is supplied to the people of the metropolis must come from outside.

Mr. WILKINS.—And the earlier they get it the better.

Sir ALEXANDER PEACOCK.—And it only comes in once—that is on Sunday morning.

Mr. GRAY.—And if they get it on Sunday afternoon they only get the same milk.

Sir ALEXANDER PEACOCK.—Yes; that is exactly the state of affairs.

Mr. McCUTCHEON said the matter did not affect him in any way. He was merely drawing attention to what had been so frequently written about in the newspapers that there was a necessity for a supply of pure, fresh milk.

Sir ALEXANDER PEACOCK.—There is only one way in which that can be done, and that is by running more Sunday trains, and they won't let us do that.

Mr. McCUTCHEON said his impression was that when the Railway Department wanted to run Sunday trains it ran them. However, he was not advocating any further trains on Sunday. He would point out that there must be a considerable supply of fresh milk about the metropolis itself on Sunday. There was a large number of dairies, and a good many cows kept in the suburbs, and if this milk was not allowed to be delivered, especially for the use of children on Sunday afternoon, the result might be injurious. As the Government had accepted this amendment, he supposed it would be carried, but at the same time he would point out that the original provision could not have been repealed without some very strong reasons having been put forward for its repeal. It was not an easy thing to repeal a section of an Act of Parliament. If, as

the Chief Secretary said, there were no milk deliveries to the metropolis on Sunday afternoon, the law might as well be allowed to remain as it stood, as no practical result would follow from its alteration.

Mr. WILKINS.—There are a few unprincipled men in this trade, as there are in all other trades, who would work for twenty-four hours in the day if they were allowed.

Mr. PRENDERGAST.—The great bulk of the proprietors are in favour of the half-holiday on Sunday.

Mr. McCUTCHEON said the Committee appeared to be legislating altogether for exceptions in this Bill. They were told that all the employers were good chaps, with the exception of some three or four, and they were legislating for those exceptions.

Mr. J. W. BILLSON (*Fitzroy*).—The whole of our criminal law is for the exceptions.

Mr. McCUTCHEON said he was not going to press the matter any further. If the Government said they would accept the amendment, of course it would be carried.

Mr. BAYLES remarked that in Toorak there were three or four dairies which milked their own cows in those dairies. He could assure the Committee that these dairies were model dairies. The dairymen grazed their own cows and carried the milk into town by carts. They delivered milk on Sunday afternoons, but they were not at all men who came within the class alluded to by the honorable member for Collingwood.

The clause was agreed to.

Mr. LEMMON proposed the following new clause:—

M. The Governor in Council may make regulations limiting the total number of hours in the week during which any persons may be employed for hire or reward in domestic service, and providing that such persons shall have a half-holiday on some day in each week from the hour of 1 o'clock in the afternoon, or if the regulations so specify in respect to any particular class of such persons from the hour of 2 o'clock in the afternoon.

He said the object of this clause was to give the Governor in Council power to limit the maximum number of hours that might be worked in domestic service, and also power to fix one half-holiday for servants in every seven days. At present the hours of waitresses in coffee palaces and eating houses were fixed at a maximum of sixty per week, and they had a weekly half-holiday in addition to a half-holiday on Sunday. The clause was a fair and reasonable one, and he hoped the Chief Secretary would accept it. Honorable members knew the long hours which

many domestic servants were called upon to work. The hours were so long that young girls preferred to go into factories rather than into domestic service. If the maximum number of hours was fixed, and if a half-holiday was provided for, there would be much more inducement for young girls to go into domestic service, and he was quite sure enough Australian girls would be found to fill all the positions that were available.

Sir ALEXANDER PEACOCK said he would urge the honorable member to withdraw this clause. It was altogether foreign to the Bill, and he (Sir Alexander Peacock) had yet to learn that there was any necessity to interfere with regard to the employment of domestic servants. The honorable member as a householder must know that domestic servants were able to pretty well dictate their own terms. They were able to exact very good terms indeed, and he did not think that at present they required any legislation of this kind.

Mr. WILKINS.—There is a lot of necessity for it.

Sir ALEXANDER PEACOCK said this was the first he had heard of it. It was well known that great difficulty was experienced in obtaining servants to fill the vacancies that existed.

Mr. WILKINS.—Treat them well and you can get plenty.

Sir ALEXANDER PEACOCK said it would be overloading the Bill to adopt the clause, and therefore he could not accept it.

The clause was negatived.

Mr. McGRATH proposed the following new clause:—

In section 8 of the principal Act the words "in horticulture" are hereby repealed.

He said the provisions of section 8 were as follow:—

Nothing in this Act shall apply to creameries, butter and cheese, concentrated and condensed milk factories, or persons engaged in dairying, and in agriculture or in horticulture, viticulture or pastoral pursuits in any shire, town, or borough outside the metropolitan district as defined in this Act.

He had intended to move the omission of the words "town or borough outside the metropolitan district," but he had decided to limit his proposal to the striking out of the words "in horticulture." His reason for making this proposal was that it was intended that this Bill should apply to gardeners, but without this amendment it would apply only to gardeners or to those engaged in horticulture within the metropolitan area. He was anxious

that the determination of the Wages Board should extend to the country districts to the same extent as other determinations extended already. In the borough of Buninyong and the city of Ballarat there were many gardeners to whom it would not extend unless this new clause was adopted. It had been said that it was cheaper to live in the country than in Melbourne. To begin with, however, the cost of cartage was much dearer in the country. For instance, a ton of potatoes was carried 100 miles from a country district to Melbourne for 8s. 10d., but if one wished to take a ton of sugar 100 miles from Melbourne to the country the freight was 34s., showing how unfair the freights were to the producers in the country. Then, again, on June 26 last the Government accepted contracts for provisions for the metropolitan district and the country districts respectively. The contract prices for meat were as follow :—Melbourne, 16s. 10d. per cwt.; Beechworth, 17s.; Ballarat, 20s.; Geelong, £1 13s. 4d.; Sunbury, 17s. 5d.; Bendigo, 17s. 6d., and Sale, £1 0s. 10d., or 4s. more than in Melbourne. The contract prices of potatoes were—Melbourne, 2s. 2d.; Ballarat, 3s. 2d., or one shilling dearer than in Melbourne; Geelong, 3s.; Sunbury, 2s. 9d.; Bendigo, 5s.; and Castlemaine, 6s. Bread was also dearer in the country than in the town. Therefore, there could be no question that living was dearer in the country districts than in the metropolitan area.

Sir ALEXANDER PEACOCK.—Rents and wood are cheaper.

Mr. McGRATH said that rent might be a little dearer in Melbourne than in the country districts, but it would need to be a great deal dearer to make up for the other discrepancies. The Government now proposed to extend the Wages Boards to gardeners, and all he asked now was to strike out the words "in horticulture," so that the determination of the Board would extend to the country districts. In his district gardeners were working ten hours a day for 5s. a day. A deputation of them had waited upon him, and they were very anxious that the determination of the Wages Board should apply to them. It seemed to him that this was only a reasonable amendment of the law, and one that the Government might accept. He did not believe it went beyond the intention of the Government themselves, and the inclusion of the words "in horticulture" in the section was probably an oversight.

Sir ALEXANDER PEACOCK.—I find they were put in deliberately.

Mr. McGRATH said he could not understand it. The gardeners in Melbourne were to have the benefit of the determination, and the gardeners in Ballarat and Bendigo were to be exempt. His amendment would not extend the determination to all the country districts, but only to those districts to which the rest of the Act already applied. The extension would have to be gazetted by the Minister, and that would only be done upon representations being made to him that gardeners were working at low wages in the country districts. The matter would remain entirely in the hands of the Cabinet, and in any case the clause would apply only to cities, towns, and boroughs, and not to shires.

Sir ALEXANDER PEACOCK remarked that he was sorry to say that he could not accept this amendment, because it would be unfair to do so. He would point out that section 8 of the principal Act provided—

Nothing in this Act shall apply to creameries, butter and cheese, concentrated and condensed milk factories, or persons engaged in dairying, and in agricultural or in horticulture, viticulture or pastoral pursuits in any shire, town, or borough outside the metropolitan district as defined in this Act.

It would be unfair to single out one particular branch of a trade, and leave the others unaffected.

Mr. LEMMON.—This is the only one you propose a Wages Board for.

Sir ALEXANDER PEACOCK said the Committee had not yet finally dealt with clause 6, and it was open to review. He was afraid he could not accept this amendment applying to one particular branch of an industry.

Mr. McGRATH remarked that in view of the Chief Secretary's statement he would withdraw the amendment at this juncture. If the Wages Board was determined on in connexion with gardeners, he would move his amendment again on the third reading.

Sir ALEXANDER PEACOCK.—I cannot make any promise.

The clause was withdrawn.

Mr. LEMMON proposed the following new clause :—

Any person who directly or indirectly locks-out any employé who is entitled to the benefit of any determination or part of a determination of a Special Board or Court of Industrial Appeals shall be guilty of an offence against this Act and shall, upon conviction, be liable to a penalty not exceeding £50.

He had a consequential amendment to follow, if this was accepted, to interpret the term "lock-out." The definition would be—

"Lock-out" means the closing of a place or part of a place of employment or the total or partial

suspension of work by an employer with a view to compel his employes or to aid another employer in compelling his employes to accept any term or condition of employment.

He was proposing this new clause because the Chamber had already decided to punish the workman if he struck against a determination of a Board. If it was right to punish the workmen, it was equally right to punish the employers if they did what Mr. McKay was now doing, and that was closing down the works rather than obey a determination of the Court. What had occurred to-day in connexion with Mr McKay's works might occur at other works under our Factories Acts, and had indeed already occurred in connexion with the fellmongery industry. It had been understood that the Employers' Federation would support a number of the employers in the industry if they closed down their works because the eight hours principle was adopted by the Board, and far more injury was done by that action to the fellmongery industry than had been done to any industry since the Factories Acts were in operation. If it was wise and right to compel employes to obey a determination of a Board or Court, it was equally wise and right to compel employers to do the same thing. If an employer closed down his works for any just cause, nothing would occur, but if he closed down for the purpose of compelling the employers to put pressure on their representatives on the Board to lower the rate of pay, or increase the hours of work, he would be acting contrary to the spirit of factory legislation, and would be breaking down the Act, and should be liable to punishment equally with the employé. The justice of this clause should appeal to the Chief Secretary. When the honorable gentleman was proposing his strike provision the honorable member for Albert Park asked whether it would apply to the employers, and the honorable gentleman said it would apply all round. It was clear, however, that it did not apply to the employers at all, and he was submitting this new clause because it was only right that no employer should be allowed to break down the award of the Board or the Court.

Sir ALEXANDER PEACOCK remarked that the amendment moved by the honorable member for Williamstown had only just been circulated, and he had only just had the opportunity of looking at it. The proposal contained in the honorable member's new clause was usual in Arbitration Acts, but not in connexion with Wages Boards.

Mr. LEMMON.—Your strike clause is associated with Arbitration Acts.

Sir ALEXANDER PEACOCK said that was altogether different. It would be most difficult to carry out the honorable member's provision. You could not compel a man to go to work. He had admitted that already, and had never claimed that there was anything in connexion with the Boards that could prevent strikes. It was claimed that Arbitration Courts could prevent strikes. The honorable member himself, in connexion with the last Conciliation and Arbitration Bill that was before the House, expressed that as his fond hope, but it was beyond the power of Parliament or statesmen to suggest any means of doing that. If a man who had put capital into an establishment let the capital stand idle, he must have a very good reason for doing so. It had also been pointed out previously that the factory legislation was brought forward primarily in the interests of the employes. Clauses 9 and 10 of this Bill were for the betterment of the condition of employes, as they would remove difficulties which had been found by experience in connexion with the operation of the Wages Boards. But this clause would be absolutely foreign to the Bill, and he could not accept it. He could not see how it would work, or what good it could do in the direction the honorable member desired. He (Sir Alexander Peacock) believed it would do a great deal of harm to those whom the honorable member wished to benefit.

The clause was negatived.

Mr. LEMMON stated that, of course, he would not now proceed with the new clause, of which he had given notice, providing for a definition of the term "lock-out." His next amendment was to provide an interpretation of the term "living wage." He begged to propose the following new clause :—

Q. The following interpretation is hereby added at the end of section 5 of the Principal Act :—

"Living wage" means sufficient to provide for the normal needs of the average employé of the trade concerned regarded as a human being living in a civilized community and sufficient to provide food, shelter, clothing, frugal comfort, and provision for old age.

A great difficulty had been experienced by the Appeal Court in connexion with this matter. When Mr. Justice Hood was dealing with the artificial manures case he found great difficulty in attaching a definition to the words "living wage," and he said—

At the end of the section occurs the expression, "a living wage," to which a meaning will have to be attached some day. The phrase has a

pleasant sound, but anything more difficult to define practically it is hard to imagine. Parliament has afforded no clue to a definition. The section is dealing with men and classes of men, and what would support one man comfortably might mean starvation to another and luxury to a third, and no hint is given as to how far this Court is to inquire into any of the numerous circumstances necessarily involved in such a consideration. I refer to this because it deserves the further attention of the Legislature.

He (Mr. Lemmon) thought it his duty to bring this matter before the Chamber in order that an attempt might be made to supply a definition.

Mr. MACKINNON remarked that he claimed some responsibility for having introduced the words "living wage" into our factory legislation, and he thought there was a great deal of force in what Mr. Justice Hood said in the artificial manures case. The definition now submitted, if his recollection served him aright, was the definition given by Mr. Justice Higgins in the harvester case, or something very like it.

Mr. LEMMON.—A good one, too.

Mr. MACKINNON said the Government would consider the matter, and he would ask the honorable member not to deal with it just now. He would quite admit that it might be desirable to make some attempt at a definition of what a living wage was.

Mr. MURRAY.—Does this make it any plainer?

Mr. MACKINNON said that was the difficulty he saw. When he read Mr. Justice Higgins' definition it did not seem to carry the thing any further. Perhaps this was not a matter on which a great amount of controversy would turn. If the honorable member would allow the matter to pass at present, he would consider the question and see if anything could be done in the direction of meeting him. He thought the honorable member would admit that if it had been possible to give something accurate in the way of definition, Mr. Justice Hood would have attempted it. Mr. Justice Higgins had attempted to give a definition.

Mr. WARDE.—Mr. Justice Hood was tied up by your Act and could not do it.

Mr. MACKINNON said he did not know what the honorable member for Flemington referred to.

Mr. WARDE.—He had not to define a wage higher than that paid by reputable employers.

Mr. MACKINNON said he was not responsible for that Act any more than the honorable member was.

Mr. WARDE.—Parliament is responsible.

Mr. MACKINNON said he thought the honorable member made a statement that

the Judge was tied up by his Act, implying that he (Mr. Mackinnon) was responsible for the Act.

Mr. WARDE.—The Government of which you are a member.

Mr. MACKINNON said, after getting that little bit of fireworks off, he would say this was the attitude he proposed to adopt. He thought the honorable member for Williamstown was to be commended for trying to make up the deficiency which Mr. Justice Hood noted, but the Government could not accept this definition without giving it further consideration.

Mr. LEMMON said that after the complimentary references to himself he could hardly do otherwise than fall in with the honorary Minister's suggestion. He would quite admit that he had not given the Government very much notice of this amendment, and he would withdraw it in the hope that it or some similar proposition would hereafter be submitted to define the words.

The clause was withdrawn.

Sir ALEXANDER PEACOCK proposed the following new clause:—

KK. In sub-section (9) of section 123 of the principal Act after the words "leave of the Court" the words "until the expiration of a period of twelve months from the date of such determination" are hereby inserted.

Sub-section (9) of section 123 of the Principal Act was as follows:—

The determination of the Court shall be final and without appeal, and may not be reviewed or altered by a special Board without leave of the Court, but the Court, if satisfied upon affidavit that a *prima facie* case for review exists, may either give such leave or may direct a re-hearing before the Court, when the Court may itself alter or amend its determination.

As the matter stood, the determination of the Court was almost irrevocable. With this amendment, when the decision of the Court was given, there would be power after twelve months for it to be altered.

Mr. PRENDERGAST said this clause was an improvement on the existing provision. Under the present law the Court need not grant leave to appeal, but now that right was given. He had understood that the Chief Secretary was going to get immediate relief by appealing in the bakers' trouble.

Sir ALEXANDER PEACOCK.—I thought if there was fresh evidence they could get an appeal.

Mr. PRENDERGAST said he was prepared to accept the new clause.

The new clause was agreed to, as were also the schedule and the preamble.

The Bill was reported to the House with amendments, and was then recommitted for the reconsideration of clause 6, extending the power to appoint special boards to various businesses.

Mr. McCUTCHEON said he wished to make a personal explanation. He thought he was in error last night when he attributed to the honorable member for Albert Park the intention of stopping work at the end of the week, and distributing it over the whole week. He believed the honorable member was quite right in stating that if his proposal were carried it would not have that effect. He (Mr. McCutcheon) did not understand exactly what the honorable member meant, and, therefore, desired to make this explanation.

Mr. PRENDERGAST said that he recognised, on behalf of the Labour Party, the explanation made by the honorable member. The courtesy shown by the honorable member was the sort of thing that was not often enough displayed in parliamentary life.

Sir ALEXANDER PEACOCK said he wished to explain the attitude of the Government concerning the amendments that were to be proposed on clause 6. As announced the other evening, the Government promised that the matter concerning the tramway men would be looked into. The Premier had made a promise in regard to an interview with the Melbourne Tramway and Omnibus Company. The directors waited on the Cabinet and intimated that the following resolution had been carried by them—

That the ordinary working hours of all employés engaged on the tramway lines, cars, sheds, or works be fifty-four hours per week, without reducing the present wages.

The Government, under these circumstances, feeling that they had succeeded in securing what they were confident would be carried out, would ask the House to negative the proposal for the creation of a Wages Board for the tramway employés. The effect of the proposition of the company was that immediate effect would be given to the request of the men and the desire of honorable members that better conditions should prevail. The men would have to work fifty-four hours a week as the maximum, and the reduction would be brought into operation as soon as possible. All the employés in the branches mentioned would get the reduction as soon as possible.

Mr. TUNNECLIFFE.—They get the promise.

Sir ALEXANDER PEACOCK said he could state, on behalf of the Government, that if the company did not carry out their promise, the Government would be easily able to deal with them. It was given in

good faith to the Executive of the country. It would take some little time to bring the new regulation into operation, because there would be some difficulty in arranging for the change. If the proposal of the honorable member for Carlton were carried, it would require the passing of a resolution by the two Houses for the creation of a Wages Board, and one could not say what the Wages Board would do. It would take a considerable period of time before the employés would be able to get the benefit they desired. For that reason, and because the Government felt that this amendment, and others, would overload the Bill, he must ask honorable members to oppose them. As the responsible Minister, who had had a good deal to do in getting the original Act into working order, he felt there would be a great danger of a breakdown in the law. He had received valuable help from both sides of the House, and he had in his hand a list that he had had prepared of the classes of persons who would be benefited by clause 6 being passed. If it were passed, it would be possible to create 117 separate Wages Boards, in addition to those already in existence. In addition to that there was great need for interference in regard to what were known as the fourth schedule shops, and he particularly referred to the fish and oyster shops. He did not say that we should not have some legislation in regard to the matters brought forward, but he would counsel members not to overload the Bill.

Mr. WARDE.—This does not create a Wages Board.

Sir ALEXANDER PEACOCK said he did not want to tickle the ears of people without being able to give them the full benefit. When power was given to create a Board provision had to be made for carrying out the work and administering it properly. When there were only four Wages Boards in existence he was attacked on the ground that the Department was not moving rapidly enough. There was a lot of work to be done to get the Boards into operation. It was not from want of sympathy that the Government asked members to reject these amendments. All that was included in the Bill was the result of the most careful consideration, and of the discussions that took place in the House. When any legislation was passed the Government should be able to put it into operation as early as possible. It was true that a deputation had waited on him in regard to gold miners, but that was after the Bill had been circulated. He did express sympathy with them, but the

Government would have to go into that matter very carefully. He was prepared to go into that question, and to consider the best means of dealing with the trouble, and the need of having some legislation in regard to those engaged in clerical employment. It would be unwise now to further load the Bill, and he would ask members to trust the Government to go into these matters and bring down a scheme that it would be possible to carry out. It was necessary to have the machinery to put the Wages Boards into operation, and at present the Department was undermanned. If the Bill became law, some extra provision would have to be made in the Department. The work was now very difficult with thirty-nine Wages Boards, and there would have to be a subdivision of labour to secure proper supervision. Under the circumstances he would ask honorable members in Opposition not to press their amendments, and to rely on the promise he had made to go into the questions carefully during the recess.

Mr. ANSTEY said he wished to ask the Chief Secretary a question. In connexion with the Melbourne Tramway and Omnibus Company there was a distinct statement that they were prepared to reduce the hours by six in the week.

Sir ALEXANDER PEACOCK.—Yes, to a maximum of fifty-four.

Mr. ANSTEY said he understood that was without a reduction of wages.

Sir ALEXANDER PEACOCK.—Yes, without reducing the wages.

Mr. ANSTEY asked if the Government would also make sure that the reduction of hours would mean a reduction of work? The Government wished honorable members to take the word of the company, and desired to save discussion; but surely the Government would see that, if the company simply made the men do the same number of trips in the reduced number of hours, they were defeating the promise they gave to Parliament? Would the Government get a promise from the company that they would reduce the number of trips, and would not compel the men to do the same amount of work in the reduced number of hours?

Sir ALEXANDER PEACOCK said, in reply to the honorable member for Brunswick, he would point out that the company admitted that the men averaged fifty-nine and one-third hours per week. He assumed that they were working the whole of that time, and that if the maximum number of hours was to be reduced to fifty-four hours

per week, the men would be working the whole of the fifty-four hours.

Mr. GLASS.—Will they work at higher pressure?

Mr. KEAST.—You cannot run the trams any faster.

Sir ALEXANDER PEACOCK said he discussed this matter with Mr. Sprigg and the solicitor of the company, and it was stated by them that there were a certain number of men employed known as first class men, others known as second class men, and others known as excess men. Mr. Sprigg said the immediate effect of bringing the reduced hours into operation would be that a proportion of second class men would be transferred to the first class, and a number of the excess men or battlers would be taken into the second class. That was the answer to the honorable member for Brunswick.

Mr. ANSTEY said he wished to have the matter made clear. The honorable member for Dandenong, although he had worked on the trams himself, assumed that there would be a reduction of hours and a corresponding reduction of work.

Mr. KEAST.—They can only do a certain number of trips.

Mr. ANSTEY said in the time of Sir George Turner's Government the company distinctly promised Parliament that they would reduce the hours of labour by one day per week. The promise was kept, but the company made the men do the same number of trips. If the Government wished to save time and avoid fight, they must obtain a promise from the company that there would be a reduction of work corresponding with the reduction in the hours. Otherwise the company would simply push in the same number of trips in the reduced number of hours as the men were doing now.

The CHAIRMAN.—I think it would be better now to proceed on definite lines. The first amendment to come on is that of the honorable member for Flemington.

Mr. WARDE moved—

That after the words "any shop" the words "warehouse, bank, or mercantile office" be inserted.

He said, as honorable members were aware, when the Bill was before Parliament last year, he moved an amendment to carry out what was intended by the present amendment, and it was defeated. The Chief Secretary had said that the amendment had been circulated, and that the Government had had fair notice that it was to be moved. The honorable gentleman went on to say that

the reason why it should not be moved at the present juncture was that the Government themselves would at some future time consider the situation, and that, because there were so many Wages Boards now in existence, even if the proposal were carried, it was doubtful whether the present staff employed in connexion with the administration of the Act would be able to do the additional work which would be cast on them by the amendment. It seemed to him (Mr. Warde) that continually amending the Act was not a desirable thing. A clause should have been included in the Bill, giving the Minister power, on his own volition, when he was satisfied that the conditions in any trade were bad, to come before the House and make a statement to Parliament so as to warrant the appointment of a Board, by a resolution passed by both Houses of Parliament. What possible harm could there be in providing that a Board should be appointed in any trade if evidence was given to the House that the conditions required altering? Why should the Government fear a provision being included to give them power at any time, when they were satisfied it was necessary, to ask Parliament to grant relief in a trade without having to bring forward an amending Bill? If such a provision were passed, the Ministry would have to be satisfied that a Board was necessary before there was any prospect of a resolution for the appointment of a Board being passed, and there was the additional precaution that before any Board came into existence it must be agreed to by another place. If the Government believed that certain occupations, trades, or callings should be regulated by Wages Boards, what harm was there in having it made possible for a Wages Board to be created in connexion with employes in warehouses, banks, and offices? He (Mr. Warde) intended to deal first with clerks. He had pointed out before in the House instances of young fellows, who had matriculated at the University, being employed in offices at very low wages, and had mentioned the case of one young fellow who was working for about 12s. 6d. per week in a big shipping company. Within a few weeks after he had mentioned the case in the House the father of the lad in question thanked him (Mr. Warde) for having brought the case before Parliament, because it had led to his son receiving an increase in salary. He (Mr. Warde) did not know whether the action taken in Parliament had anything to do

Mr. Warde.

with the increase being given, or whether the shipping company in question became ashamed of the salary they were paying. However, it was a remarkable coincidence that a week or two after he mentioned the case, the father of the young fellow assured him that there had been some improvement. The necessity for such a provision as he proposed was becoming more apparent every year, because a large number of middle circumstanced people and working people were endeavouring to give their sons and daughters an education of a higher character than the ordinary primary education, so that they might be enabled to earn their own livings. The result was that a large body of young fellows were turned out from the different high schools in the State, and they endeavoured to earn a livelihood as clerks. Side by side with that position there was the fact that the commercial colleges in the city turned out, perhaps, thousands of young girls every year to enter into competition with the clerks in the different banking institutions, insurance businesses, &c. What was the result? A cut-throat competition was taking place, by which young girl typewriters and clerks were being taken on in offices, and men in receipt of £3, £2 10s., and £2 5s. per week were being turned out of their employment. The young women who took their places received salaries from 15s. to £1 a week, and in rare cases 25s. per week. This state of affairs was going on right through the mercantile community of Melbourne, and the Labour Party wished to extend relief to the people affected, equally as much as they desired to see the navy and the artisan receive the protection which they should receive. He had been furnished with particulars in connexion with the salaries clerks in a number of different offices received. In the list the names of the firms employing the persons were stated, but he did not wish to name the firms. In the first case he wished to bring before the notice of honorable members there were eight clerks each with three years' service, and all under 20 years of age. They received 12s. 6d. each per week. There was another clerk 20 years of age, with four years' service, receiving 15s. a week; and another one 22 years of age, with five years' service, receiving 20s. per week. These clerks were employed in one of the importing machinery houses in one of the large streets of the city. He would like to point out that the wages were as near a sweating rate as possible. He had heard some members say in the House that the whole efforts of the Labour Party were concentrated in trying

to obtain high wages for brawn, and that brain was not taken into consideration. The Labour Party did recognise brain, and he wanted to give some honorable members on the other side of the House an opportunity of showing by their votes that they were prepared to recognise that men should receive proper wages for the work they did with their brains. In one instance, there was a ledgerkeeper who received £2 weekly, and owing to the intricate system of keeping accounts in the establishment he worked seventy hours per week. This man was in a responsible position in a large place in the city, and was compelled to work seventy hours for £2. Very often the employés in this office had to return to work on Sundays. He was informed that from the 7th of February last until the particulars were furnished to him, the employés had had to go back almost every Sunday.

Mr. ROBERTSON.—What line is that in?

Mr. WARDE said he would let the honorable member have a look at the statement privately. He would like to point out that when these people came forward and complained, if it was possible to trace them they were invariably dismissed from their employment. The statements he had given honorable members were furnished to him by the secretary of the Clerks' Association. The remuneration which was paid to some of the clerks was less than a man should receive even if he was employed as a navy. There was a large firm of drapers in Bourke-street which employed a ledger-keeper at from 25s. to 35s. a week, and which had assistants in the office at from 7s. 6d. to 10s. per week. Their invoice clerks got 15s. a week. Some of them with two and a half years' experience as dissecting clerks got 20s. a week. A steam-ship company employed forty clerks, exclusive of the higher-paid men in the office. These averaged about 35s. monthly, some of them receiving 12s. 6d. to 30s. weekly. Boys during the first year got 5s., and during the second year 10s., after which their pay was raised to 12s. 6d., at which they remained unless vacancies occurred at 30s. a week, and they were appointed to them. In one of the largest warehouses in Flinders-lane there were upwards of thirty junior clerks, whose ages ranged from eighteen to twenty-five years, and whose salaries ranged from £20 to £50 yearly. Then there was a British company which paid its clerks 30s. a week. There were other such cases, including a number of softgoods houses, in which clerks were employed at wages averaging 30s. or 35s. a week, and 12s. 6d. for junior clerks.

He thought that was evidence that sweating was rampant in these branches of work, and that those engaged in them were as much entitled to protection as any other section of employés. He had also got as much information as he could in connexion with the warehousemen and their assistants. The information was to the following effect:—When a lad entered a firm he was required to sign an agreement for three years, to work generally in the warehouse, at rates of £10 for the first, £20 for the second, and £30 for the third year. Afterwards he was to be paid what he was worth. The firm, being the sole arbiter, usually fixed the value of the employé's work at £40, and perhaps raised it to £50 the next year. Consequently there were competent, intelligent, and thoroughly capable salesmen with five or six or seven years' experience receiving in some warehouses a salary of only £50 a year. He would ask the House whether it would not do its duty to the servants of these wealthy warehousemen in Flinders-lane. He believed that the statements with which he had been supplied were true, and he would ask honorable members whether the merchant princes were to be allowed to sweat employés by paying them £1 per week after seven years' service? Could the Chief Secretary cite any worse cases of sweating to justify the appointment of Boards in other directions? Inquiries had been made with a view of verifying these statements, and the results tended to confirm them. The writer had stated his own case. He held a blameless record. He was receiving £50 per annum. Four or five years ago, he said, the entering rooms and offices were filled with men, but in almost every instance their places had been filled with boys, with the exception of heads of departments, cashiers, etcetera. Many packers were in receipt of from 25s. to 30s. per week. There were invoice clerks at £20 a year, and they were plentiful at that. The maximum wage for the last named seemed to be £40. Of the 200 males employed, at least half were receiving only £1 per week. He (Mr. Warde) would ask the head of the Government if he did not consider it time that a Wages Board was introduced there? If there were 200 male employés, half of whom were only receiving £1 a week for their services, Parliament would not be doing justice to itself if it did not place the Government in a position of appointing a Wages Board to deal with such cases if it found on inquiry that these statements were true.

Mr. TOUTCHER.—Has the honorable member verified those statements?

Mr. WARDE said he had verified them as far as possible, and he believed that statutory declarations could be obtained in regard to them. This information came from an institution in connexion with the warehouses. It came through a number of reverend gentlemen, and another Committee which had been making inquiries, stated that these statements were true as far as they knew. It was on that evidence that he was asking the House that business people, who were making good profits and were in fairly comfortable circumstances, should not be allowed to indulge in sweating of the worst kind and to keep people in subjection because of their poverty. He was further informed that overtime was very rife. Night after night in the warehouses employés had to work from one and a half to three hours, and the only allowance was one shilling for tea money. He had taken an interest in this matter for some considerable time. He had noticed that the men were being thrown out of employment, and their places were being filled at half the cost by a number of young women turned out of commercial colleges. He did not object to young women who had been at the commercial colleges earning their sustenance, but he wanted the House to lay it down that employers should not be allowed to take advantage of the continual influx of this class of labour to sweat the employés down to the lowest point, and that a Wages Board should value the work rendered, and that, whether it was the case of a male or a female clerk, the money paid should be the value of work done. They would then be on a fair plane of competition. These people had been neglected perhaps too much in the past, and it was the duty of Parliament to see that neither the brains nor the brawn of the community should be sweated, and that if employers wished to utilize this labour they should pay a fair remuneration for the services rendered, such as a Wages Board might fix. The amendment would not necessarily mean the appointment of a Wages Board. If the Government were satisfied that these statements were correct, then they could come to the House and ask for a Board. It should not be necessary for them to have to continually ask for amending legislation to give power to appoint a Board when it was proved that sweating existed in a particular occupation.

The Committee divided on the amendment—

Ayes	...	...	...	19
Noes	...	...	...	30

Majority against the amendment 11

AYES.

Mr. Anstey	Mr. Prendergast
„ Beazley	„ Sangster
„ Bennett	„ Smith
„ Bromley	„ Toucher
„ Elmslie	„ Tunnecliffe
„ Glass	„ Warde
„ Gurr	„ Wilkins.
„ Lemmon	<i>Tellers.</i>
„ Membreay	Mr. J. W. Billson
„ Outtrim	„ McGrath.

NOES.

Mr. Bayles	Mr. Lawson
„ Bent	„ Livingston
„ Bowser	„ Mackey
„ Boyd	„ Mackinnon
„ E. H. Cameron	„ Mason
„ J. Cameron	„ McCutcheon
„ Carlisle	„ McKenzie
„ Cullen	Sir Alexander Peacock
„ Daffus	Mr. Robertson
„ Farrer	„ Swinburne
„ Forrest	„ Watt
„ Gray	„ Weedon.
„ Harris	<i>Tellers.</i>
„ Hutchinson	Mr. Argyle
„ Keast	„ Thomson.
„ Langdon	

PAIRS.

Mr. Kirton	Mr. Stanley
„ McGregor	„ Hunt.

Mr. BROMLEY moved—

That after the word “business” the following words be inserted—“or any or all employés occupied on tramway lines, cars, or tramway sheds, works, or offices.”

He said that at this hour of the night he had no intention of dwelling at any great length on the desirability of carrying this amendment. He felt somewhat disappointed with the statement made by the Chief Secretary in reply to the honorable member for Brunswick. According to that statement the promise of the Melbourne Tramway Company that fifty-four hours would be granted applied only to a certain class of employés. The present amendment covered every class of employés of the various tramway companies, and, in addition to that, it included all tramway companies throughout the length and breadth of Victoria. At present honorable members had only the promise from one tramway company that they would grant their employés fifty-four hours a week. He (Mr. Bromley) was credibly informed that a far worse state of things existed in Ballarat and Bendigo. Not only that, but the promise did not touch the suburban tramway companies, including the electric trams and others.

Sir ALEXANDER PEACOCK.—Whatever the Melbourne Tramway Company does the Essendon Tramway Company must follow

suit under the conditions of its lease. I admit that this does not apply to Ballarat and Bendigo.

Mr. WARDE.—The tramways in the southern suburbs will not come under it.

Sir ALEXANDER PEACOCK.—They will have to obtain a new order from the Governor in Council.

Mr. BROMLEY said he had been looking up *Hansard*, and the reports and various documents connected with the Melbourne Tramway Company. In 1899 he introduced a Bill which would have had practically the same effect as this amendment with regard to tramway employes. He was informed that some of our suburban tramways would not be brought under the operation of the conditions laid down by the Melbourne Tramway Company. There was the Coburg Tramway Company and other tramway companies in the suburbs.

Mr. WARDE.—There is the Northcote to Preston tramway.

Mr. BROMLEY said it was set forth in one of the daily papers that it would be impossible to form a Board of tramway representatives, because there was only one tramway company in existence. Just imagine one of our enlightened daily newspapers writing a sub-leader, and not knowing the fact that there were some seven or eight tramway companies in existence, from which a Board could be easily formed if the Government thought proper to appoint one. Of course he was extremely pleased to know that even if he failed to carry the present amendment, he had at least got some concession for the employes of the Melbourne Tramway Company.

Mr. WATT.—I understand that the honorable member for Dandenong is the party who got the concession.

Mr. BROMLEY.—Oh, indeed.

Mr. WARDE.—It is remarkable that the company came down after notice was given of this amendment.

Mr. WATT.—If we carry this amendment, will the company still carry out their promise?

Mr. BROMLEY said he would leave the matter entirely to the Committee. It was for the Government to say whether the compact with the Melbourne Tramway Company had been accurately reported. He (Mr. Bromley) knew nothing about it beyond the statement of the Chief Secretary. There was no doubt that a compact had been brought about in consequence of this amendment being tabled. He had been looking up what the intentions of Parliament were in

connexion with the original Act of 1883. Section 62 of that Act clearly laid it down that the intention of Parliament was that the men should only be employed forty-eight hours per week. The section was as follows:—

The hours of labour of any person employed by the company as the driver or conductor of any tram-car, or of the animals working any tram-car, shall be eight hours, but any person so employed may work for the company overtime for special payment, provided that no person so employed shall in any case work for the company for more than sixty hours in any one week, and the company shall be liable to a penalty not exceeding £5 for each and every breach of this section.

If honorable members looked up *Hansard*, volume 44, they would find that throughout the whole course of the debate, whether on the resolution moved by Mr. Langridge, or the resolution moved by Mr. Graves—he had no doubt the Premier would remember this as he was in the House at the time—

Mr. BENT.—I think you will find I opposed the Tramway Bill.

Mr. BROMLEY said he knew the Premier did that, but he thought the honorable gentleman would bear him out that the intention of honorable members was that the workmen should only be employed eight hours per day, or forty-eight hours per week, and that the sixty hours' limit was inserted in another place for the purpose of providing for breakdowns or any accidents that might occur on the road. That was the intention at that time. Now came the use of the word "special." By reading the report of the Select Committee that was appointed he found that the word "special" was construed by them as it was construed by all workers. It was construed to mean some additional payment to the ordinary payment that they received. When he brought in the Bill in 1899—he thought it was that Bill—the company compromised with the men by making a special payment of time and a quarter for all time worked over the forty-eight hours. In addition to that the Act clearly laid down that seats should be provided for both the conductor and the gripman, yet honorable members knew for how many years the trams were running before that section of the Act of 1883 was carried into effect. It was not until the matter was brought forward in the House, by means of a question, that the company complied with this provision. For seventeen years, in his opinion, they had deprived the men of special payment. As far as he understood, there was only a verbal promise now from the company to do what had been announced. The Premier could correct him if he was wrong.

Mr. BENT.—It is in writing.

Mr. BROMLEY said he was very glad it was in writing, but even if it was in writing it could not be a bond unless it was in legal form. The Chief Secretary had said that unless they complied with this promise to the Government he would bring in amending legislation next session for the purpose of dealing with the company.

Sir ALEXANDER PEACOCK.—If they fail to carry out the promise made to the Executive.

Mr. BEAZLEY.—Is this House going to declare in favour of a nine-hours day?

Mr. BROMLEY said he did not know what the Chamber was going to do, but he was not going to agree to that. He felt that his amendment was the right thing, although it might cause a little delay in the men getting the relief they sought. Still he felt sure that the delay would improve the position of the men considerably. He had a mass of matter to use in connexion with his remarks on this subject, but he had no intention of delaying the Chamber to any extent, and would just briefly go over a few of the points in connexion with the report of the Royal Commission. It would be found that the Royal Commission practically recommended all that was now being asked for. It was stated in their report that the hours of labour defined by section 62 of the Tramway Act were not intended by Parliament to exceed forty-eight in the week. This was exactly the same conclusion that he had come to himself. The hours of labour so defined were not intended by Parliament to be confined to gripmen and conductors only, but were to extend to all classes of the company's employes. He would like to know from the Chief Secretary or the Premier, whoever had the new agreement, to what classes of men it applied. Did it apply only to the gripmen and conductors, or did it apply also to the roadmen and the men engaged in the office and all sorts and conditions of tramway employes? He saw by the agreement, which had just been handed to him, that it provided that "the ordinary working hours of all employes engaged on the tramway lines, cars, sheds, or works be reduced to a maximum of fifty-four hours per week without reducing the wages." That was satisfactory, and that was what he was asking for. He had not seen the agreement previously. It was extremely satisfactory with regard to the Melbourne Tramway and Omnibus Company, but it did not accomplish all the ends he had in view in introducing this amendment, because he wished it to embrace all the tramway com-

panies, such as those at Ballarat and Bendigo, or any other tramway companies that were overworking their employes and that could be represented on the Board. It had been asserted by some newspapers that this amendment was brought in for clap-trap purposes and for the advertisement of the Labour Party. He wished to explain that he had brought this in entirely on his own volition, and that it was not done at the instigation of the party. If there was any clap-trap about it the responsibility was absolutely his own.

Mr. WATT.—That is a disclosure.

Sir ALEXANDER PEACOCK.—You intimated to me, as soon as I gave notice of the Bill, that you intended to do this.

Mr. WATT.—There is no solidarity about that statement.

Mr. BROMLEY said he mentioned that fact to disprove the statement that had appeared in one of the morning papers. If there was any clap-trap about it he alone was guilty of it, and not the party.

Mr. ELMSLIE.—Now what about the solidarity? It is self-sacrifice.

Mr. BROMLEY said he would not dwell upon the matter any longer. He thought he had clearly shown from the Act of 1883, and from the discussion which took place in the House on the Bill, what the actual state of affairs was, and he would only be wearying the Chamber if he read the various amendments or propositions that were made at that time. All the speeches clearly indicated that it was the intention of Parliament that the men should work only forty-eight hours per week. One proposition was that in no case were they to exceed eight hours in any one day. Seeing the hardships these men had endured, and the enormous profits the company had made, he thought his proposal ought in all fairness to be agreed to, for the purpose of embracing all the tramway companies throughout the State. There could be no difficulty in the formation of a Board, because sufficient representatives could be got for both sides. He proposed to take the opinion of the Committee upon the amendment, but at the same time he was very pleased that the effect of bringing the amendment forward had been to improve the hours of the men.

Mr. KEAST said that, as an old employe of the company, he felt it was his duty when this matter was brought forward to ascertain what the men and the company were prepared to do by way of conciliation. He saw a number of the men, and he was approached by representatives of the company, and his

advice to both sides was to make a compromise. He understood that the company and the men were willing to accept the compromise that had been mentioned.

Mr. BEAZLEY.—What authority have you for saying that for the men?

Mr. KEAST said he knew the bulk of them, and he had worked with them.

Mr. BEAZLEY.—That was a long time ago.

Mr. KEAST said he had worked with them seventeen years ago, but he could say that the bulk of the men were willing to accept the compromise. The statement made by the honorable member for Brunswick as to working the men the same number of trips in the reduced hours could hardly come about. The honorable member said they would have to do more trips for the money, but they could not do that without increasing the speed of the trams. When he was in the company, the men, including himself, were only getting 36s. per week, and the hours worked were too long. The compromise that the Government had effected was a fair thing, and he was pleased to think that there was not going to be any further trouble.

Mr. ELMSLIE.—The Bill under which they got their charter intended that the hours should be forty-eight.

Mr. KEAST said he believed it did, but the company had been working the men up to sixty hours for over twenty years and there had been no objection. The company were the best of employers, and he had never known them to break their word to the men.

Mr. BEAZLEY.—They have broken the law for twenty years.

Mr. KEAST stated that if they did not keep their promise in regard to fifty-four hours a week, the Government ought to call a special session of Parliament to deal with them, but he had no doubt that they would keep their word.

Sir ALEXANDER PEACOCK.—It will mean £12,500 a year.

Mr. KEAST said that if that was so, they could not be intending to work the men more trips. He hoped the good sense of the honorable member for Carlton would come to his aid to-night, and that he would withdraw his proposal. The company had made the concession voluntarily. Immediately he suggested it to them they fell in with it. He was one of those who did not like to see trouble between employer and employé, and if ever he could do anything to prevent strikes he would only be too pleased to do it.

Mr. LEMMON.—What chance has the company of getting you back at 36s. a week?

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Mr. KEAST.—Not much chance. He received fair treatment when he was an employé.

Mr. WATT.—Do you think they would employ the honorable member for Williams-town as a conductor?

Mr. KEAST said he thought that the company would employ the honorable member, and if the honorable member lost his seat and wanted a job, he (Mr. Keast) would try to get him in.

Mr. LEMMON.—I think you want me to get the same minimum wage as you are making.

Mr. KEAST said he did not always agree with the Government, and when they were wrong he did not mind telling them so and voting against them, but in this case they had done the right thing in the interests of all concerned. He felt it his duty as an old employé of the company to try to bring the two sides together, and in doing that he had done his duty. If the company did not do a fair thing he would be one of the first to move against them.

Progress was then reported.

The House adjourned at eleven o'clock p.m., until eleven a.m. the following day.

LEGISLATIVE ASSEMBLY.

Thursday, November 14, 1907.

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

TOLMIE AND TOOMBULLUP LAND SETTLEMENT AND RAILWAY CONSTRUCTION BILL.

Mr. BENT, by leave, moved for leave to introduce a Bill to provide for the acquisition of land for closer settlement in the Tolmie and Toombullup district, and to authorize the construction by the State of railways for developing such land and the Crown lands in the said district. He said he understood all the honorable members on the Opposition side were favorable to his having leave to move in this matter.

The motion was agreed to.

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

PERSONAL EXPLANATION.

Mr. PRENDERGAST stated that, as a matter of privilege, he wanted to call attention to certain remarks which appeared in the *Age* newspaper of this morning, and

which were devoid of truth. Of course, it was almost impossible to expect any truth from the *Age* newspaper, but the statements of the paper were so remarkably devoid of truth on this occasion that he thought honorable members would uphold him in his contention that something should be done to regulate these matters in the interests of the public. As far as the individual in Parliament was concerned, statements such as these made little difference. No one wanted to deny the right of criticism, and he thought that those who were legislating should, in the public interest, be liable to the most intense criticism, but when private individuals were apparently allowed to vent their spleen like this in the columns of the press, it seemed reasonable that the attention of the public should be called to it. The only way he had of getting a statement published was through the columns of *Hunsard*, and he desired now to take that opportunity. Referring to the Indeterminate Sentences Bill, which was before the House yesterday, the *Age* newspaper stated—

As might have been expected, the manifestly sagacious provisions and broad humanitarian spirit of the Bill commended it to every member of the House but Mr. Prendergast. The Labour leader recognised that there was a danger that the measure would stamp out the criminal classes altogether. He therefore attacked it as a piece of "panic legislation," and proposed that every criminal menaced with an indeterminate sentence should have counsel assigned him at the expense of the State, so that he should have every possible chance of protection from regeneration. Mr. Prendergast appeared to think that there was a covert object in the Bill to prolong sentences unduly, and it was little use for members to remind him that the imprisonment of criminals is too costly a proceeding for the State to extend to witless lengths for the mere sake of playing the tyrant. Probably no more pitiable exposition of ineptitude and ignorance—

He would call attention to the fact that the words, "ineptitude and ignorance," appeared in the previous article of which he had complained, so that this article must have been written by the same man as the other. The article continued—

Probably no more pitiable exposition of ineptitude and ignorance in argument has ever been given in the Assembly than his speech contained. His championship of his pet *protégés*, the criminals, naturally enough effected nothing. The second reading was carried on the voices, and the measure passed through Committee without amendment.

He had never manifested any desire to help the criminal classes. The statement he made in connexion with the Bill was for the purpose of getting counsel assigned for men who were being tried for their freedom,

Mr. Prendergast.

just as counsel were now assigned for men when they were being tried for their lives on a charge of murder, and his object merely was to see that no possible injustice was done to any of these men when their cases were before the Court. That was the spirit in which he made his speech in regard to the matter, and that that was his intention was not denied by the Minister of Lands, who had charge of the measure, and who acknowledged that there were several matters which were not provided for in our statute law. There was a similar desire to that which he had voiced manifested in other places, where there was as great a wish to keep the community pure as there was here. He had also pointed out the difficulty in connexion with the economic conditions of living to-day, which caused a great deal of criminality; but he objected to being classed as being in sympathy with criminals because he desired certain reforms in connexion with the criminal law. He thought honorable members ought to be protected when this kind of criticism appeared in a leading journal. At least justice should be done by the newspaper giving a report in another part of its columns of the actual remarks of the honorable member who was criticised, but such a report did not appear in this newspaper. The partial report that did appear, however, cleared his character from this charge, but the report was not what it should be. In fact, as was well known, the reports of Parliament which appeared in the *Age* were a lampoon of the proceedings, instead of an ordinary or just report.

The SPEAKER.—Does the honorable member propose to move any substantive motion?

Mr. PRENDERGAST said he merely wanted to call attention to the matter.

The SPEAKER.—I take it then to be a personal explanation.

Mr. PRENDERGAST said the Premier, he understood, desired to bring in legislation to make these irresponsible individuals, whoever they might be, belonging to newspapers sign their articles.

The SPEAKER.—That has nothing to do with this matter.

Mr. PRENDERGAST said if this article was signed, it could have been seen how much weight was to be attached to the individual's statement. He had occasion previously to refer to the *Age* reports on account of their misrepresentations of Parliament. The individual who had written this, as he said before, was nothing but a literary

bounder, who got paid for this class of work, and who was glad to do it for the dirty money he earned from that newspaper.

NETHERBY AND NORTH-WESTERN MALLEE RAILWAY.

Mr. BENT moved—

That the question of connecting Netherby, Yanac-a-yanac, Cow Plains, and the north-western portion of the Mallee country by means of a line of railway with the existing railway system, and of loading the Crown and other lands enhanced in value by the construction of the railway be referred to the Parliamentary Standing Committee on Railways for inquiry and report.

He said—I have had a plan prepared, and I will place it on the table so that honorable members may be able to follow my remarks when I am speaking about the part of the country to which this motion refers. The object of this railway is to serve the Netherby district and also the Mallee country to the west and north of that township, and on through Cow Plains towards Pinnaroo. Pinnaroo is on the South Australian border, about midway between Serviceton and the Murray River. There is, so I have been informed, some good Mallee country around Cow Plains, and also north of that, lying between Ouyen on the Mildura Railway, and Pinnaroo on the South Australian border, which is about 75 miles due west of Ouyen. A year or two ago the South Australian Government built a railway from Tailem Bend, which is near the Murray-bridge on the Adelaide main line, running due east for 86 miles and terminating at Pinnaroo. The object of that line was to tap similar Mallee country on the South Australian side of the border, and also eventually no doubt to get the traffic from some of the Victorian Mallee to the east of Pinnaroo. The South Australian Railways Commissioner in his last annual report stated that the line from Tailem Bend to Pinnaroo was open for traffic on the 14th September, 1906. He said it was a light line, laid with second-hand rails, without ballast, and had cost £121,000 for 86 miles. He added that the receipts "are most satisfactory, showing that for the period under review, the earnings were £4,600, and the working cost £1,463. There is no doubt the earnings will materially improve as the land becomes more cultivated." If it were worth South Australia's while building a railway to open that country, it is surely worth while this State having an inquiry by the Railways Standing Committee to ascertain whether a line can be built

through Cow Plains to open up the country lying between Pinnaroo and Ouyen. All that country is at present practically uninhabited, being used merely for grazing purposes. I may say that several South Australian rich men have obtained their riches from this land, having obtained it for a very nominal sum from this Government. The rainfall, however, in that area averages, according to the figures supplied by the Water Supply Department, from 15 to 16 inches per annum, as against 13 inches in the portion of the Mallee country which is further inland towards Western Riverina. Owing largely to the experimental plots which the Agricultural Department has had cultivated in various parts of the Mallee during the last three or four years, the farmers are now getting a class of wheat which is well adapted for the requirements of the Mallee. One of the wheats, known as Federation, has given remarkably good and uniform results throughout the dry areas of the State. The farmers are also realizing that, to get the best results out of the cultivation of the Mallee, they must fallow their land. As I have already said, the south-western and western portion of the Mallee is favoured with a higher average annual rainfall than the other parts of that country, and I see no reason, if the land is of the quality I have been told it is, why there should not be successful settlement in that portion of the State. The line will also serve on its way the Netherby and Yanac-a-yanac country. There is a local dispute as to whether the railway to Netherby should start from Jeparit, as recommended by the Railways Standing Committee, or from Nhill, as advocated by some of the local residents. The Committee has set forth in its report its reasons for selecting Jeparit in preference to Nhill, but Nhill is the principal market and commercial town in the district, and practically all the business is done with that township. The banks, sale yards, and flour mills are at Nhill, and certain vested interests have grown up in connexion with that township, which, in the opinion of the local people, are deserving of some consideration at the hands of the Railways Standing Committee. I therefore propose that the whole matter of railway extension in this district, and of opening up the Mallee country beyond, in the direction of Cow Plains and Pinnaroo, be referred to the Railways Standing Committee for inquiry and report. It appears that there are hundreds of thousands of acres of good Mallee land in this part of the country, and honorable members

will observe that the line can be constructed for from £1,000 to £1,200 per mile. As all the Mallee lines are paying, and there is a great desire on the part of everybody that the land should be occupied, I believe this is a very good scheme indeed. I have already given notice that I intend to increase the number of members of the Railways Standing Committee from six to thirteen. The Committee originally consisted of thirteen members, and there are so many places in the State, where people could be put on the land if railways were constructed, that the Committee could be divided into two sections to make inquiries, as was done in the old days. I believe by doing that we will get the reports in a reasonable time.

Mr. PRENDERGAST.—That is another one of the Irvine Government's little retrenchment schemes gone.

Mr. LANGDON.—Where did you get the Federation wheat from?

Mr. BENT.—I think it came from Dookie.

Mr. LANGDON.—No; it did not. It came from Wagga Wagga.

Mr. BENT.—I suppose at any rate I was right regarding the quality of the Federation wheat.

Mr. PRENDERGAST.—I do not object to the line being referred to the Railways Standing Committee for report, because it is a good thing to get reports in connexion with a number of lines, as they are available for future reference even if nothing is done immediately, but it seems to me that in regard to opening up the land in the North, it would be a good thing to refer to the Committee the question of extending the line which runs from Lake Boga to Swan Hill, right along the Murray to Mildura. There are already seven lines running into the Mallee.

Mr. BENT.—We will have a proposal about that, perhaps.

Mr. PRENDERGAST.—The Railways Standing Committee is a most important Committee, and gives closer attention to its work than any other Committee we have. The Committee's reports in connexion with all matters referred to it denote that the utmost consideration is paid to everything. In my opinion the Committee should have referred to it the question of constructing a line along the Murray from Swan Hill to Mildura. Such a line would open up land that belongs to us, and I believe would enable many thousands of acres of the lands we have to be settled.

Mr. BENT.—The Minister of Lands has that in hand now.

Mr. PRENDERGAST.—I hope the matter will receive the consideration it deserves. It appears to me from the knowledge we now possess that it would have been better to have extended the Swan Hill line along the Murray to Mildura.

Mr. BENT.—The land is all good along the line you propose.

Mr. PRENDERGAST.—That land all belongs to us. None of it is freehold land, I believe, and it is land that sooner or later we must settle under greater or lesser difficulties. When a line is referred to the Railways Standing Committee we obtain a report as to the cost of the line, and as to the value of the line as a feeder and a means of settlement. If the question were referred to the Committee we would get a report upon the matter which would be of value to us in taking the departmental report into consideration.

Mr. THOMSON.—In speaking to this question, I certainly say that we ought not to construct any more lines that will compete with water carriage. We have an example of the effect of that system in the Western District. The honorable member for Glenelg will bear me out in saying that there is no end of trouble in connexion with the line to Portland, which competes with water carriage.

Mr. BENT.—This is another question.

Mr. THOMSON.—The leader of the Opposition has advocated a line to run along the Murray.

Mr. PRENDERGAST.—I have not advocated the line at all.

The SPEAKER.—That question is not before the Chair.

Mr. THOMSON.—I understood the leader of the Opposition to suggest a line along the banks of the Murray.

Mr. PRENDERGAST.—I suggested that a report should be obtained from the Railways Standing Committee.

The SPEAKER.—The leader of the Opposition did not move any motion. He merely expressed an opinion.

Mr. THOMSON.—I wish to express my opinion.

The SPEAKER.—The honorable member is speaking on a general question as to the railways competing with water carriage. I hope the honorable member will live to see water carriage competing with the proposed railway, because it is one of the driest parts of the country.

Mr. THOMSON.—I only rose to enter my objection to lines being constructed to com-

pete with water carriage, because it is almost impossible to construct railways at so low a rate that they can successfully compete with carriage by water.

The motion was agreed to.

BULLA RAILWAY.

Mr. BENT moved—

That the question of connecting Bulla by means of a steam or electric railway with the existing railway system, and of loading the land which will be enhanced in value by the construction of the railway, be referred to the Parliamentary Standing Committee on Railways for inquiry and report.

He said—I was going to ask the honorable member for Essendon whether he would raise any technical point regarding this motion, but the honorable member is not here, so I will go on. Bulla is a municipal post town situated 16 miles north-west of Melbourne, on the Saltwater River. Its population is estimated at 300, it is the centre of a rich and populous agricultural and dairying district, and there are large deposits of kaolin and ironstone near the township. Very large quantities of hay are grown and carted to the Melbourne market, besides much other produce. The last available estimate shows a yield of over 10,000 tons of hay alone for one season, and railway facilities are expected to increase this considerably. Bulla is situated about midway between the North-Eastern and Bendigo railway lines, but the distance across to these lines is so great, and the hilly character of the roads is such that the local traffic does not make use of the lines, but finds its way by the longer but easier road direct to Melbourne. Railway communication would develop the locality, open it up as an outer suburban area, and bring much excursion traffic from Melbourne. Various routes for connecting Bulla with the existing railway system have been proposed—*via* Keilor and Buckley-street, Essendon, to Newmarket, 13 miles; *via* Tullamarine and Buckley-street, Essendon, to Newmarket, 13 miles; and *via* Tullamarine to Essendon, 10½ miles. Considerable intermediate traffic would be obtained along any of those routes, and the country through which they run is chiefly a basaltic table-land, permitting railway construction at moderate cost. That is the official statement, but the official forgets to say that along the line from the show-yards at Flemington there is a population of, I should think, 3,000 or 4,000 people, or even more. I am quite sure the line would pay, but at any rate it is the duty of the Railways Standing Committee to obtain

all the information they can. I simply ask the House to refer the matter to the Committee, which, as the leader of the Opposition says, is one of the most painstaking Committees we have, and which can be depended upon. I was a member of the Committee myself, and therefore I accept the eulogiums regarding the Committee.

Mr. PRENDERGAST.—As far as I recollect, some years ago there was a proposition to construct a railway from a point near the Flemington race-course right down the road to Bulla. In fact, it strikes me that the matter went right up to the point of the line being almost constructed. The money was voted, the engineers were at work, and a lot of money was spent. Does the Premier recollect that?

Mr. BENT.—In giving evidence before the Court I do not recollect that.

Mr. PRENDERGAST.—I recollect the matter very well. The position of affairs has been altered, and there is now an electric tramway in the district. In Sydney the tramways run up to 16 or 17 miles outside the metropolitan circle, and it seems to me that in considering the question of constructing the line, the opinion of the electrical expert whom the Government have obtained should be ascertained as to whether the line should be an electric one or not.

Mr. BENT.—The Committee can consider the question of whether the line should be an electric one.

Mr. PRENDERGAST.—This line could be brought under the tramway system. The trams in Sydney run right out to such places as La Perouse, which is a good distance away from the city. On the North Shore the electric trams run many miles out. Not only should the Railways Standing Committee deal with the question as to whether an ordinary line should be constructed, but should consider the question of electrification, because we do not want to find, after the Committee has dealt with the question of an ordinary line, that the expert recommends an electric line.

Mr. BENT.—We have already asked him to report.

Mr. PRENDERGAST. — This matter brings us into the question of to what extent we are going to allow tramway monopolies to grow up around Melbourne. We find there are four different owners of the tramways. There is the company at Coburg, which owns the horse-trams; there is the company at Essendon controlling the electric line in that district; the Government have the line from St. Kilda to Brighton; and

there is the Melbourne Tramway and Omnibus Company. In addition some of the municipalities are to be given an opportunity of constructing lines in the southern suburbs.

Mr. BENT.—That will have to come before Parliament.

Mr. PRENDERGAST.—It seems to me a larger policy is involved than to allow the municipalities to gratify their desire to construct tramways. In connexion with the report on this proposal the whole question of the ownership of the tramways in the suburbs will have to be considered. It would be better to have a report from both points of view presented to the House.

Mr. ROBERTSON.—I merely rise to support the motion without going into the matter at all. I congratulate the Premier on having submitted the motion. The line was recommended many years ago by the Railways Standing Committee, of which the Premier was then chairman. The conditions of farming are so altered in the locality, that instead of the hay being carted off, chaff is now cut on the land. The people in the locality are very much behind districts 50 or 60 miles from Melbourne in regard to railway communication.

The motion was agreed to.

EAST GIPPSLAND RAILWAY.

Mr. BENT moved—

That the question of developing the East Gippsland country by means of a railway to eventually connect with the New South Wales railway system, and in the meantime open up the Crown lands between Bairnsdale and the New South Wales border and promote settlement, and also tap the timber and mineral resources of the district, and of loading the land enhanced in value by the construction of the said railway, be referred to the Parliamentary Standing Committee on Railways for inquiry and report.

I have a memorandum here which has been prepared by Mr. Kernot, who is now engaged in making the survey, and has got as far as Orbost. The memorandum states—

Eastern Gippsland comprises a tract of country 120 miles long from east to west, and of varying width up to 70 miles from north to south. Its area, which includes the counties of Tambo and Croajingolong, is 5,180 square miles or three million three hundred thousand acres, and of this only about one-twentieth part is alienated, or held under titles which provide for alienation, so that over three millions of acres are Crown lands. This little known country lies waiting to be opened up, and will so remain till better means of communication are provided. Its undeveloped resources are great. It is a well watered country with a genial climate. The land, though variable in quality, includes rich river flats as good as any in Australia,

and very extensive areas which have been examined and classed as "good" country, while more of it, which is not covered by timber and scrub, will, when settled on increase largely in value just as has occurred in other parts of this State. Very large supplies of good timber exist, and include first-class timbers, such as ironbark, grey box and bloodwood, which, when tapped, will supply the want which is being felt owing to the exhaustion of the forests of redgum, ironbark and box in other parts of the State, and lessen the importation of hardwood timber which has commenced.

A good deal of our hardwood timber is now being used in the erection of houses, and it is only now that people are beginning to appreciate it.

There is large mineral wealth, the exploitation of which is proceeding very slowly on account of the very high cost of mining in country so difficult of access. Across the border are the fertile Monaro Plains of southern New South Wales, which are waiting for an outlet for their produce to southern markets. Picturesque scenery of varied character abounds and would attract many tourists and offer fine sites for health resorts both along the sea coast, at the cave district about Buchan, along the numerous fine rivers, and among the mountains, which are very grand and beautiful. The country has at present a precarious service along the sea coast with small craft, subject to weather and tidal conditions. There are no good, open harbours, and the service is wholly inadequate for the coastal fringe. The present settlers in the eastern part, most of them attracted by mineral wealth, make their way across the border into New South Wales for stores. The effectual way of opening up this fine country is by railway communication, which will in the future be part of a thorough coastal route from Melbourne to Sydney. From the New South Wales border to Bairnsdale, *via* Orbost, the distance by different routes varies between 150 miles and 125 miles, and the cost has been roughly estimated at between £960,000 and £1,159,000 according to route, while enhancement of the value of the land for settlement purposes alone is estimated at £925,000; the value of the enormous quantity of timber at a low royalty is over £1,000,000, and the benefit to mining and other sources of traffic would be great.

There are five different routes suggested and there is an area of 3,000,000 acres. Might I remind the leader of the Opposition that there are 3,000,000 acres, although the *Age* says I am dealing only with 500,000 acres? There are 3,000,000 acres, and there is only one-twentieth part of it in occupation. When I visited the country I saw some of the finest fruit growing there that I ever saw in my life. There is a man there with an estate that nothing in the world can touch, and he has it for a song. He erected a house, and he has all kinds of fruit and vegetables growing. All along the route Sir Samuel Gillott and myself saw beautiful country. Some of the officers have stated that snow lies on part of the area, but in Canada, where snow lies on the land they say it is the best land. The seed lies under the snow, and when the snow disappears the land

produces beautiful crops. I know that honorable members desire that this country shall be opened up. I could speak on it as I did at the Town Hall, but I shall not do so. We have there 3,000,000 acres of good land, and if we provide railway communication we will add another province to Victoria. It is with the utmost confidence that I ask the House to agree to this proposition. I have another proposition that, perhaps, the honorable member for the district will not like.

Mr. LANGDON.—You are making him blush.

Mr. BENT.—Although the member for the district may not be favorable to it, I may say that I went down to a place called Marlo with him, and concluded that it could be made into a port. When I suggested that the prisoners should be sent down there to open it up, the people stuck up their backs, because I suppose they were afraid that they would not get a railway. I have seen several professional men, and they agree with me that Marlo should be a port. The entrance to the Gippsland Lakes is not taken advantage of as it should be. We allow people to have their boats there—

Mr. OUTTRIM.—If you open a port at Marlo, will it not take the traffic away from the railway?

Mr. BENT.—No. The railway will bring the traffic to the port, and it is our port.

Mr. PRENDERGAST.—Why not have State ships?

Mr. BENT.—If we had sensible people here we would do as they do in Canada, where they have their own ships. Do you mean to tell me that in Canada they would allow private owners to have little steamers going to Portland, Port Fairy and Warrnambool? We make all the ports for the shipping, and they pay little or nothing. If we were a business community these ships would belong to the railways.

Mr. PRENDERGAST.—And we have to have differential railway rates.

Mr. BENT.—I would buy the blooming lot if I were supported. It would not take half-a-million of money to buy them, and then the railways would take the produce to the ports to be conveyed in ships. We ought to have a port at Marlo. We have got dredges down at the entrance to the Gippsland Lakes, and we do not get enough money from the shipping to pay the expenses of those who collect the trifling dues paid by the shipping. However, I am not dealing with the ships this morning. I ask that this question be sent on to the Railways Standing Committee, and this is one of the reasons why I am going to ask

that the Committee should be increased in number. Up in the Mallee country, where it was said the land was no good, they are getting two or three notes an acre for it, and they are coming round to the view that they should load their land in order to get railway communication. A deputation came to me this morning, and they were horrified at first at the idea of loading the land, but they admitted that unless that was done it would take a long time to get a railway. People are now getting more sense, and recognise that the Government must have some security in order that no more unpayable lines should be built. I think we can get a report from the Railways Standing Committee on this question pretty quickly, and I have much pleasure in moving the resolution.

Mr. LIVINGSTON.—I wish to ask the Premier a question in reference to the resolution. I understand it is to be an instruction to the Railways Standing Committee that the whole of the Crown lands along this railway line should be loaded in order to pay the cost of the line.

Mr. BENT.—Of course.

Mr. LIVINGSTON.—Very good. Is it the intention of the Premier to have the private lands in the country loaded as well?

Mr. BENT.—Yes.

Mr. LIVINGSTON.—Then I understand it will be an instruction to the Committee that the Orbost Flats, comprising some of the richest land in the State, should be loaded proportionally to their value?

Mr. BENT.—My word they will.

Mr. LIVINGSTON.—All right.

The motion was agreed to.

ENGINEER-IN-CHIEF (TITLE ALTERATION) BILL.

Mr. BENT moved the second reading of this Bill. He said—This Bill provides for the alteration of the style or title of the Engineer-in-Chief or Acting Engineer-in-Chief of Victorian Railways to that of Chief Engineer for Railway Construction. Mr. Kernot has held the position of Acting Engineer-in-Chief for a long time, and it is now determined by the Department that he shall have the position of Chief Engineer for Railway Construction, while Mr. Norman remains Engineer of Existing Lines. According to law, it is necessary that the Engineer-in-Chief should sign certain documents, and we propose that this may now be done by the Chief Engineer for Railway Construction.

The motion was agreed to.

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

Clause 1 was agreed to.

On clause 2, providing for the appointment of a Chief Engineer for Railway Construction, [2-7] m14J

Mr. LIVINGSTON asked whether this alteration in title would involve any additional expense to the State?

Mr. BENT said it was proposed to increase Mr. Kernot's salary by about £100 a year, but not as the result of this measure. This alteration of the law would not involve any extra expense.

The clause was agreed to, as were also clauses 3 and 4.

The Bill was reported without amendment, and the report was adopted.

On the motion of Mr. BENT, the Bill was then read a third time.

SUPPLY.

The House went into Committee of Supply for the further consideration of the Estimates of Expenditure for 1907-8.

PENAL ESTABLISHMENTS AND GAOLS.

On the vote to complete the vote (£51,701) for Penal Establishments and Gaols,

Mr. ANSTEY said he desired to bring under the notice of the Chief Secretary the position of the senior warders. Under the Patterson régime, the salaries of these officers were reduced in common with the salaries of other public servants. Since then the salaries of the ordinary warders had all been restored to them, but this had not been done in the case of the senior warders. Their increments had not been granted. The present position was that the ordinary warders were receiving £153 a year, which was their maximum, while the senior warders, with one exception, received £160, or a difference of only £7 a year. One senior warder was paid at the rate of £162 2s. 6d., but this was because he was getting that amount before he was appointed senior warder. He (Mr. Anstey) understood that the senior warders had written repeatedly to the Department asking that their case should be considered and their increments granted, or, at least, that they should have some chance of having their old salaries restored to them. The Department absolutely declined even to answer their letters. It seemed to him that when a number of men made a request of that kind, whether their case was a good one or a bad one, the

Department might extend to them the courtesy of a reply. The ordinary warders had not complained at all, but the senior warders were still in the same position as that to which they were reduced in the retrenchment days.

Sir ALEXANDER PEACOCK said he would call for the correspondence and look into the claims of the senior warders. He had obtained the approval of the Cabinet to a reclassification of the warders, and an additional sum of £500 was provided on the Estimates. He had made inquiry the other day, and understood the increments had been passed in some 70 cases, but the other increments could not take effect until January next.

Mr. SMITH called attention to the item of £5,300 for provisions. Some time ago he had occasion to look at the contract prices that were accepted for provisions for the present year. They were published in the *Government Gazette* on the 26th June last. He found a great disparity in connexion with various items, so much so that it seemed to him that they needed looking into in a more thorough fashion than appeared to have been done in the past. Unfortunately, he had mislaid his list of the various prices, but he could give a few items which would be sufficient to show the need for an inquiry. In some parts extraordinary charges were being made as compared with those in other localities. Let him first deal with the supply of meat. In Melbourne there were four contracts, the prices being 16s. 10d., 16s. 9d., 14s. 8d., and 14s. 11d. per 100 lbs. Even in those contracts there was a difference of as much as 2s.

Mr. THOMSON.—Were the contracts let at one time?

Mr. SMITH.—Yes.

Mr. ROBERTSON.—Is not 14s. 8d. charged for corned meat, and 16s. 10d. for fresh?

Mr. SMITH said the mutton, beef, and the corned beef were supplied at practically the same figure.

Mr. ROBERTSON.—Where is it supplied at 14s. 8d.?

Mr. SMITH said the figures he had given related to the metropolitan district. At Beechworth the price was 17s.; at Ballarat, 20s.; at Geelong, £1 13s. 4d.; at Sunbury, 17s. 5d.; at Bendigo, £1 17s. 6d.; at Sale, £1 0s. 10d.; and at Castlemaine, £1 9s. 2d. The disparity in these prices showed that there must be something radically wrong. Compared with Melbourne, there was an advance of 100 per cent. at Geelong, and at Bendigo the advance was still higher. He was

satisfied that there was not that difference in the retail charges.

Sir ALEXANDER PEACOCK.—There are very few prisoners in the country centres.

Mr. SMITH said that would not make the difference.

Sir ALEXANDER PEACOCK.—Perhaps they do not like competing.

Mr. SMITH said he did not think that the difference in the number of prisoners would apply in a large place like Bendigo or Geelong. It might do so to some extent in a small country district. There was also great disparity in the prices of potatoes. In Melbourne, there were two contracts at 2s. 2d. per cwt. At Williamstown the price was 5s. 6d., an advance of 2s. 4d., or over 100 per cent. At Ballarat there were three contracts at 3s. 2d., 2s. 5d., and 2s. 2d. respectively. At Geelong the price was 3s.; at Sunbury, 2s. 9d.; at Bendigo, 5s.; and at Castlemaine, 6s.

Sir ALEXANDER PEACOCK.—There must be a combine among the contractors.

Mr. SMITH said it would seem that there was some arrangement. There was a difference between the prices at Melbourne and Castlemaine, of about 200 per cent. Then there was bread. In Melbourne the price per lb. was $\frac{2}{3}$ d., at Williamstown, $\frac{1}{4}$ d.; at Beechworth, $\frac{1}{4}$ d.; at Ballarat, $\frac{7}{10}$ d.; at Geelong, $\frac{1}{4}$ d.; at Sunbury, $\frac{2}{3}$ d.; at Bendigo, $\frac{1}{4}$ d.; and at Sale, $\frac{1}{4}$ d. The great disparity in the prices seemed to show that there was not the supervision over the contracts that there should be. It meant that either the State must be paying too dearly for its whistle in one case, or it was supplied with an inferior quality of goods in the other, if the price was any criterion of quality. The disparity in prices did not apply only to meat, potatoes, and bread, but the prices of all groceries fluctuated to a greater or lesser extent. For instance, 8d. per lb. was paid for tea in Melbourne, and 1s. 3d. in Bendigo. Either inferior stuff was being supplied in one case, or the Department was being overcharged in the other. He hoped the authorities would look into this matter, and see that the State was not being imposed upon.

Sir ALEXANDER PEACOCK said no doubt the honorable member for Bendigo West was aware that there was a Tender Board, consisting of Government officials, and that tenders were advertised for in the *Government Gazette* and the local papers. The Board met periodically, and he would obtain information from it as to the statements which had been made. There might

be some arrangement between tenderers in smaller centres.

Mr. LEMMON.—Is there no preference to the local tenderer?

Sir ALEXANDER PEACOCK said as far as he knew there was no preference whatever. He would promise to see the Secretary of the Tender Board and obtain an explanation of the whole matter.

Mr. SMITH.—The disparity in prices does not apply merely to penal establishments, but to other institutions.

Sir ALEXANDER PEACOCK said everything in connexion with the contracts was done publicly, but he would promise to investigate the matter.

Mr. ROBERTSON said he agreed with the honorable member for Bendigo West that the matter required investigation. There had been trouble over it in connexion with the Sunbury Asylum. Since the frozen meat trade had grown up, small shops had got into the hands of a Melbourne monopoly, which had extended its ramifications to Sunbury, and even to Ararat. The great consideration was that patients in these institutions should be supplied with good meat, and it was not a question of merely accepting the lowest tender. It was not in the interests of the patients that they should be provided with frozen meat instead of fresh meat. He was led to believe that frozen meat was supplied to the patients now. Meat was bought on a glutted market, put away in the freezing chamber, and then served out from time to time to these institutions.

Mr. STANLEY.—Is it not as good?

Mr. ROBERTSON said if the honorable member had been fed on frozen meat his brain would not be so fertile.

Mr. THOMSON.—That is a bad advertisement for our frozen meat trade.

Mr. ROBERTSON said every one knew that frozen meat had not the same flavour as fresh meat. Frozen meat was not so juicy, and he was surprised at the honorable member for Dundas, who was a grazier, and ought to know better. Under old conditions a fair contract price for a run of years would have been something like 21s. or 22s. per 100 lbs., for the supply of good beef and mutton in joints as ordered. At Sunbury the local men had been knocked clean out by those in Melbourne. No preference was given to the local man. It was in the best interests of such institutions to encourage as much competition in these tenders as possible, in order that the best meat might be obtained. He had not gone into the prices of bread and other

provisions, but the disparity in the prices of meat called for investigation. The prices should harmonize more than they did. As the honorable member for Bendigo West said, the institutions must be either supplied with frozen or inferior meat in one case or an abnormal price must be charged in the others. The question was whether the poor patients in the asylums and other institutions were getting the meat the Government were paying for.

Mr. THOMSON said he was in accord with the honorable members who had spoken in their contention that inmates of these institutions should be supplied with proper food. He was surprised to hear the honorable member for Bulla state that frozen mutton should not be supplied. They knew that there was a party in this country who liked to cry "stinking fish." If we had a drought, or if anything detrimental to this State occurred, it was at once wired to other parts. Similar things might occur in Canada, and yet Canada was always held up as an example of all that was good. People might perish in their beds and stock die in thousands in Canada, but we never heard a word of it in the press, but in Victoria, when anything detrimental to us occurred, the fact was immediately wired all over the world. He was surprised at the honorable member for Bulla, who was interested in pastoral pursuits, saying that the meat we exported to England, and for which we were trying to get consumers amongst the best classes of people, was not good enough to be used here to feed the people in our institutions. If it was stated to be not good enough for our prisoners, how could we expect our meat to be consumed by the wealthy and other classes in London? The honorable member's remarks were most detrimental to our interests, and he must have spoken without thinking. The honorable member generally thought his speeches well out beforehand. We were sending our frozen meat to the Old Country, and also had agents in other parts of the world advocating the consumption of animal food, and yet such statements were made about our meat in our own country. The honorable member's remarks were one of the worst advertisements that could be sent out to another place. So long as these institutions got good frozen meat, it would be as good as the meat supplied to these institutions for years past. It was well known that the very best meat was not supplied to these institutions, and they could not afford to pay the price for the very best article. Was it

not better to supply these places with a good chop from our frozen mutton, than meat from some old stag or bullock? The honorable member knew that as well as he did. If you could not procure the best fresh meat in market at the present time for these institutions, then give them the best from our freezing works. He did not think that any complaint need be made of the meat supplied to these institutions. He sympathized with a good deal of what the honorable member said about the different prices, but he thought that was brought about by the smallness of the contracts in the country districts. Where the contract was for the supply of a large amount, the profit, although on a small scale, would be larger in the aggregate. If the honorable member could sell a large number of sheep at a small profit per head, he would be prepared to take it, but if he was selling a small number he would want an increased rate in order to make the transaction profitable.

Mr. ROBERTSON.—There is no justification for 37s. 6d. a cwt. for beef.

Mr. THOMSON said he did not say there was, but there would have to be a higher rate in connexion with small contracts than in connexion with large ones.

Mr. PRENDERGAST.—He says the man who puts in frozen meat underbids the man who puts in fresh meat.

Mr. THOMSON said he did not wish to delay the Estimates, as he wanted them to go through so that the factory legislation, which came afterwards, might be dealt with. He hoped, however, the honorable member for Bulla would withdraw the statements he had made.

Mr. ROBERTSON stated that, after the tirade of the honorable member for Dundas, he would just like to say that when he spoke of the inmates of our institutions he had in mind the inmates of our hospitals for the insane. With regard to the honorable member's contention about frozen lamb being as good as or better than fresh, did not the honorable member know that our frozen lamb brought from 3d. to 4d. a lb. in England, while the local lamb, running from 35 lbs. to 40 lbs., brought up to 30s.? If our lambs could be killed in England they would bring more than 4d. a lb. What was the reason of this? Undoubtedly frozen meat did lose its flavour, and so also did frozen fish.

Mr. BAYLES.—In England they eat a large amount of Australian lamb for Welsh lamb.

Mr. ROBERTSON said it was possible some of our lamb was sold in England as New

Zealand, but that did not alter the fact that frozen meat was not as good as meat freshly killed.

Sir ALEXANDER PEACOCK.—I have a decided objection to a discussion on the question of frozen meat, which belongs to the Agricultural Department and the export trade, being taken on my Estimates, and in connexion with the Penal Department.

Mr. ROBERTSON said he hoped the disparity in prices he had mentioned in connexion with the meat supply for the asylums for the insane would be taken into consideration by the Chief Secretary.

Mr. PRENDERGAST remarked that, as he understood the facts in connexion with the Sunbury institution, the local butcher put in a tender for fresh meat, and somebody from outside also put in a tender for fresh meat, and as this tenderer intended to supply frozen meat he could offer the meat at a cheaper rate. The intention, evidently, was that only meat freshly killed was to be supplied, and the allegation was that frozen meat was supplied instead of fresh meat. If that was the case it should not be allowed. It was not supposed to be allowed. This allegation was made by a local butcher—he (Mr. Prendergast) knew about the allegation—who said he could not compete against these outside people. Would it not be fair and reasonable to compel every one to tender under the same conditions? The conditions were not equal if one man tendered for fresh meat and supplied frozen meat, seeing that the local man could not supply anything but fresh meat, and could not tender at as low a rate, perhaps, as the man who obtained his beef from Queensland.

Mr. STANLEY.—Is not frozen meat fresh meat?

Mr. PRENDERGAST said frozen meat was not equal to the other meat.

Mr. THOMSON.—It is very much better than a quantity of the other meat.

Mr. PRENDERGAST said the reason they bought frozen meat in England was that they could not grow sufficient there for their requirements, and they paid a lower price for the frozen meat than they did for the other.

Mr. BAYLES.—They sell it for our meat, too.

Mr. BENNETT remarked that he was astonished at the honorable member for Bulla. A few years ago, in that honorable member's district, when meat was supplied by one of the local men, what happened there? The honorable member for Bulla talked about the interests of the poor

patients. There was not much regard paid to those interests on the occasion he was referring to. According to the evidence which came out, actually what the honorable member was now complaining about had been taking place. The honorable member was very good at getting up and defending his own little place, but the Government in that case had to take the contract away from the local butcher.

Mr. ROBERTSON.—There are four butchers in Sunbury.

Mr. BENNETT said he could well remember the case. It was in connexion with a local man, who was a wealthy butcher—one of the four. This person had been robbing the public, and the Government stepped in, and would not allow that man to carry on what he was doing.

Mr. ROBERTSON.—That is not correct.

Mr. BENNETT said what he was stating was correct, and the records of the matter were in the Department now. That was not before the Flood either. It was very funny how this localism came out when it suited one. The local butchers had a chance, and they robbed the Government and the public.

Mr. ROBERTSON said that he rose to a point of order. Was the honorable member in order in using language like that? He would ask the honorable member to withdraw the statement that the local butchers in Sunbury robbed the public.

Mr. BENNETT said he would withdraw the remark about robbing. He might be wrong, but he believed the documents were in the Chief Secretary's Department now, and they would show that there was great dissatisfaction with the local butcher—so much so that it was robbery, downright robbery.

Sir ALEXANDER PEACOCK remarked that he was very sorry that there was a disposition to debate the merits of frozen meat and ordinary fresh meat—a matter which had more to do with our export trade—in connexion with the vote for the penal establishments. Speaking from memory entirely, there had been complaints in regard to the Sunbury Asylum, and these complaints at different times were brought under his notice. He had found that sometimes pressure was brought to bear to interfere with the Tender Board. Complaints were always investigated. The head of each Department and chief officer of every gaol or asylum could make representations to the Tender Board on these matters, and he did not want the remarks of the honorable member for Bulla, that these things were not well looked

after, to go out without some explanation. The Tender Board occasionally dealt with complaints, and fines had been imposed, and contracts had been cancelled. It was not so long ago that he, accompanied by the Inspector-General of the Insane, the Under-Secretary, and the honorable member for Jika Jika, paid a surprise visit to the Yarra Bend Asylum. They arrived there just at the time the meat was being cut up for the patients, and no better meat could have been got anywhere in the city of Melbourne. At Yarra Bend, an attempt was being made to provide freezing appliances, so that in the summer months the meat supplied to the patients might be in the best condition.

Mr. SANGSTER.—The honorable member for Bulla says you are spoiling the meat by freezing.

Sir ALEXANDER PEACOCK said he had not heard of any complaints being made regarding frozen meat being supplied where the tender was for fresh meat. The duty of the Government was, of course, to look after these unfortunate patients. The complaint of some of the contractors was that, in some cases, the superintendents were rather critical. No one had any desire to see the patients suffer, and he had always properly investigated any complaint made to him.

Mr. LANGDON said he would like to give his meed of praise regarding the food supplied to the inmates of certain public institutions in Melbourne. When he had the honour of being Chief Secretary for a few weeks he did not sit in his office all the time, but visited a number of public institutions. He was very pleased to testify to the good quality of the food supplied to the inmates, and to the excellent management in that connexion. As far as the lunatic asylums were concerned, he saw no cause for complaint regarding the meat supply. He was surprised to find that the leader of the Opposition did not know that frozen meat was as good as fresh meat, and was frozen for preservation. It was lucky that a means of freezing the meat had been invented in order to keep it fresh. The food supplied to the various institutions was really first class.

Mr. PRENDERGAST said he would point out that if frozen meat were as good as fresh meat New Zealand and Australian mutton would fetch the same price in the English market as would English meat, but it did not do so, though the best quality of meat was exported.

An HONORABLE MEMBER.—That is because of prejudice.

Mr. FARRER said, with regard to the food supplied to public institutions, the amount of the tender was not necessarily any guide to the quality of food supplied. He presumed the statement of the Chief Secretary was correct, and that a sharp eye was kept on the quality of food supplied. With regard to the question of the meat provided in some cases there was no particular harm in frozen meat being supplied. The fact of frozen meat being supplied seemed to be a guarantee that the patients would receive an even quality of meat. When meat was dear it was better that the patients should be able to get decent frozen meat than that they should have to be supplied with second or third class meat. As with fresh meat, the quality of frozen meat varied. The best of the frozen meat exported from this country was undoubtedly used by the butchers in the Old Country as British meat, and sold at the same prices as were charged for British meat, but it would be foolish to say that all our meat was equal to English meat, because different conditions of feeding had to be taken into account. He would not like the statement to go out that meat was deteriorated by freezing.

Mr. MCKENZIE.—They only freeze the best quality.

Mr. FARRER said the butchers attempted to do that as far as possible, but in some cases he would not like to eat what was called the best quality. Whether the meat was juicy or tough to a great extent depended on the quality of food the animals ate and the amount of travelling they had done. Although some meat looked prime to the ordinary eye, it might be dry and stringy.

Mr. ELMSLIE said he hoped the Chief Secretary would not lose sight of the matter brought up by the honorable member for Bendigo West regarding the quality of the meat supplied to patients in asylums. He thought the matters dealt with by the honorable member for Bulla and the honorable member for Bendigo West deserved the serious attention of the Chief Secretary. In spite of visits that might have been paid to the institutions by the Chief Secretary, it was quite possible that inferior food was served out to the unfortunate patients. A few weeks ago he (Mr Elmslie) was talking to a gentleman who held a representative position in the Ararat district, and he would tell the Chief Secretary for what it was worth what that gentleman said. His state-

ment was that in a certain institution in Ararat it was a common thing for goats' meat to be rung in for mutton.

Mr. THOMSON.—Goats are very good, too.

Mr. ELMSLIE said it was not a question as to whether goats were good or not, but if mutton was paid for it should be supplied.

Mr. BAYLES.—I ate kid for ten days in a mining camp once, and it was excellent.

Mr. ELMSLIE said he had eaten kid, too, and it was good. He would like the honorable member for Stawell to listen to what he was saying, because he was sure the honorable member would not allow anything of this sort to go on if he could help it. The honorable member ought to keep his eye on the matter. He (Mr. Elmslie) had heard that goats were disappearing in the district.

PAYMENTS TO PRISON CHAPLAINS.

Mr. ANSTEY said he noticed there was an item of £790 for allowances to chaplains in the Penal Department. There was another item of £300 for travelling expenses, an item of £250 for forage, burials, and relief to destitute prisoners on discharge, and an item of £45 for books for the library and school. The amount spent on ghostly consolation for the prisoners was about twice that allowed for forage, burials, and relief to destitute prisoners on their discharge. He would like to know from the Chief Secretary why so much was voted for the chaplains, and why more money was not spent on books or given to the prisoners on their discharge. Did not the Chief Secretary think it would be better to spend more money on books than on religious teaching?

Sir ALEXANDER PEACOCK.—I will look into the matter.

BENDIGO LOCK-UP.

Mr. GLASS said there was a very old grievance existing in Bendigo, and it was in connexion with the necessity for a proper lock-up. As the Chief Secretary would know, complaints had been made for a number of years as to the lock-up. The lock-up was a small pokey little building behind the public offices in Bendigo, and on one side was bounded by the wood-sheds and the lumber rooms of the offices, and on the other side by public conveniences, which in hot weather sent forth a most objectionable odour. He knew that both the superintendents of police who had been stationed in Bendigo during the last three years had drawn attention to the matter. He (Mr. Glass)

paid a good many visits to the public offices, and considered that it was almost a scandal that any one should be confined in such a lock-up. Practically no air could get into the lock-up, except through the ordinary door. There was no ventilation from the top, except that given by a little hole in the roof covered over with a grating. The matter should be attended to as quickly as possible. For years the Department used to lease some premises belonging to the City Council, but they had long since been given up. The state of affairs of which he complained had been allowed to continue for some years. A few hundred pounds would supply the necessary accommodation on the site—

Sir ALEXANDER PEACOCK.—How far is the gaol from the site?

Mr. GLASS said the distance was a little over a quarter of a mile.

The vote was agreed to.

LUNATIC ASYLUMS.

On the vote to complete the vote (£146,622) for Hospitals for the Insane,

Mr. PRENDERGAST said he wished to refer to the hours of the attendants in the Hospitals for the Insane, and he had in his hand a duty sheet, showing that in six weeks each of the attendants put in a total of 579½ hours. That included what was known as reserve duty. Of that total, the reserve duty amounted to 288 hours. The hours of the attendants were much too long, and some endeavour should be made to give them something like reasonable hours, so that they might have some leisure for enjoyment. The reserve duty meant that they were kept in the asylum, and had to remain there at night-time. In fact, they had always to be there to answer the bell. He would like the Chief Secretary to explain why the attendants had to work such long hours. He had in his possession some condensed reports. The Inspector-General stated—"The defective scheme of provision for night nursing, the most important feature of mental nursing, stands out so strikingly that it must be given a prominent place in any scheme of reform, which will demand a considerable increase in the night staff, but it will not be a very considerable increase of the ultimate cost; indeed, it may prove an economy, as, if it tends in an increased recovery rate, the outlay will be more than justified." Dr. Beattie Smith stated—"Night attendance most imperfectly carried out, and most unfair in treatment of the insane; an ample and competent staff required, which would provide its own relief."

and be no burden on the day staff." Dr. Springthorpe stated—"Night nursing totally inadequate; a more complete system of night nursing required." It appeared that the reserve system had completely broken down. The attendants should be placed under better conditions. They had to live near their work.

The CHAIRMAN.—I wish to read standing order No. 30, which states—

Every member of this House, when he comes into the House, shall take his place and shall not stand in any of the passages or gangways.

Mr. PRENDERGAST said the official report showed that the hours worked by the attendants were too long. It stated—"Average, 96 hours 37 minutes per week for 49 weeks, the remaining three weeks being annual leave; or, by deducting annual leave, we still have the exorbitant average of 91 hours weekly per year, viz., active, 62 hours 2 minutes; reserve, 28 hours 58 minutes." These men had a genuine grievance, and the Chief Secretary should do something to give them relief. In many instances, especially in connexion with epileptics, the work of the attendants was very unpalatable. They should receive better remuneration and shorter hours.

Mr. MEMBREY said that some time ago he brought this matter before the House in the form of a question to the Chief Secretary, and it was also called attention to by the honorable member for Owens a few days ago. About three months ago a petition was sent to the Chief Secretary, and he (Mr. Membrey) did not know what was done regarding it. For the information of honorable members, it was just as well that he should read that petition, which stated:—

Hospital for Insane, Kew. — The Honorable the Chief Secretary.—Sir,—We, the undersigned, members of the male staff of the above hospital, most respectfully beg to bring under your notice the following facts with reference to the number of hours worked by us per week, and the conditions under which these hours have to be worked, with the view that when these matters are put before the Hon. the Chief Secretary he will make our hours of duty shorter, thus enabling us to perform those duties with better results to our unfortunate charges, and give us, at the same time, a little more enjoyment of home life. At present we are on duty 89½ hours per week, viz., 64½ active and 25 reserve. This does not include the time spent on active duty after 8 p.m. when entertainments are held for patients.

The Turner Government reduced our active hours of duty by six hours per week. The Department found the most convenient way to give the attendants this concession was to allow an extra day per fortnight. Our hours of active duty prior to the granting of the extra day were 69½ hours. Under the present scale of leave our active hours are 64½ hours. Thus we are not receiving the full amount

of this concession granted to us by Parliament. We also desire to point out that, at the time this extra day was granted, a scale of leave was put in force at Kew, which gave us the leave due to us, and at the same time compensating for any extra time lost by the frequent occurrence of entertainments held for the patients after 8 p.m.

This system worked smoothly for about six years, until a recent arrangement of the leave increased our hours by 2½ active and 3½ hours reserve, or a total of nearly six hours per week. It would not entail any extra expense to revert to the former method.

He would ask honorable members to pay particular attention to what followed—

Under the present system of leave, every third morning we begin a period of duty extending over 37½ hours, or with an entertainment, 39½ hours.

The intervening night we must spend in poorly accommodated rooms, absence from which incurs a penalty, and where sleep and rest are very often broken. Thus we must be at our posts for two days and a night in constant intercourse with the insane without a particle of actual leave. If on the second evening an entertainment occurs, we are detained till 10.15 p.m., and it often happens we must be back at our posts at 7 a.m. the following morning.

Under our former leave, detention for entertainments did not occur, as the attendants on reserve duty the first night were relieved from duty the following evening at 6 p.m.

This scheme assured to the wearied attendants at least a good night's rest.

It is easy for those who have not to undergo the experience of reserve duty to aver that it is a mere trifle, but when you consider the attendants' peculiar environments, the strange noises and insane chatter, probably the soul-racking cries of an epileptic in a fit, it must, we respectfully submit, be admitted that reserve duty is foremost among the most strenuous of the attendants' responsibilities.

In the sister state of New South Wales reserve duty was abolished, a competent night staff being appointed to perform night attendance. Such reform, it is obvious, would prove not only a great relief to the attendants, but should be most beneficial for the welfare of the patients. It is recognised that asylum service is more uncongenial than any other branch of the service, as is evinced by the eagerness with which transfer to any other Department is sought; yet, strange to say, it is deemed necessary to maintain a higher standard of efficiency as regards special training in nursing and frequent attendance at lectures. Moreover, notwithstanding the fact that an attendant for the insane cannot have too high a character, nor too forbearing a disposition, nor can he see too many years of experience to render him more capable of grasping the possibilities of his occupation, yet we find that, as regards both the excessive number of hours and the slowness of promotion, it is the least attractive of all the Departments in the general division.

Therefore, we, the attendants in the Hospitals for the Insane, Victoria, beg respectfully that you, the Hon. Chief Secretary, would favorably consider the position, and devise some means whereby our condition may be improved.

As pointed out, the system of reserve night duty had been strongly condemned by the

Inspector-General of Insane and other lunacy experts. It was time the Government took the matter in hand, and he was certain that the Chief Secretary, who had given a great deal of attention to the interests of workmen generally, the Premier with his kindness of heart, and all the members of the Cabinet, would give consideration to this question that had been brought before the House so prominently. It was well known that this work required a great deal of training in order to deal properly with the unfortunate lunatics, and honorable members would realize that something should be done to give the attendants some relief. Not only was it necessary for the attendants to be firm, but they had to be kind also. Having visited an asylum a little while ago he had obtained some idea of the work done by the attendants, and he would ask the Chief Secretary to give an assurance that their case would receive some consideration.

Mr. A. A. BILLSON (*Ovens*) said that he desired to support as strongly as he could the representations that had been made concerning the hours that attendants in lunatic asylums had to work, more especially in connexion with the reserve duty. His attention had been called to the hours of work of the night attendants, and to the fact that only one night attendant was placed in charge of a very large number of patients. When the new Lunacy Act was passed and a new Inspector-General of the Insane was appointed, he (Mr. Billson) had anticipated that there would be a great increase in the number of night attendants, but so far as he could learn there had been no increase whatever. One man had to take charge of a large number of patients, and whenever a mishap occurred to one of them, not only had the night attendant been reprimanded, but he had been fined as well. He understood that in similar institutions in other countries the number of attendants placed in charge of the patients at night-time was largely in excess of the number in our asylums. He desired to impress very strongly on the Chief Secretary the desirability of giving earnest attention to the representations that had been made in regard to this reserve night duty. While on the subject of lunatic asylums, he wished to refer to the fact that some time ago, as he was informed, a direction was given for the exercise of economy in the matter of rations, and the supply of meat was cut down by so many ounces per day. This seemed an extraordinary piece of economy, and he

thought the matter should be investigated by the Chief Secretary in order to see how far this form of economy had been pushed by those administering the Department. Another point to which he desired to refer was that some trouble was likely to arise from the investment of so much power in the hands of the medical superintendents under the new Lunacy Act. In his opinion this was not altogether desirable. He had had occasion to bring under the notice of the Chief Secretary one or two little matters which had arisen from the fact that the superintendent of an asylum was invested with too much power. Generally speaking, the Chief Secretary should give the closest attention to matters which had been brought under notice in connexion with the Lunacy Department in order to rectify them, because, if they were allowed to go on unchecked, they might lead, in the course of time, to a great deal of trouble.

Mr. ANSTEY said it was not necessary for him to refer to the hours of the attendants in the lunatic asylums, because that question had already been dealt with. He would point out, however, that there were several grades of attendants, and the men were required to pass an examination before they were promoted from one grade to another. Many of these attendants had been over twenty years in the service, and were unable to obtain promotion because they could not pass examinations in physiology and in mental and general nursing. He quite agreed that a new man coming into the service should pass some examination, but the men who had been so many years in the service had much more to their credit than a young man who was simply crammed to pass examinations. They had long years of experience, and a good record, showing that they had given satisfaction to their superior officers. In such cases an examination might very well be dispensed with. He would ask the Chief Secretary to look into the matter. Then as to the remuneration of the attendants. Attendants in the third grade received a salary of £66. They were from twenty-five to thirty-five years of age. They were required to reach a certain physical standard, and to pass examinations. In addition to the £66 they got quarters which were supposed to be worth £25 a year, making the total amount £91. Now, about one-half of these men were married, and they said to the Department, "We will go home and board there, so we ask you to give us something in lieu of the allowance." That was done, but

all that the Department allowed in lieu of the £25 was the sum of £9.

Mr. McCUTCHEON.—The Government is not under the Factories Act.

Mr. ANSTEY said there was no reason why the Factories Act should not apply to these institutions.

Mr. McCUTCHEON.—None at all.

Mr. ANSTEY said that when these men passed an examination they were entitled to get £110 a year, but when they did qualify themselves one of the most adroit systems of securing economy in the Department was to refuse to give them promotion, and to keep them in the lower grade. That might be understood ; but how was it that year after year the higher officials received their increments, while the lower ones received no increase of pay whatever ? It was the same throughout the whole of the Public Service. The policy seemed to be to grease the fat pig. For over three years the lower-paid men in the lunatic asylums had been receiving the paltry sum of £90 odd, many of them having wives and children to support. They were not promoted or given any chance of getting increments, while at the same time, under various pretexts, the higher-paid officials were getting annual increments. In his opinion, the principle should be laid down that if the higher officials received increments, the same thing should obtain in all branches of the service.

Mr. TOUTCHER said there were two large institutions in his electorate where a great many of these attendants were employed, and everything that had been said in favour of improving the position of the attendants applied with equal force to the men in those asylums. He supported as strongly as he could the suggestions that had been made that the Chief Secretary should consider the cases of these men and give them what they justly deserved. He (Mr. Toutcher) knew that whenever these matters were brought under the notice of the Chief Secretary they received sympathetic treatment. He had had experience of the honorable gentleman as Chief Secretary in the Turner Government, and knew he had made larger concessions than any gentleman who had been in office previous to him or since. He felt assured that if the Chief Secretary believed that these men had a just cause of complaint he would see that it was rectified.

Mr. GLASS said he wished to speak in accentuation of one point raised by the honorable member for Brunswick with respect to the attendants in the lunatic

asylums having to submit to an examination to qualify them for promotion. He was given to understand that during the four years prior to September, 1906, no opportunity was given to the attendants to qualify themselves in that way. During that period no lectures had been given, and the consequence was that a great many of the attendants had been obliged to continue at a salary of £91 a year, which was a mere pittance, and this notwithstanding the fact that at the examination which was held in September, 1906, over 60 per cent. of those who presented themselves succeeded in passing. In the meantime promotion was not denied to the various medical superintendents. The salary of the Inspector-General (Dr. Jones) had been increased from £1,000 to £1,500, and the only practical result so far as the advancement of other officers was concerned was that the medical superintendents had been advanced from an average of £350 a year to an average of £580 a year, with quarters. That might be very desirable from the point of view of the medical officers, and he was not disputing the reasonableness of it, but at the same time consideration should have been given to the attendants, considering their hours of labour and the reserve time for which they had to continue on duty. When this matter was under notice some time ago, the present Chief Secretary, who was then Chief Secretary in another Government, stated that during the hours of reserve duty the attendants had opportunities for recreation in the card rooms or the billiard rooms of the asylums. He (Mr. Glass) had, however, been shown an order which had been issued by Dr. Mullen when he was in charge of the Kew Asylum, to the effect that if an attendant found it necessary to be absent for no matter how short a period he must leave a written statement giving the reasons of his absence. It was obvious that a man would sometimes have to leave his room, even if only for the purpose of satisfying the calls of nature, and it was reducing the matter to an absurdity to say that an order of that kind was to be carried out. These attendants were charged with very responsible work. They had to be men of a very sympathetic nature, and any one who had had an opportunity of seeing how the unfortunate patients in our lunatic asylums were attended to could not help recognising the tender-heartedness and care that was displayed towards them. The Department appeared to be adopting a policy of cheese-paring at the wrong end, and were allowing the taller poppies in the service to receive

emoluments and increases that were altogether disproportionate to those granted to the general staff. It appeared to him that the time was ripe for an investigation, not only into the administration of our hospitals for the insane, but also into the whole question of the treatment of insane persons. With respect to the provision of night attendants, Victoria was far behind other civilized countries.

SIR ALEXANDER PEACOCK.—Not at all. You are misinformed.

MR. GLASS said that that was the conclusion arrived at by Commissions which had made investigation into the subject. The system as to reserve duty was condemned even by the Inspector-General himself. The hours during which the attendants were required to remain on duty placed upon them a burden of service that was altogether disproportionate to the emoluments they received.

SIR ALEXANDER PEACOCK said he would promise to look into the different matters that had been mentioned in connexion with the lunatic asylums, but he did not wish the impression to go abroad that everything that was possible was not being done with regard to our lunatic patients. We had been spending an increased amount in looking after the patients, and the amount was being still further increased on the present Estimates. With regard to reserve night duty, we were in a very much better position than New South Wales. The attendants here asked that reserve duty should be abolished altogether, but he (Sir Alexander Peacock) would never consent to that. Our lunatic patients were not like ordinary patients who could be left to themselves without fear of consequences. This reserve duty was not so heavy as some honorable members would make out. The Department had already relaxed the system in that respect and made provision for an increased expenditure, but there were many patients who were dangerous to others, and it was necessary that they should be locked up. They could not be allowed to roam about; but numbers of the patients were harmless, and the attendants must be in attendance to look after them. This, however, could not be said to be real hard work. Nevertheless, the total number of hours had been quoted as if the attendants were really at work all those hours. He (Sir Alexander Peacock) did not say that there ought not to be some consideration given to the requests which had been made, but to suggest that reserve duty should be abolished

was more than what was asked for in the petition of the attendants, and it would mean an immense amount of additional expense. It might be well to call for reports from the superintendent, in order to suggest means by which the number of hours could be reduced, but to go in for total abolition of reserve duty would be altogether too much. It was only fair to Dr. Jones to say that he had made certain suggestions, which were now before the Cabinet, with a view of making the condition of the attendants very much better than it was now. Among his suggestions was one that they should be given a cash allowance by which they would be able to have a mess of their own, and provide luxuries which the State could not very well be asked to supply. The vote in the Estimates had been increased this year, so that not only the attendants, but also the patients themselves, would be able to have a better table than they had had in the past. These things would cause an increase of £2,000 per annum. He would promise to look into the other points which had been mentioned by honorable members, and he trusted that when the Estimates came forward again he would be able to show that the condition of affairs had been considerably improved.

The vote was agreed to.

Progress was then reported.

FACTORIES AND SHOPS ACTS AMENDMENT BILL.

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

Discussion was resumed on clause 6, containing power to appoint special Boards in connexion with certain trades, and on Mr. Bromley's amendment to insert the following words:—

“Or any, or all, employes occupied on tramway lines, cars of tramway, sheds works, or offices; or”

MR. ANSTEY said that before he addressed himself to the amendment he wished to ask a question of the Chief Secretary. The Melbourne Tramway Company had offered fifty-four hours per week, and as there were many other tramway companies throughout the State, such as those at Coburg, Ballarat, and Bendigo, he thought there was no reason why the same provisions should not apply to them all. He wished to know if the Chief Secretary had any objection to the alteration of the proposal so as to make it apply to any tramway company if the total working hours per week exceeded a maximum of fifty-four?

SIR ALEXANDER PEACOCK.—That has not been considered by the Cabinet.

Mr. ANSTEY said that was a very clever reply. He wished to object to the manner in which the business of the Chamber was being conducted. The House was continually being switched from one subject to another.

Mr. BENT.—I said last night the Factories Bill would be taken at half-past 2 to-day.

Mr. ANSTEY said he knew that. It was impossible, however, for honorable members when they were switched from one subject to another to do justice either to themselves, or to what they were dealing with. The Government should proceed with one particular matter to a conclusion. He was going to deal with the proposal of the honorable member for Carlton, that the benefits of Wages Boards should be extended to the employés of the various tramway companies operating throughout the State. It did not refer to a particular company, but to every corporation carrying on such business in Victoria. The Government had stated that the Melbourne Tramway Company had agreed to a reduction to fifty-four hours per week. That would not affect the workmen who were engaged on other tram lines in Victoria. It had been said that the Labour Party were agitating in this direction for the purpose of popularity. If he thought for a single moment that doing so would strengthen his position in his constituency, or strengthen the position of the Labour Party he had no hesitation in saying that he would advocate the claims of the men, even for party purposes. All parties did that. However, he had now been a Member of Parliament for five years, and he had been repeatedly asked why he had not brought the grievances of these men before Parliament. He had been silent, however, because he thought it was an absurdity to deal with the matter in a merely formal manner, without endeavouring to secure some provision which would have the force of law. There was now, however, a Bill before the Chamber which would enable this grievance to be remedied, and the honorable member for Carlton had proposed an amendment for the purpose of providing redress which would have the force of law. The other evening he had given expression to his views on this subject, and had told honorable members of the facts within his knowledge, but he was not armed with any brief in the matter. It had been said that the men had not a *bonâ fide* grievance, and that the bulk of them were satisfied with the present conditions. He had only to point out, however, that in September before

the matter was brought up in the House a deputation waited on the managing director and pointed out that the present hours were wearisome to the men, and especially on the longer shifts, and that any concessions would be appreciated. In reply, Mr. Clapp pointed out that the company was working under an Act of Parliament, which fixed the hours the men were to work and the fares to be charged by the company, and gave Parliament the right to revise the fares at any time. Therefore, before the matter had been brought before Parliament the men had approached the management, and had asked for a reduction of hours. Since the honorable member for Carlton had brought forward this proposal he ventured to say there was not one honorable member representing a metropolitan constituency who had not been inundated with appeals, and furnished with facts and arguments with which to assist the case of the men in Parliament. Honorable members would, therefore, be neglecting their duty if they did not take this opportunity of advocating the claims of the men. The Melbourne Tramway Company affirmed that it was prepared to make a concession, but the fact he wished to emphasize was that the hours of men employed on lines in other cities would not be improved. When this question was under discussion previously the Premier said—

The honorable member for St. Kilda had stated that the Tramway Company ought to be consulted. The Government would not do that. There was no doubt that the tram men had to work long hours, and if other portions of the community were to get relief from heavy work on proper lines, it was only fair that the claims of the tram employés should be considered.

Mr. BENT.—When did I say that?

Mr. ANSTEY said the honorable gentleman made the statement when the matter was under discussion the other week. He had distinctly stated that the Tramway Company would not be consulted, and that the matter would be dealt with on its merits. In this Bill all sorts of occupations, and all classes of tradesmen were dealt with, and he would like to know why this gigantic corporation, the Melbourne Tramway Company, should be the only employers consulted by the Government. Under the Bill it was proposed to give relief to those engaged in the business of carting and driving. The employers in that business were cutting each other in their intense competition, but the Government did not approach them, and ask what concessions they would make to their men in order to be relieved from the operation of this measure. From the inception of factories legislation,

there had been no other instance in which the Government had gone to private individuals, and made such a request. This powerful corporation was the only exception. There were, however, two parties to be considered. There were the men who had the cash, and who had been consulted; there were also the men whose only capital was the labour of their arms? Was the labour of the men not capital also? Were not the men also to be considered? Had the Government approached these men, and asked them in their corporate capacity what they desired, or whether the terms offered by this company were acceptable to them? Would the Government give the men the same consideration, or would they decide to proceed with the Bill and bind the men by it whether the men agreed or not? There was no other corporation in the State of Victoria in connexion with which the Government had done what they had done in this case. When the Commission was making its inquiry some years ago, this Mr. F. B. Clapp, the managing secretary of this corporation, said to the Commission "I am an American, and our business is run on American models." He was right; it was run on American models, with all the worst elements of the American system. The Mayor of Detroit, when speaking of these American models, said—

Our street railway corporations dominate politics, charge exorbitant fares, crowd the cars, work the men long hours, deny them the right of organization, water their stock, dodge the tax laws, and work the Governments to suit themselves.

He would like to know which one of those statements was true of the Melbourne corporation? There was not one of the accusations which Mayor Pingree, of Detroit, made against the American organizations but what was absolutely true of this gigantic organization known as the Melbourne Tramway and Omnibus Company. Mr. Sprigg said that if the men did not like their employment, the world was wide, and they could go elsewhere, and he claimed that the Hackney Carriage Committee of the city had no control over the Melbourne company, and that it could speed its cars to any extent it liked, and claimed the right to do that. He (Mr. Anstey) would point out that not only had the company claimed that right, but had exercised it, and were doing it now. Last night the honorable member for Dandenong informed the Chamber that he had worked for the Melbourne Tramway Company, and that it was a good company. The honorable member was a man of generous instincts, and

was kindly of heart. One could not repeat the substance of private conversations, but he would leave it to that honorable member whether he could stand up on the floor of the Chamber, and say that 36s. a week was an ample and just remuneration for sixty hours of human labour. The honorable member said that the company were good masters. But they took advantage of his necessity. The honorable member worked for the company for only a few brief years. The honorable member's capacity and powers enabled him to liberate himself from the control of that corporation, and he had worked up to a wealthy position in the community, but he (Mr. Anstey) would ask any one to go outside with the honorable member, and ask him to show him his legs. The honorable member suffered now, and was compelled to wear bandages on his legs as the result of the vibration and the shock from the motion of the trams. That honorable member was a powerful, well-built man, and he had worked for the corporation when he was younger and stronger. What would have been the condition of that honorable member if, by his capacity, he had not been able to liberate himself from this company, and acquire another position in the community? What would have been the condition of his lower limbs to-day if the honorable member had had to spend all the years of his life in the tramway service? The honorable member would have hardly been able to walk. There were men who had spent long years in the service of the tramway company, to whom the term of opprobrium "dead legs" was applied, because their lower limbs were broken up and they could hardly hobble along. The company sometimes gave these men relief. If the honorable member had continued to work for that corporation he would now himself have been a "dead leg," because, as the result of a few years working for them, his lower limbs had already been injured, and he was to-day wearing bandages in consequence. When honorable members talked about sixty hours of labour it was not the length of time alone that had to be considered, but the vibration that the men on the trams were subjected to. If the speed of the trams was increased the vibration would be intensified. By increasing the number of trips that were run during a certain number of hours the shock to the nervous system was intensified. What Parliament should demand against this corporation was that this amendment should be embodied in the law. By what means had this one corporation in the State been able

to stay the action of Governments and paralyze the strong arm of legislation? Those were the questions the Chamber was called on to answer. Mr. W. G. Sprigg, the secretary of the company, had sent out a manifesto, and at the head of that he stated—

I have the honour to forward you herewith facts in connexion with the employment of gripmen and conductors in this company.—I am, Sir, your obedient servant.

There was not a statement from the beginning to the end of that manifesto to which the word "fact" could be appended. In the last page of that manifesto there was the heading "Total gripmen and conductors on the present tables," and then it proceeded to enumerate them. The total gripmen and conductors was not set forth there. Not only had the company used their power and influence to prevent any action being taken against them, but they had the audacity to present to Members of Parliament a statement that was a lie from beginning to end. This table set forth that there were so many first class men, so many second class men, and so many third class extras. The particulars with regard to the first class were true, and so were the particulars with regard to the second class, but the statement with regard to the extra men was not true. The company said that on the Brunswick line they had 45 tables with two men to the table, or 90 men in all. That was not true. The number of tables there was 60, and the number of men actually running was 120. The statement with regard to the Brunswick line was typical of every line throughout the city. Those statements were not true. The manifesto went on to state that all the men were paid at a rate per trip. That was not true, and he would give his reason for saying so. From time to time the company increased the number of trips by increasing the speed of the cars, and did not give the men the pay for the extra trips. On the Brunswick line the number of trips had been increased from 48 to 54. Before the great maritime strike the men used to get £2 12s. for running 48 cars on the line. That came to 1s. 1d. for each trip. Then from time to time the wages were reduced, but in addition to the reduction of the wages the company had increased the speed of the cars until now 54 trips were run. Before the maritime strike the men were making 48 trips in 60 hours for a salary of £2 12s. or 1s. 1d. per trip. Gradually the wages were reduced to £2. Then there

Mr Anstey.

was a Royal Commission appointed to make investigations, and the company promised that they would reduce the labour of the men. The protest of Parliament was that the men were working seven days per week, and at the request of Parliament and the Commission the company offered to reduce the days of labour from seven to six per week. They kept their word unquestionably. They did reduce the hours of labour, only employing the men six days per week instead of seven days, but they increased the speed of the cars so that the men were doing in six days the same number of trips as they had done in seven days. The same nervous strain was on them, if not more, because if the strain of seven days was packed into six days it was intensified. The human animal, no more than any other animal, could stand intensified strain. An animal could go along for many hours at a slow pace, but if the pace was increased the animal would break up very speedily. He would give the position of affairs which obtained at the time of the railway strike with regard to the first class gripmen on the Brunswick line. These were the best class of men in the tramway service, and if he showed the positions of those men honorable members could guess for themselves the position of the other men. At the time of the railway strike these gripmen were making 53 trips per week for £2 6s. 6d., or an average of 10½d. per trip, which was a reduction of 2½d. per trip on what they were getting before the maritime strike. After the railway strike the trips were increased to 54 per week by the company increasing the speed of the cars so as to take one minute less in going into the city and one minute less in going back. The company did not give the men one single penny for that extra trip. The cases he was mentioning were not only typical of the Brunswick line but of every one of the company's lines. The company afterwards increased the wages of the men by 3s. 6d. a week, making the average pay for a trip 11d., or 15 per cent. per trip lower than it was seventeen years ago. Another statement made in the company's circular was as follows:—

At holiday and other busy seasons second class men work up to first class men's hours and conditions.

The difference between the first class men, the second class men, and the other men was not a difference of wages. That should be borne in mind by the Chief Secretary. The honorable gentleman should remember that the man who had done twenty years' faithful service did not receive a penny or a farthing

more per hour than the man who came into the service of the company yesterday. All that was meant by a man being a first class man was that he was privileged to work so many more hours per week. The first class man was privileged to work 60 hours per week; the second class man was privileged to work 52 hours per week; the extra men were privileged to earn 30s. a week, and the poor devils of "battlers" were privileged to earn 15s. a week. He did not say that the company's system of maintaining first and second class men was in any way beneficial to them. It was only a system by which they deceived the public as to the actual conditions. The company had plenty of men engaged who could do all the work. Honorable members might ask why the company worked the first class men 60 hours, the second class men 52 hours, and the third class men 30 hours per week, and would say, "Surely they can average the hours up?" So they could. If the first class man only worked 48 hours per week the "battlers" would have more labour to perform. The idea of the company was that the public should think they were employing men at £2 10s. per week. If the first class men happened to stay away from work it was to the benefit of the company. A full week of one of the first class men came to 48 hours at 9½d., and 12 hours' overtime at 1s., making £2 10s. If, through excessive work, a man was taken sick and had to stay away for a day, at the end of the week 10 hours of overtime was deducted from him, honorable members would ask, how the company could do that? Each day a man worked eight normal hours and two hours of overtime in a day. All the company ought to do if a man was away for a day was to deduct the eight normal hours' work at 9½d. per hour and the 2 hours' overtime. The company, however, said to the men "there are 60 hours of labour you ought to have performed. As you were away one day all we will do is to pay you for forty-eight normal hours, and, in deducting the day you were away reckon every hour as if it were overtime." When a first class man was away the company put one of the poor devils of "battlers" on in his place, and the battler was only paid 9d. per hour, so the company made 25 per cent., because a first class man was away. Such was the strain and anxiety that the men could not work 60 hours per week. There was not one line where the full number of first class men was working. The company said the second class men could work up and get the same time

as the first class men. The second class men never got the extra time, and were never given first class men's work, because the company would have to pay them overtime. The circular went on to state—

In accordance with the Act, special payment for overtime (at the rate of time and a quarter) is paid for all work done in excess of eight hours.

Yet when the Royal Commission was appointed, and the matter was being discussed, Mr. Sprigg and Mr. Clapp affirmed that there was no claim on the company to pay any special rate for overtime. The company would not pay overtime then, but now when they worked the gripmen and conductors overtime, they paid them time and a quarter. But apart from the gripmen and conductors, in every shed men were employed who worked not only 60 but 70 hours per week, and they did not receive a penny overtime. There were men who went into the sheds at 5 o'clock in the evening, and did not knock off until 6 o'clock the next morning. If they were found leaving the shed before that hour they would be dismissed. Those men put in 13 solid hours from the time they entered the shed until the time they left, and did not get a single cent overtime. The circular stated—

Under no circumstances does any man work more than 60 hours in a week.

That was untrue. He would give a case of one man on the Brunswick line as an illustration. This man got Saturday off duty. He started work at 1 o'clock on Sunday afternoon, and put in 11 hours, working up till 12 o'clock at night, On Monday, Tuesday, Wednesday, Thursday, and Friday that man had to go to work, and had also to work on Friday and Saturday nights, so that he was at work seventy-one hours out of 150. The company affirmed that it did not work the men more than sixty hours in any seven days, and that it compressed the hours into twelve hours between the time of starting and finishing. On this line a man had to work seventy-one hours in six days. Then he started again, and he worked 121 hours in twelve days. He got his holiday at the beginning and at the finish of the time, but on twelve days he completed 121 hours without a single break. The company said, "All men are off duty one day in twelve." Some men were off duty one day in twelve, and it was not true to say that all the men were, for there were some men in the sheds who worked 365 days a year without a day off. It was a common thing for men to work nine and ten hours a day. On the Brunswick line a man would

work from Sunday to the following Thursday without a single break, and do 120 hours, but the complexity of the thing was that the company gave him his day off at the beginning and at the end. The company stated that the time between starting and finishing a day's work, including the time for meals and between shifts, did not exceed 12 hours. A man started at 7.16 a.m., went off at 10.43 a.m.; on again at 12.2 p.m., off at 2.15 p.m.; on at 4.43 p.m., off at 6.51 p.m.; on at 10.2 p.m., off again at 12.30 p.m., and on the trip he had put in 17 hours. On another trip a man started at 8.5 a.m. and finished at 12.30 a.m. the following day, whilst another one started at 8.10 a.m. and worked up to 11.15 p.m. It was not true for the company to say that they compressed the work into 12 hours, for there were numerous instances where the men had to work longer hours. It was not so much with the details, as the general principles, that he proposed to deal. The company stated that its service was so popular that during the last twelve months the applicants for employment had been nearly 5,000 in number. They must know very little of industrial conditions if they imagined that the number of applications was a proof of the popularity of the company. The number of applications was regulated by the necessities of the applicants. In the lead works in the Old Country, where men's faces dropped off because of the poison, hundreds and thousands of applicants could be got. In the worst days of lead poisoning in the Broken Hill mines numerous applicants could be got for the work. Men did not apply for work in the deep mines at Bendigo because they liked the work, for they knew that death confronted them if they remained at it for many years. They knew that they would be the victims of miners' complaint. It was the very necessity of their life that compelled them to apply for the work. The mere number of applications for work on the tramways was not a test of the company's popularity, but a proof of the dire necessity of the men to get work of some kind to maintain their wives and families. The company stated that in five years it had contributed £7,000 to the employes' benevolent fund, and it set that up as a mark of its benevolence. What it had given was only a mite of the immensity bled out of the men in the shape of unpaid labour. The company stated that the men who had been tried and were waiting to be called on

to join the staff now numbered 383. That was last year. These men had to work for a fortnight without pay. The company provided that applicants for gripping must be between 24 and 32 years of age, at least 5ft. 7in. in height, 11½ stone in weight, and of good physical health and strength. The company stated, "If considered suitable they will receive a trial (usually taking a fortnight) as to fitness for the duties required, and, if not employed when first passed, must be further tested when sent for. When on trial no wages will be paid." Was there any other corporation that demanded a fortnight of human labour for nothing? Could any member mention any private corporation that made such a demand?

Mr. J. W. BILSON (*Fitzroy*).—Not even Pentridge.

Mr. ANSTEY said that nowhere in Australia could another instance be found. He could understand the gripmen being expected to do a day or two's work without pay over the lines they would have to work on, but should a man be called upon to do a fortnight's work without remuneration? It was sheer blood money. Taking 400 men at £2 a week gave £1,600 for a fortnight, and a trifling portion of that was contributed to the benevolent fund. There was the saving effected by the replacement of the first class men by "battlers." There were three distinct forms of unpaid labour. There was the demand that the 400 men should work for a fortnight without pay. Then there was the fact that the company replaced first class men by men at a low rate of pay. A third form of exploitation was that it demanded that the men should turn up twenty minutes before the time when their pay commenced—that they should work twenty minutes before their pay started. It was laid down by Rule 87 that before they started work the men must clean the windows and dust all the seats and window ledges of the cars, and keep them dusted, and they were held responsible for the clean and tidy condition of the cars at all times. If the men did not turn up in time to clean up their cars before they started they would soon find that other men were put in their places at a reduced remuneration. So it was all along the line. When this corporation came along and told Parliament what it gave in the way of benevolence it should also show the amount of unpaid labour that was exacted from the men. It was said that these men could get occupation elsewhere, but when a man had passed the examination for employment he would lose

Mr. Anstey.

any chance of securing employment on the tramways if he took any other job whatever. His chances of employment on the tramways depended entirely on the assiduity with which he hung around the tramway sheds. Extra men must attend sufficiently early to take the cars out if required. If the men were not there early in the morning, and if they did not hang around all day they stood no chance of getting anything to do, whilst, on the other hand, if they were not required they got no pay. The company kept quite an army of spies and informers—the meanest crawlers that could be found anywhere. By this method the company sought to develop all that was meanest and most despicable in the men they employed. Nowhere throughout Australia was there another corporation so bloodless, so destitute of human sympathy, so callous of the requirements of the men, and so determined to make money for distribution among its shareholders. The company declared its inability to pay higher wages. It affirmed that it was required to make large payments. But for what purpose? Those payments were made to a sinking fund. The question had to be asked—Was the Melbourne Tramway Company in a sound financial position? Was it in a position to pay decent remuneration to its men? Was it in a position to work them a decent number of hours? If it was, why should it not be compelled to do so? Why should the company not be made as much subject to the operation of the law as any other company in the country? Why should not the men employed by it receive the benefits of a Wages Board, just as much as any other class of workers in the State? The manager of the company (Mr. Clapp) declared that if the wages were increased it would mean an enormous increase in expenditure. He stated that the company had to pay £1,600,000 to a sinking fund, and that, owing to this fact, it was utterly impossible for it to do what it would like to do with regard to the men. In other words, Mr. Clapp declared that it was the necessities of the company, and not its will, which compelled it to treat the men as it did. When Mr. Sprigg, the secretary of the company, was examined before the Commission, he was asked whether, if there was no Act of Parliament controlling them, the company would make the hours longer still? He said, “I guess we would get a little more out of the men.” The company contended that the provisions in the Act applied only to carmen and gripmen, and so far as the other employes were concerned, the hours of

labour were in excess of those prescribed by the law. In some of the sheds men were working for sixty hours, and for those sixty hours they received the sum of 33s. per week. But what, after all, was the amount which the company had to pay? He ventured to say that there was hardly a tramway corporation in the world which had been able to get from any public body the control of the streets at such a low rate as the Melbourne Tramway Company had done. The company said, “We have to hand the whole thing over to the municipalities for nothing.” They had to do nothing of the kind. They had received the use of £1,600,000 of public money with which to make the tracks and to build power-houses, and all the company had to do themselves was to put a few cars on the road and collect contributions from the public. So far as the sinking fund was concerned there were tramway corporations in England, America, and Canada who were actually paying more in the shape of rental to the municipalities than this company was required to pay to the sinking fund. In Birmingham, before the old lease expired, the tramway company said, “If the municipality will renew the lease we will pay to the sinking fund the money necessary to repay to the municipality the money invested, and in addition to that we will for five years pay the municipality $7\frac{1}{2}$ per cent. on the gross revenue we derive, and after five years 15 per cent.” The municipality was advised that it should not accept 15 per cent., but should insist on getting 20 per cent. Other companies offered to pay the people of Birmingham from 15 per cent. up to 20 per cent. in relief of rates for the privilege of working the tram lines. Those offers were not considered good enough, and in the end the Birmingham Council took over the management of the tramways into its own hands. In Detroit the tramway company had to pay a large portion of its revenue to the municipality. In Toronto they had a 2d. fare prescribed by the municipality, and sold eight tickets for 1s. They paid the city 800 dollars a mile for each mile of track and 8 per cent. on the gross receipts, the city having the privilege of taking over the property at a valuation. In Melbourne the municipalities would only get back the track—they would not get the rolling stock without paying for it. In New York, where so much corruption was said to exist, they sold a franchise to a private company for £62,500 cash, and the company had to pay over to the city 40 per

cent. of their gross takings, and had to pave the streets. In fact, in no other place than Melbourne in the civilized world was a private corporation permitted the free use of the streets in the way the Melbourne Tramway Company was. He would come now to the financial position of the company between the years 1900 and 1907. In that period its income had increased by £120,000, while its working expenditure had increased by only £50,000. Men who were getting £2 12s. per week in 1900 were now getting £2 10s. per week, while their work had been intensified. In 1907 the reserves of this corporation amounted to £557,000, as compared with £248,000 in 1900, showing an increase of £309,000. Its total capital, which was said to be paid up to the sum of £480,000, comprised £80,000 of merely watered stock in the shape of paper, and a large portion was made up of accrued profits put into capital account. Summing up the figures which he had before him, he found that the total increase of investments from 1900 to 1907, apart from the large amount given in dividends, was no less than £822,000. This was the increase so far as the company was concerned, but so far as the men were concerned their wages were kept as they had been, while they were given intensified work without any increase of remuneration. During the years 1902 to 1906, while the reserves increased by £600,000 and 12½ per cent. dividends were paid, the wages still stood at £143,000 per annum. He certainly thought that a corporation which could store up profits to this extent, while paying 12½ per cent. dividends, was a corporation which was entitled to be brought under the operation of the Factories Act and compelled to work its men decent hours. Taking the year 1906-7 he found that the mileage had increased by 600,000 miles, the passengers by 7,000,000, the receipts by £40,000, the dividends from 12½ to 15 per cent., the reserves by £90,000, while the wages were only increased by £16,000 out of the £40,000 of increased revenue received from the public. The cost of running 10,000,000 miles was 3½d. per mile, and the increase of wages only represented 6 per cent. on the wages paid in the previous year. He would compare one English city, Leeds, with Melbourne, as they both had about the same population. In Leeds the number of miles of tramway was 51, while in Melbourne the number of miles was 48. In Leeds the number of passengers was 70,000,000, while in Melbourne it was 61,000,000. In Leeds the number of car

miles run was 7,000,000, while in Melbourne it was 10,000,000. In Leeds the total receipts were £313,000, with an average fare of 1d., while in Melbourne they were £519,000, with an average fare of 2½d. In Leeds the working expenses were £157,000, or equal to 50 per cent., while in Melbourne they were £230,000, or equal to 44 per cent. It would be seen that the Melbourne Tramway Company was able to take from a similar population £519,000 of receipts, as against £313,000 in Leeds, or an increase of £200,000 of revenue, because of the Melbourne company's higher charges. On the other hand the Melbourne Tramway Company's expenses were only 44 per cent. of their receipts, as against 50 per cent. in Leeds, showing that the company were running their cars at a cheaper rate than the cars were run in the city of Leeds, where they were owned by the corporation. In Melbourne, also, where wages were supposed to be higher, it would be seen, from these figures, that the company ran their cars more cheaply and economically, and this was because under the municipality of Leeds decent hours of labour were worked, and decent remuneration was paid. In Leeds, the receipts per car mile were 10½d., while in Melbourne they were 11½d. The expenses in Leeds per car mile were 5½d., as against 5½d. in Melbourne. Thus in Melbourne the average profit per car mile was 6½d., while in Leeds it was only 5d. He thought, in view of all these facts, there was every justification for asking that this corporation should be brought under the law. Returning to the statement made by the Mayor of Detroit, he (Mr. Anstey) would affirm that the Melbourne Tramway Company for twenty years had been able to control the Legislature; that it had watered its stock; that it had overworked its men, while paying them only insignificant remuneration, and that it had broken up their health by intensified work, and that therefore it was necessary that the Legislature should deal with this corporation as it would deal with any other body. He would also affirm that it was in a sound financial position, and thus was more capable, without any great reduction of its receipts, to pay its employes fair wages, and afford them proper hours. It was stated that to do this would cost the company £12,000 per annum, but it would not cost them anything of the kind. The Legislature had also a right to see that intensified work did not take place in the event of the hours being diminished. There was another point on

which he would like some guarantee. A number of second class men were now only working fifty-two hours per week, and some guarantee was required that their hours would not be increased to fifty-four—in other words that the hours which were taken off one class should not be put on another. This company had deceived Parliament time after time. As he had already shown, it had not kept its pledges, or if it had kept them to the ear, it had not kept them to the spirit. He would ask why should Parliament deal differently with this corporation from any other employers, and why should it not be brought under the operation of the law like any private employer? Many private employers were certainly not as well able to bear whatever burden might be imposed under factories legislation as this corporation was. In face of the fact that the concessions offered by the Melbourne Tramway Company would not apply to the employes of companies in other towns, they were justified in pushing the question to a division, and fighting it for all it was worth. It had been stated, by the honorable member for St. Kilda, that the men had no grievances, and were well satisfied. Nine-tenths of the men on the Brunswick line had given him (Mr. Anstey) their signatures as a guarantee that they had grievances which they wanted Parliament to redress. He acknowledged that when men were dissatisfied with their circumstances, he did not disapprove of their dissatisfaction. Rather, he believed in stirring up dissatisfaction with the life that is, and inducing men to fight for better conditions. However, he had no desire to take up the time of Parliament by talking about alleged grievances that did not exist. He would have nothing to gain by advocating the claims of men who did not desire that that should be done, and who were satisfied with their circumstances. They knew that organization was denied the men on the tram lines, and that they were not in a position to give expression to their opinions. That sort of thing would court dismissal. However, he had in his possession a written document, setting forth that nine-tenths of the men on the Brunswick line honestly believed that they had a grievance for Parliament to redress. Of all the employers of labour, the owners and manipulators of the street franchise of Victoria should certainly be brought within the operation of laws such as were proposed in this Bill.

Sir ALEXANDER PEACOCK said he had explained the position of the Government with regard to this and other amendments.

The Government last session, during the recess, and this session had given the greatest attention to the consideration and preparation of a Bill to amend the Factories and Shops Act, and they felt that if there were to be any further amendments now, it would mean the overloading of the measure. The honorable member for Brunswick had stated that the Government had consulted the Melbourne Tramway Company in this matter. He could assure him that that was not correct. When he had gone to his office one morning, he found Mr. Sprigg there waiting to see him. That gentleman knew that the amendment of the honorable member for Carlton had been circulated before he (Sir Alexander Peacock) did. Mr. Sprigg had asked him what the attitude of the Government on the matter was likely to be, and he was informed that the amendment would have to be considered with others in Cabinet. He (Sir Alexander Peacock) had suggested that every honorable member should be supplied with the information which Mr. Sprigg had laid before him. That had been done. Subsequently, in this building, Mr. Sprigg and Mr. Stewart, the solicitor of the company, waited upon Cabinet and intimated that the Board had passed a resolution on the subject. The Government did not approach the Tramway Company, although he did not see that any harm would have been done even if that had been so, for the object was to get information. He admitted that there was a difficulty with regard to the tram employes at Ballarat and Northcote, and particularly at Bendigo. The franchise of the Essendon Company had been granted by the municipality on condition that the rates and hours observed by the Melbourne Tramway Company should be adopted. The main object of honorable members on the Opposition side of the House was to try to benefit those employed by the Melbourne Tramway Company. A distinct and definite offer had been made by the management of the company to the Executive, and if it were not fulfilled Parliament could very easily amend the Act governing the company's operations. If the company broke its word to the Executive Parliament could soon deal with it. The company offered to reduce the working hours of all employes engaged on the tram lines to fifty-four hours per week without reducing wages. That was the immediate effect of this agitation.

Mr. MURRAY.—What reduction does that mean?

Sir ALEXANDER PEACOCK said it meant a reduction of six hours.

Mr. ANSTEY said if the Chief Secretary would permit him he would like to point out that the men now worked about 56½ hours ordinary time, for which they were paid. They also worked three more hours, for which they were not paid. That consisted of reporting, pushing in the cars, cleaning, &c. The company promised 54 hours a week, but did not say there would be a reduction of six hours.

Sir ALEXANDER PEACOCK.—That is how I understand it.

Mr. ANSTEY said that was how the honorable gentleman was deceived. If it did not mean a reduction of six hours the employés would still have to work 56½ hours.

Sir ALEXANDER PEACOCK said he was not acquainted with the inner working of the company. He understood that the men were working about 59½ hours per week. Several honorable members, including three of his colleagues, had told him that tram employés had accosted them and expressed the hope that the company's offer would be carried out. Two had also spoken to him on the matter, although he did not know them personally. These men should know how the offer would work out, and they had expressed the hope that it would be accepted.

Mr. ANSTEY.—The men, like yourself, think it will mean six hours less labour.

Mr. PRENDERGAST.—It is important to have your definition of it now, because we will have to hold by this.

Sir ALEXANDER PEACOCK said they had not finished with this Bill in Committee. They had been anxious to get the fullest information on this question, and it had not been refused. The other day the Premier had told one of the employés that he understood that the new arrangement was to come into force on December 1. He (Sir Alexander Peacock), when Mr. Sprigg had waited on him on Tuesday last, had asked him if it was possible for that to be done, as it would mean so much re-arranging, and the ultimate effect would be an increase in the cost of £12,500. This was what he wanted to call attention to. Here was a clear and distinct offer, or a statement as to what was proposed to be done. An assertion had been made that the company had broken faith in the past. Of that he knew nothing, as he could not remember the details of what occurred eight or nine years ago, although he was then a member of the House.

Mr. MURRAY.—Broken in the spirit perhaps.

Sir ALEXANDER PEACOCK said it was the duty of the Chamber to stay its hand until honorable members saw what happened by the next session of Parliament, and he would ask that that should be done, in view of the promise he made last evening, not only in regard to this class of our citizens, but in regard to others, that he would go into these questions and consider what should be done. He did not want additions made which would throw out of gear the measure which had been prepared. That the Infant Life Protection Act Amendment Bill had passed through the other Chamber without amendment was because it had been well thrashed out in this Chamber and had gone to the Council in a well-considered form. If honorable members kept on adding to this Bill there was the greatest possibility of a break-down of our factory administration, and it was as certain as the sun would rise the next day that there would have to be a re-organization in regard to the administration even if the present Bill became law. Assuming that the amendment of the honorable member for Carlton was carried in this Chamber, and that it met with the approval of the other House and became law, the position, even after that stage had been reached, would be that, instead of anything being done before Christmas, there would be delay until the next session of Parliament. A resolution would have to be brought down and approved of by the two Houses to create a Board. It would be June or July at the earliest before that resolution could be passed. Then a Board would have to be elected. The representatives of the employés would have to be elected from the different tramway companies in existence. The owners of the different tramway properties would also have to elect their representatives. He would point out with regard to the Bendigo and Ballarat companies that those propositions had not been as profitable as was anticipated. The money was borrowed in connexion with them under certain franchises and concessions. Those companies would each have representation on the Board it was proposed to constitute, and was there not a possibility that the evidence which might be adduced by some of these corporations which were not so wealthy as the Melbourne company might lead to a proposition for a reduction in the existing rates of pay received by the present operatives of the company in Melbourne? The rate of wages that would be fixed by

the Wages Board would have to be governed by all the considerations which were set forth in the existing Act. It was to be remembered that Parliament had not yet repealed the provision with regard to reputable employers, which would tie the hands of the Board to a considerable degree. The companies at Bendigo, Ballarat, Essendon, and Northcote would be represented on the Board, and was there not a possibility that by some chance the rate of wages that would be fixed by the Board would be lower than those paid at present by the Melbourne Tramway and Omnibus Company, especially if it was proved that some of these companies were not paying? It was to be remembered that that question would be decided by a production of books. Supposing a rate of wages as good as those paid by the Melbourne company was fixed, and an appeal was made to the Appeal Court, would not the Court go into the profit and loss accounts of the people who had invested capital in these undertakings? There were all these risks and dangers to be kept in mind until this Bill was passed, and instead of running all these chances and risks, honorable members had a definite offer from the company which employed the greatest body of the men, and the one concern in connexion with which the honorable member for Carlton had been ventilating certain grievances. With regard to the offer of the company and the prospect of something being accomplished in that way, there were only two things which could be said against the adoption of the course. The first was that the company might not carry out their promise. The answer to that was that no Parliament and no Government would allow the company to break their pledged word to Parliament and the Ministry.

Mr. ELMSLIE.—They have broken the law, and not merely their pledge.

Sir ALEXANDER PEACOCK said it was all very well to make statements. The representative of the company had been told by the Cabinet that they were going to take this matter into consideration, and that Parliament must be supreme. As against that, there was the view presented by the honorable member for Brunswick. He (Sir Alexander Peacock) proposed, with the concurrence of his colleagues, to find out exactly what the company meant. He had just been handed a memorandum, stating—

Mr. Clapp has said there is no reason for misunderstanding. The proposal means a reduction of six hours a week.

Mr. ELMSLIE.—Is it six hours labour, or six hours hanging around the shed?

Sir ALEXANDER PEACOCK said he understood it was six hours' labour. Surely honorable members did not want him to work out the whole details of the administration. That would be impossible.

Mr. BEAZLEY.—Does it mean fifty-four hours from the time of starting until the time of leaving off.

Sir ALEXANDER PEACOCK said he could not go into all the details. He would point out to honorable members what had happened in connexion with the Estimates of the Chief Secretary's Department. He would remind honorable members how many questions had been put to him, and it seemed to be supposed that he knew all the details of the working of every branch of that Department, as well as about all the Factory Boards, and all the other matters which he had to administer.

Mr. BEAZLEY.—We have no desire to embarrass the Chief Secretary, but it is a rather important detail to the men—what the starting time would be.

Mr. MURRAY.—It is a reduction.

Sir ALEXANDER PEACOCK said it was an actual reduction of six hours, whatever the present system might be. He knew nothing at all about the working of the company, and under the circumstances he would ask the Chamber not to carry the amendment of the honorable member for Carlton, for he felt that the company's statement, as to what they were prepared to do, was one which met with the general approval of the public, and as far as he knew—for he had not sought to ascertain this from the men—of a large proportion of the men for whom honorable members were anxious to obtain this boon, and which was considered by the men to be a boon. He would remind honorable members of what he had stated with regard to the question of the miners and the question of the clerks. He was not opposed to anything being done, but he would say that it was not wise to attempt to do too much unless one had a matured scheme which would stand every test.

Mr. MURRAY.—It might be better to take the company's own Act and deal with it there rather than here.

Sir ALEXANDER PEACOCK said the honorable member for Warrnambool, in making that suggestion, was expressing his (Sir Alexander Peacock's) own views with regard to the matter. He had stated the position with regard to the Cabinet. The Government felt that they had made great

concessions in connexion with this Bill, and he had every hope that sympathetic consideration would be given to it by another Chamber. The amendments that had been accepted were in the direction of making the present Act work more smoothly. As he had shown, with this Bill it would be possible to create Boards for the fourth schedule shops and for 108 different branches of trade, and surely honorable members must recognise that that was as far as matters could be advanced at the present time.

Mr. McCUTCHEON said he thought it ought to be clearly understood that the Melbourne Tramway Company was not being treated in any different way from any other employer of labour. He would like to ask honorable members if they were prepared, on the motion of any honorable member who chose to get up, to impose a Wages Board on any class of employers in the community? Were the Ministry to be taken by surprise with an amendment of this sort?

Mr. BROMLEY.—There is no surprise. The Ministry said so last night.

Mr. McCUTCHEON asked if the House was expected to pass a motion putting any class of employers or any trade under a Wages Board on the statement of an honorable member?

AN HONORABLE MEMBER.—Why not?

Mr. McCUTCHEON said if the House was to accept the statements made by any honorable member, all sorts of measures would be put on the statute-book, but it was the duty of the Government to inquire into the matter exhaustively before they proposed any Wages Board.

Mr. ELSLIE.—The Government had a statement from one side, and recommended the House to take the statement, without hearing the statement of the other side.

Mr. McCUTCHEON said the Premier was very guarded in his statement with regard to what he would do in connexion with the tramway company. The words, "consult and inquire" were used, and the Premier said distinctly there would be an inquiry, and not a consultation. He (Mr. McCutcheon) failed to see why it could be said there was any favoritism being shown to the company. The reason he suggested that there should be an inquiry was that he regarded the tramway company as quite different from any other private employer. In the first place the company was under an obligation to

the municipalities amounting to £1,600,000, and the balance-sheets of the company were open to any one who wished to investigate them. A private trader's balance-sheet was not. Honorable members would see at once that these two points were quite sufficient to warrant inquiry being made before the company was placed under a Wages Board. If the company were thought to be making secret profits, and the balance-sheet was not open to the inspection of the public, it might be reasonable to ask for a Wages Board to be appointed, and if the company had not incurred a large indebtedness to the public, that might be done, but it was known that the company had incurred those obligations. Under the circumstances it would be proper to make inquiry before putting the company under a Wages Board. He did not see that the company was having any favoritism extended to it, because in this case it was being treated in the same way as every other trader was treated. In every case where Wages Boards were appointed the employes made complaints to the Government before the Boards were granted. The employes of the tramway company had made no complaints to the Government. It appeared to him not only should inquiry be made as to the wages paid, but that the question with regard to the revision of the fares should also be considered. Parliament had power to revise the fares charged by the company, and he was surprised to find that the honorable member for Brunswick omitted this matter in his statement, because the honorable member should have remembered that the company operated under an Act which provided that fares could be reduced. Therefore the company could not go on in the autocratic way the honorable member said they did to-day, but was continually under the review of Parliament, and it was open to any honorable member or to the Government to move to check the company in connexion with the fares it charged the public. How could honorable members say the company was treated differently from other concerns under such conditions as that? He thought it was right that proper inquiry should be made before it was decided to appoint a Wages Board. The statement of the Chief Secretary so clearly indicated that the men would receive an immediate benefit that it was not necessary for him (Mr. McCutcheon) to dilate on it.

Mr. PRENDERGAST said the proposal of the honorable member for Carlton had, at all events, been the means of placing the proposition of the company more clearly

before the House. The first proposal of the company was as follows :—

That the ordinary hours of all employés engaged on the tram lines cars, sheds, or works be 54 hours per week, without reducing the present wage

He understood the honorary Minister had just placed in the hands of the Chief Secretary a paper with a new statement by Mr Clapp. It was as follows :—

Mr. Clapp says there is no reason for misunderstanding. "The proposal means a reduction of six hours a week."

If it was understood that the wages paid originally for 60 hours per week would be paid for 54 hours per week, and that that would operate through the whole staff, so that the man working 27 hours per week would be paid the value of the work he was now doing in 30 hours per week, he thought that might be accepted. He understood that that was the broad meaning of the proposal. When the Chief Secretary made a definite promise that he would see that the conditions were properly carried out he (Mr. Prendergast) felt sure that he would see that they would be carried out in their entirety. He did not want to quibble in any way, but wished to know if the Chief Secretary took the broad interpretation of the promise of the company as being the meaning that any reasonable man would place on it, and would undertake that the company would not be allowed to put any technical construction on it for the purpose of defeating the views of Parliament. When Parliament passed the provision in the Act that the men could be employed for 60 hours per week it was said that it was only when traffic was heavy that the men would have to work those hours. Instead of that, the company now made it a practice to work the men 60 hours a week.

Mr. MACKINNON—That provision was put in in another place.

Mr. PRENDERGAST said that was so. It had now become the regular thing for the men to work 60 hours per week. He wanted the House to thoroughly understand what was being proposed. He considered that the company should come under the same laws as those the Labour Party wished to govern every other trade in the State. He did not know why 54 hours should be fixed as the maximum number of hours per week for the employés of the Tramway Company, when it was generally provided that 48 hours should constitute a week's work in other trades. However, the promise of the company meant a reduction in the number of hours, and he supposed honor-

able members would have to agree to it. He would suggest that the proposition be agreed to, on the understanding that the Government would see that its spirit was carried out, and that no technical objection would be allowed to intervene. In his opinion, the number of hours should be fixed at 48. He assumed that the Essendon Tramway Company would immediately have to alter their position, because their agreement stipulated that they should pay the same wages and work the men the same hours as the Melbourne company.

Mr. WARR.—They have only one grade of employés. They have not got the first, second, and third class men.

Mr. PRENDERGAST said the Essendon company had not been so bad. That company would be brought under the proposal, but he did not know about the others. If it was stated that no company should pay their employés less, or work them longer hours, than the Melbourne company, it would be a great advantage.

Sir ALEXANDER PEACOCK.—I will look into that matter.

Mr. PRENDERGAST said that a proposition should be brought up on the report or the third reading of the Bill that would enable the House to act in the matter if the company did not keep to the compact.

Mr. BEAZLEY said that, as he knew the difficulties of getting legislation of this character passed, he felt it necessary to compress his remarks within a very small compass. He would only support the action of the leader of the Opposition with great reluctance, because he considered that, in accepting a compromise in favour of nine hours, they would be accepting something that was a distinct contradiction of the efforts of the people for the last twenty-five years. There had been a strong effort in this community to establish the eight-hours day for all workmen. Now, it was proposed to accept nine hours a day for men that worked as hard as, and, perhaps, under more dangerous conditions than, those employed in many other occupations. It was very unwise to take a step that would sanction the breaking of the law. Some years ago leading Members of Parliament considered the question as to what the law was in regard to the tramway men's hours. It was now stated that the company proposed to make a concession by reducing the number of hours from 60 to 54 per week; but, as a matter of fact, the company had been misusing the powers conferred on it by an Act of Parliament in working their men for longer

hours than they should have been worked. In *Hansard*, volume 93, Session 1899-1900, there was a report of a discussion that took place in the Assembly on the Melbourne Tramway and Omnibus Company's Act 1883 Further Amendment Bill. The discussion to which he referred took place on section 62 of the Act, and the House unanimously passed the Bill, giving a proper interpretation to that section. On that occasion Mr. Irvine, in dealing with the two contentions that eight hours' work should mean eight hours a day for six days, and that all the time worked over that eight hours should be overtime, and paid for at the rate of time and a quarter, said—

To take the first of these contentions, section 62 provided that the days of labour should be eight hours. The Government, after fully considering the whole of the circumstances under which that section was passed, had come to the conclusion—a conclusion with which he personally cordially agreed—that by that provision it was intended by Parliament, and that intention was known to the persons for whose benefit the Act was passed, that this should mean an eight hours day for six days in the week. The Act itself did not say anything about six days, or seven days, but it appeared at first sight to incorporate what was known as the eight hours' system, a system well known as meaning 48 hours' work per week. An examination of the debates seemed to confirm that position. Before dealing further with that point, he would like to say a word or two upon the question as to whether Parliament was entitled to look into its own previous debates in construing an Act of this sort.

Then Mr. Irvine went on to refer to what the late Chief Justice Higinbotham said, namely, that in the interpretation of an Act of Parliament where any doubt existed, it was right for the Courts to look into the debates. Mr. Irvine said he did not approve of that, but that Parliament had a right to interpret its own Acts, and place a proper interpretation on Acts that might have been misconstrued. It was clearly laid down by him that he considered that the company knew what was meant, and that 48 hours should be the number of hours per week, and should be worked in six days. Sir George Turner emphatically said the same thing, in stating that Parliament at that time meant that not more than 48 hours a week should be worked. Mr. Higgins, who was Attorney-General at the time, said it was distinctly laid down when the Act was passed that 48 hours per week should be worked by these men.

Mr. WATT.—He was not Attorney-General in that Government.

Mr. BEAZLEY said he was in error, for Mr. Irvine was the Attorney-General. Mem-

bers would be taking a retrograde step by sanctioning the nine hours system, particularly for these men. It was not pardonable to work any man more than eight hours a day, but if there was to be any distinction the tramway men had a better claim than most men who enjoyed the eight hours day. The Chief Secretary, when stating what the offer made by the company was, did not understand it. Perhaps the honorable gentleman was not to blame, because no definite statement had been made to him. If the company would not abide by an Act of Parliament how could they be expected to keep a promise made in that indefinite way? Even by their own statements, made in circulars addressed to members, they stated that the men worked a certain number of hours, but as a matter of fact they worked twenty minutes more every day than the number of hours stated.

Mr. WARDE.—They work them for 48 hours and pay them overtime after that, showing that 48 hours is the legal time.

Mr. BEAZLEY said he would like to emphasize another point, and that was as to the way they paid overtime. A man who did five trips on the Johnston-street line received 2s. 1d. for the extra trip. If that man did not do the extra trip, and another man was put on, he received 1s. 8d., so that they saved 5d. on that. The company really paid the men less than 7s. a day for eight hours. The other day in Collingwood it was decided to increase the labourers' wages from 7s. to 7s. 6d., and the different municipalities about Melbourne were paying their labourers at least 7s. a day for eight hours' work. The tramway men, who had a great strain placed upon them and great responsibilities, received less than 7s. a day, although they worked sixty hours a week. He had a complete table, showing what the first class men did, and he would like to refer to the conditions under which they worked. A statement had been made by the company that these men liked to have two or three hours off in the middle of the day to get an opportunity of going to sports. The table he referred to was the Saturday table, and it showed that a man went on at 11.40 a.m. and went off at 3.53 p.m. He started again at 5.34 p.m. That showed what opportunity the company gave the men who loved sport to enjoy themselves on Saturday afternoons. The man got off for about an hour and a half, and then went on to work again till 11.44 at night. It was well known how necessary it was for men who had a great strain on them to have their meals regularly.

Mr. MURRAY.—Why do they give the men that time off?

Mr. BEAZLEY said it was slack time. A man after having his breakfast started work at 11.40 a.m., and unless he had the next meal on the tram he must wait until after 4 o'clock before he could get it. After having that meal he started again at 5.34 p.m. and continued work until 11.44 at night without having any other meal unless he got it on the tram. This was an important matter for the men, but it was still more important for the public. The men could not take their meals on the tram and at the same time look after their work properly. It was a menace to public safety that they should be required to do so.

Mr. MURRAY.—Do they eat their meals while the tram goes along?

Mr. BEAZLEY.—Yes. So far as he could judge it was impossible for them to have three meals at the regular time. Then honorable members were told about the rate of pay. It was claimed by the company that they had given the men several increases. As a matter of fact they had increased the work and reduced the pay. It was true that they had made some increases in recent years, but the men who were with the company when it first started received more pay and did less work than they did now. First class men then received £2 12s. per week, and now they were said to receive £2 10s.; but, as the honorable member for Brunswick pointed out, the men were very seldom able to comply with the conditions necessary to earn £2 10s. One of the men told him (Mr. Beazley) that it was impossible to do it, because the strain was so great. This man himself tried it for three weeks and then found he could not go on putting in full time any longer. There might be exceptionally strong men who were able to keep going for a greater length of time, but so far as he could ascertain there were no men who could put in the whole of the time and earn full money all the year round. This was conclusively shown by the figures he had submitted in connexion with the Friendly Societies Bill. Taking the average amount of sickness as 100 weeks the average for the Tramway men was 209 weeks, or double that of men in ordinary occupations. The occupation of a tramway man was more dangerous to health than that of the miner, which was the next most dangerous occupation for any one to follow. There were two or three other matters of which the Government might take notice. Other people were not allowed to do what the Melbourne Tramway Company

could do. One man was not allowed to drive two horses and two drays, yet the Tramway Company could run two cars with one dummy. It might be thought that this was not of much consequence, but it was really a question of public safety, because one man could not look after two cars. These men were expected to look after the safety of the public as well as to attend to the interests of the company. If a cabman overloaded his cab he was at once pulled up, but the Tramway Company were allowed to take as many passengers as they could crowd on.

Mr. STANLEY.—Then why has action not been taken?

Mr. BEAZLEY said it seemed very strange that no action was taken. He had a table showing the payment received by the second class men whose wages were said to be £2 2s. a week. On this particular sheet the wages paid for one week were £2 3s. 9d., £2 1s. 7d., £2 3s. 11d., £2 1s. 7d., £2 1s. 9d., and so on. This was the kind of payment which the men received for the dangerous occupation they followed. Men working 52 hours a week, according to the statement of the company, received only £2 1s. 7d.

Mr. CULLEN.—What about the statement of the honorable member for Dandenong?

Mr. BEAZLEY said it did not matter what that honorable member said. He (Mr. Beazley) believed the honorable member stated what he considered to be true, but the criticism offered by him was considerably discounted by the statement made to-day by the honorable member for Brunswick, that the honorable member for Dandenong himself had been physically broken down by following the occupation of a tramway conductor. The trade expression for a man in the position which the honorable member for Dandenong now occupied was that he was a "dead leg." Then with regard to those who were known as "battlers," the first and second class tramway men were required to be at the shed twenty minutes before the time of starting. The "battlers" were the men who were hanging-on for a job. Some of them hung on for a whole week, during which they might earn 5s. The company stated that 5,000 or 6,000 men had applied for positions, and that 300 were now awaiting employment. The "battler" had to spend a considerable part of his own time in learning all the lines, and then he waited in the shed until some other man was unable to turn up to work. If a man was five minutes late the "battler" reported the fact in order that he might get the man's place for the day. The five minutes would be part of the

twenty minutes for which the man had to work for nothing, yet because he was five minutes late another man was able to secure his place and take his day's pay. In addition to this, the company put on extra men whenever there was a bit of a rush on. Suppose there was a football match on the Collingwood ground, the trams would be run from the terminus to Prince's-bridge and back. "Battlers" would be employed for this purpose, and for taking a tram to Prince's-bridge and back the "battler" would get the magnificent sum of 10d., or 5d. each way. During this trip the tram would probably carry from 100 to 150 passengers. He (Mr. Beazley) had seen both the car and the dummy so loaded that it would be impossible to put another child on board.

Mr. BENT said he would suggest that progress should be reported.

Mr. McGRATH said he wished to say a few words before progress was reported. However satisfactory the present arrangement might be with regard to the Melbourne Tramway Company it was most unsatisfactory so far as the country tramways were concerned. No concession whatever had been made with respect to them. In the case of the Ballarat tramway, horse-drivers were obliged to work from 81 to 91 hours per week for a wage of 35s.

Sir ALEXANDER PEACOCK.—I admit that.

Mr. McGRATH said Sir Alexander Peacock had stated that this was not an opportune time to press the matter. When the honorable gentleman was sitting in the Opposition corner and the honorable member for Castlemaine moved in connexion with the Mines Bill for a Wages Board for miners, the honorable gentleman voted for the proposal. Now, however, he asked them to wait until a Tramways Bill came up for discussion. If the honorable gentleman's position was justified when he sat in the corner, the position of those supporting this amendment was justified to-day. A Factories Bill dealing with the wage-earners of the country was before the House, and surely they were justified in insisting on a division in this matter, with the object of seeing that some concession was made not only to workers in the metropolitan area but to those in the country. After the arguments of the honorable member for Brunswick, he began to doubt whether there was much concession in the offer of the Melbourne Tramway Company at all. Personally he did not intend to depart from the eight hours principle. In Sebastopol men were working

81 hours per week for a wage of 35s., which was less than 6d per hour. If the tramway company could not pay fair wages we had better go back to the bus.

Progress was reported.

ADJOURNMENT.

RETURN OF THE GOVERNOR.—ORDER OF BUSINESS.

Mr. BENT moved—

That the House now adjourn.

He said he would like to announce that the Governor would return to Melbourne on Tuesday after his trip to England, and he hoped that as many honorable members as possible would be at the Spencer-street station on the arrival of the express train from Adelaide. Perhaps the Speaker could manage to be there.

Mr. PRENDERGAST.—What will be the business for next Tuesday?

Mr. BENT.—The Estimates.

Mr. PRENDERGAST.—What about the Factories and Shops Acts Amendment Bill?

Mr. BENT said he would like to know what was the use of trying to get on with that.

Mr. BAYLES said he would like to know whether the Government were taking into consideration the situation which had arisen in connexion with the recent decision of the Federal Arbitration Court in the agricultural implements case.

Mr. BENT.—They are.

Mr. PRENDERGAST said he hoped that the honorable gentleman would proceed on Tuesday with the Factories Bill, before going on with the Estimates.

Mr. BENT.—I think I have given a fair show to the Factories Bill.

Mr. PRENDERGAST said there had been no unnecessary delay in connexion with the Factories Bill.

Mr. BENT.—I am going on with the Estimates.

Mr. PRENDERGAST. — Then the honorable gentleman did not intend to send the Factories Bill up to the other House.

Mr. BENT.—Have I not done everything to help?

Mr. PRENDERGAST said the honorable gentleman was not carrying out his compact with regard to this legislation.

Mr. BENT.—I brought on the Estimates this morning, and only a few votes were taken. This Factories Bill will have a fair show. There has been two hours' talk about nothing.

Mr. PRENDERGAST said the talk had been about the necessities of workmen in the community. If the honorable gentleman considered that was nothing he was entitled to that opinion. Members of the Opposition thought that the matter was a very serious one. They were entitled to claim consideration for the Bill.

Mr. BENT.—Who said you were not to get consideration? I brought on the Factories Bill this afternoon.

Mr. PRENDERGAST said he would like to know whether the Factories Bill was to come on on Tuesday.

Mr. BENT.—It may or it may not. If I get rid of the Estimates all right—

Mr. PRENDERGAST said members of the Opposition had a compact with the Government.

Mr. BENT.—That the Factories Bill was to come first?

Mr. PRENDERGAST.—That it was to be disposed of.

Mr. WATT.—Did you agree to vote for the Western District Bill in order to get the Factories Bill through?

Mr. PRENDERGAST said the Opposition had been helping the Government by sitting late, when the Government party could not supply a quorum.

Mr. BENT.—You need not raise any question. You will get fair play.

Mr. PRENDERGAST asked if this were another compact?

Mr. BENT.—There is no compact at all.

Mr. ELMSLIE said he would urge the Premier to take the Factories Bill into early consideration. Ever since he had been in the House it had seemed strange to him that factories legislation had always been brought up at the end of the session, and had been rushed through to another place. Honorable members had been expected to allow measures to go through without expressing their opinions. They always had the same promise that they had got this afternoon, that fair consideration would be given. What did the honorable gentleman mean by fair consideration? Did he mean that the House would consider the Factories Bill after the Estimates were through? Honorable members knew what it would mean once the Estimates were through. They also knew what sending the Factories Bill up to another place at a very late hour would mean. They would have something like the spectacle seen last year. There would be a motion to read the Bill this day six months

Mr. BENT.—Save your trouble talking about tricks. There are no tricks.

Mr. ELMSLIE said he had not mentioned the word. He was not speaking in an offensive way, but when an honorable member had something to say it was just as well for him to say it. The present session did not begin until late in July, and for the first two or three months very little was done, and they were engaged on unimportant legislation. Now, when important legislation affecting thousands of people was under consideration, they were asked to rush it through. Experience had taught them what that meant. He pleaded to the Premier to give them a chance of getting this Bill to another place. As the honorable member for North Melbourne had pointed out, the Opposition had allowed measures to go through without discussion, and they had been twitted about it. The Opposition had been accused of entering into a conspiracy of silence. If honorable members expressed their opinions, it could not alter the fate of these particular measures. Possibly all that had been done by trying to oblige the Premier, and to save the time of the House, was that they would enable the prorogation to take place a week or two earlier. He thought the request of the leader of the Opposition was only a fair one, in the light of what took place last session.

Sir ALEXANDER PEACOCK observed that it was hardly fair to the Premier that it should be in any way conveyed to the public that the Premier was not anxious that this Bill should be put forward. He could assure honorable members that the Premier had most willingly allowed him to have the necessary time for dealing with this Bill. Honorable members had afforded every assistance, so that the Bill might be properly debated. Amendments, many and varied, had been considered and adopted, and the Premier now said that there should be an opportunity to consider the Estimates. He (Sir Alexander Peacock) had wanted to finish the Estimates; but the Premier said "No," and that he would carry out the promise that he had given. He would remind honorable members that there had been no attempt to delay the Factories and Shops Acts Amendment Bill. The Premier had been most kind to him in giving him time so that the Bill might be got forward to another place. The business sheet of the Council was now clear, so that the Western District proposal would be dealt with next week in the other Chamber, and then there would be an opportunity to go on with this measure. He

felt that the impression conveyed by the honorable member for Albert Park was unjust to the Premier, who had been most kind to him (Sir Alexander Peacock), in granting him opportunities to get on with this Bill, and the Premier was anxious to get the Bill away to the other place as soon as possible.

Mr. ANSTEY stated that he would like to see the Factories and Shops Acts Amendment Bill carried to its conclusion now. It was only 4 o'clock, and there was no reason why the House should rise at this hour without finishing the Bill. The Opposition were prepared to go to a division on the question which had been under discussion, and any other question that had to be considered could be dealt with without any loss of time. There was no reason why the Chamber should not continue to sit until matters were brought to a definite conclusion.

The SPEAKER.—There is one good reason—all remaining business is postponed until Tuesday.

Mr. ANSTEY said he held that the business should not be postponed until Tuesday.

The SPEAKER.—The House has made the order, and it is postponed.

Mr. ANSTEY said he understood the Premier proposed to change the order of business. He would point out that in connexion with several other matters the functions of the Opposition in expressing their opinion had not been fully exercised, for the simple reason that they desired to facilitate the progress of business, in order that full discussion might be allowed on these questions. He had had a strong desire to express his opinions upon the Western District Closer Settlement and Railway Construction Bill, as he had certain views with regard to it, but, in order to get an opportunity for discussing factory legislation he was silent on that measure. The Premier proposed to bring on the Estimates on Tuesday. If the honorable gentleman desired, the House could continue sitting to-day and also meet the next day, and then this business would be cleared away for the consideration of the Estimates on Tuesday. The Premier would not make much advance on his Estimates, because there would be interminable discussion upon them. The Factories and Shops Acts Amendment Bill, which was practically completed, should be finished, and it could be finished in an hour or two. Why then should it be put off for a couple of weeks in order that the Estimates might be pushed through?

Mr. FARRER.—The Factories Bill would take a long time if you took two hours over every amendment.

Mr. ANSTEY said the honorable member took as much time as he considered necessary upon matters which he regarded as being important, and it was necessary that other honorable members should speak fully upon the matters which they considered of importance, and be silent on matters which they considered to be non-essential.

Mr. PRENDERGAST.—There were never more than two honorable members speaking from this side on the amendments.

Mr. BENT.—What is all this talk about? You know very well you are trying to pull his leg with the bandages on.

Mr. ANSTEY said the Premier stated that he must have the Estimates on Tuesday.

Mr. BENT.—I did not say I was going to take the whole of them on Tuesday. You just take it easy; your leader has made all the arrangements.

Mr. ANSTEY said the leader of the Opposition was able to persuade his followers to keep silent in order to get measures through, but the leader of the Government could not prevent his followers from speaking, and then made complaints about the stoppage of business.

The motion was agreed to.

The House adjourned at seventeen minutes past four o'clock p.m., until Tuesday, November 19.

LEGISLATIVE COUNCIL.

Tuesday, November 19, 1907.

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

PETITIONS.

A petition was presented by the Hon. T. C. HARWOOD from the President and Executive officers of the Victorian Employers' Federation, asking that the House should not pass the Western District Closer Settlement and Railway Construction Bill.

A petition was presented by the Hon. T. C. HARWOOD from certain owners of land within the area affected by the provisions of the Western District Closer Settlement and Railway Construction Bill, asking that counsel might be allowed to appear at the Bar of the House and be heard on behalf of