advertised in the newspapers would have been put an end to.

Mr. BALFOUR explained that he had not entered upon any discussion of the totalisator. What he referred to, when addressing the House, was the use of the word "totalisator" in gambling advertisements. There were a number of what were called "totalisator clubs," which had nothing to do with the totalisator, but were simply gambling establishments.

The Hon. J. BUCHANAN supported the motion for adjournment.

The motion that the debate be adjourned until the following day was then agreed to.

EXPLOSIVES ACT AMENDMENT BILL.

On the order of the day for the second reading of this Bill,

The Hon. F. T. SARGOOD stated that since the introduction of the measure certain facts had come under the notice of the Government to render necessary the discharge of the order of the day, with a view to the introduction of a Bill, not only to amend, but also to consolidate the law relating to explosives.

The order of the day was discharged from the paper.

The House adjourned at twenty-seven minutes to seven o'clock.

LEGISLATIVE ASSEMBLY.

Tuesday, July 17, 1883.


The Speaker took the chair at half-past four o'clock p.m.

NEW GUINEA AND THE PACIFIC ISLANDS.

The Speaker reported that members of both Houses had waited upon the Governor, and had presented to His Excellency the joint address, adopted on July 11, with reference to the annexation of, or the establishment of a protectorate over, New Guinea and the Pacific Islands lying between New Guinea and Fiji, including the New Hebrides, and that His Excellency was pleased to make the following reply:

"Mr. President and Honorable Members of the Legislative Council,
"Mr. Speaker and Honorable Members of the Legislative Assembly,
"I have much pleasure in acceding to your request, and will at once forward the resolutions to the Secretary of State for the Colonies."

PETITIONS.

Petitions against the opening of the Public Library, National Gallery, or Museums on Sunday were presented by Mr. Grant, from Wesleyans of Inglewood and the district; by Mr. Fink, from Congregationalists of Maryborough, and Wesleyans and Wesleyan Sunday-school teachers of Talbot, Amherst, Majorca, and Adelaide Lead; by Mr. Anderson (in the absence of Mr. Francis), from Wesleyans and Wesleyan Sunday-school teachers of Warrnambool; by Mr. Bees, from Presbyterians of Moorabool; by Mr. Walker, from Presbyterians of Kew; by Mr. Connor, from Baptists of Geelong; by Mr. M. H. Davies, from Presbyterians of East St. Kilda.

A petition was presented by Mr. Walker, from a public meeting of the inhabitants of Kew, in favour of "local option" as to the number of public-houses, and praying for the strict enforcement of the present law against the opening of public-houses on Sunday.

The Speaker.—I desire to inform the House that several of the petitions presented during the last two weeks with reference to the opening of the Public Library and National Gallery on Sunday have been discovered to be informal. I would also remind honorable members that, some time ago, I suggested that petitions should be lodged with the Clerk before they were presented, so that it might be ascertained whether they were in order or not. That suggestion, I regret to say, although recommended in a report from the Standing Orders Committee, was not respected by the House; and I think it would be well if some such rule were adopted.

Mr. Mason suggested that the Standing Orders Committee should also consider the desirability of recommending the repeal of the standing order which required all petitions to be in manuscript. This rule
caused great inconvenience in country dis-

tricts when a large number of signatures

had to be obtained to a petition, and he

really knew no reason why printed petitions

should not be allowed to be presented.

CORONERS' INQUESTS.

Mr. RICHARDSON asked the Attorney-

General why the coroner's inquest on the

body of a man who was killed at the Davies'

Freehold Junction mine, near Creswick, the

previous Saturday, had not yet been held?

The inquest was appointed to commence

at ten o'clock the following (Wednesday)
morning. He thought that some regulation

ought to be framed to prevent any such
delay in holding an inquest in future.

Mr. KERFERD said it appeared to be

an extraordinary circumstance that the in-

quest had been so long delayed. He appro-

 rhended that there must be some reason

for the delay, but he knew nothing about

the matter. He would, however, direct inquiries

to be made, and communicate the result to

the honorable member.

PERSONAL EXPLANATION.

Mr. W. MADDEN.—Mr. Speaker, I de-

sire to make a personal explanation. Last

Wednesday, I asked the Minister of Lands

whether a professional board consisting of

Messrs. Black, Nixon, and Pinniger, ap-

pointed by the late Minister to thoroughly

inquire into the reserve question, to classify

the reserves, and to report for the informa-

tion of the Assembly in dealing with that

question, had sent in its report; and, if so,

whether he had any objection to lay the
document on the table? The Minister said,

in reply—and he spoke rather sharply—that

he had received a statement from the Secre-

tary for Lands, that there was no

record in the department of the appointment

of any such board. The impression left on

the minds of some honorable members was

that I had attempted to obtain credit where

I deserved none. I, however, did nothing of

the kind. Next day I went to the Surveyor-

General, from whom I have since received the

following communication:

"16th July, 1889.

"Dear Mr. Madden,—I have a very distinct

recollec tion that the subject of reservations

under the Land Act 1869 came under consider-

ation shortly before you left office, and that a

suggestion was made, I think by myself, that

three experienced officers of the department,

Messrs. Black, Nixon, and Pinniger, should form

a board to examine and report on all such reser-

vations. Mr. Black was at this time on the eve

of starting on special duty to Tasmania, at the

request of the Government of that colony, and

probably on that account the board was not

then formally constituted. On Mr. Black's

return to Melbourne, about the middle of April,

the matter was not revived or brought under

the notice of the present Minister.—Yours, &c.,

"A. J. SKENE."

I have also received the following letter

from the Secretary for Lands:

"17th July, 1889.

"My dear Sir.—Referring to your inquiry, I

beg to state that I recollect that early in the

present year you mentioned to me that you had

some intention of appointing Messrs. Black,

Pinniger, and Nixon to be a board for the pur-

pose of considering the general question as to

the future disposal of public reserves. I heard

nothing further of the proposal until the 10th

inst., when you gave notice of a question in

Parliament on the subject. There is no record

in this office of the appointment of such a board,

nor of any order to make the appointment.—

Yours, &c.,

"A. MORRAN."

The facts are simply that, when I was

Minister of Lands, I decided in my own

mind, after considering the matter very

carefully, that such a board would be most

desirable. I mentioned the matter to the

Surveyor-General, who, I thought, was the

proper officer to consult, and he said the

idea was a very good one, and suggested

the three gentlemen whose names have been

mentioned as the best men who could be

appointed the members of the board. My

impression is that I then asked Mr. Skene

to put a recommendation to that effect in

writing, so that I might place my initials in

the margin, and that, in fact, the appoint-

ment was made; but I may be wrong in

this. I still think, however, that the board

should be appointed, so that the information

which I desire to procure for Parliament

may be obtained. From the statement

which I have now made, honorable members

will see that I was justified in asking the

question which I put on Wednesday, and

they will further see that the information

which I desire to obtain by the appoint-

ment of a board is information which

would be of the greatest importance to

this House in considering the question of

the reserves, and also of the utmost value

to the Minister of Lands in framing his

recommendations on the subject for our con-

sideration.

THE YARRA AND HOBSON'S BAY.

Mr. RICHARDSON asked the Minister of

Lands if, after the inquiries he had made,

he would permanently reserve the land nece-

sary for the direct cut to connect the Yarra

and the Bay?

Mr. TUCKER said he had that day given

instructions for the permanent reservation of

the land in question.
PUBLIC INSTRUCTION.

Mr. WRIXON asked the Minister of Public Instruction if he had any objection, before submitting the estimates for the Education department, to lay before the House a report from the department stating the number of children of school age in Victoria that the department calculated were at the present date without instruction, the action taken to bring such children within the schools, and the success or otherwise of such action? There were a considerable number of children about the streets who were apparently neglected, and who ought to be attending school; and the investigations of the Shops Commission seemed to show that a large number of children of the school age were employed in factories. These facts, amongst others, induced him to put this question to the Minister.

Mr. SERVICE stated that there was no objection to give the honorable member all the information on the subject that it was possible to obtain prior to the preparation of the annual report of the Education department.

Mr. MASON asked the Minister of Public Instruction when he would be in a position to proceed with the erection of State schools in country districts where they were urgently required?

Mr. SERVICE said that in his Budget speech, which he would make on the following night, he intended to give some information as to the erection of State schools in country districts. If necessary, the honorable member might renew the question on Thursday.

CHETWYND.

Mr. OFFICER asked the Chief Secretary if his attention had been called to the mysterious disappearance of a farmer named Joseph Hillary from his residence, near the township of Chetwynd, in January last; if so, what steps had been, or were being, taken by the police to clear up the mystery; and whether he would consider the propriety of establishing a police station at Chetwynd, or such other place as might best suit the requirements of the district? The police protection for the district of Chetwynd (said the honorable member) was altogether inadequate. Since the passing of the Land Act of 1869 the population of the locality had increased more than tenfold, and yet the number of police stations there was smaller now than it was when that Act was passed.

Mr. BERRY, in reply, read the following memorandum from the Chief Commissioner of Police:

"The disappearance of a farmer named Hillary was reported to the police on the 14th March last, since which date constant search has been made for him by the general police, assisted by a detective and the black trackers, but so far without success. As regards the formation of a police station at Chetwynd, I am informed that the township of Chetwynd consists of a store, a public-house, a flour mill, a blacksmith's shop, and a bootmaker's shop, and that the population of the township and the surrounding district is about 200, composed chiefly of farmers, squatters, and their men. The population of the district has greatly diminished within the last three years, and the neighbourhood is almost free from crime. Under the circumstances stated, I do not think the formation of a police station at Chetwynd is at present necessary." It would be seen from this memorandum that the information supplied by the Chief Commissioner of Police as to the demand for increased police protection at Chetwynd was totally different from the statement of the honorable member. He (Mr. Berry), however, would obtain a more detailed statement from the officer in charge of the district if the honorable member thought that it was desirable he should do so.

LIGHT-HOUSES.

Mr. MACKAY asked the Minister of Customs when it was intended to proceed with the construction of light-houses at Cape Everard and Cape Liptrap? About three months ago he observed a newspaper paragraph to the effect that it was not intended at present to proceed with the erection of any more light-houses on the coast. He hoped that the statement was not correct, but that he would receive such an answer to his question as would satisfy the shipowners of the port of Melbourne of the zeal and desire of the Government to make the coast as safe as possible for mariners. He was aware that there was a difference of opinion as to the erection of a light-house at Cape Liptrap, but he believed that there was no difference of opinion as to the propriety of placing one at Cape Everard.

Mr. LANGRIDGE stated that in 1873 an intercolonial conference was held for the purpose of deciding upon the various points along the Australian coast where additional light-houses should be placed. Since then New South Wales had erected, or nearly completed, the whole of the light-houses which she undertook to provide. The Victorian Government had nearly finished the light-houses at Cape Nelson and Cliffty Island, and they would be opened in four or five months. It had also been decided by the Government, on the recommendation of the officers of the department, that a light-
The Land Law. [ASSEMBLY.] Reserve in Gippsland.

174 The Land Law. [ASSEMBLY.] Reserve in Gippsland.

house should be erected between Port Phillip Heads and Cape Otway, on what was termed Split Point, one of the points decided upon by the conference. Another light-house would be placed at Cape Evenard, and the erection of one at Cape Liptrap would probably be proceeded with next year, thereby completing the whole of the coast lights for Victoria recommended by the conference.

PARLIAMENT BUILDINGS COMMISSION.

Mr. ZOX asked the Premier if the Royal Commission on the Parliament Buildings, appointed in 1877, was still in existence; and, if so, whether he would give directions for a meeting of that body to be summoned forthwith?

Mr. SERVICE replied that the commission was still in existence, but had not been called together for a considerable time. It was the function of the chairman to convene the commission, and that post was at present occupied by Mr. Langridge, who was appointed to it by virtue of being Minister of Public Works. He, however, did not now occupy that office, and it was his intention to resign the chairmanship of the commission. His successor would probably be the present Minister of Public Works, in which event that gentleman would call a meeting of the commission at an early date.

RAILWAY CARRIAGES.

Mr. NIMMO asked the Minister of Railways if Mr. Williams' present contract for furnishing railway carriages provided that those carriages should be made in this colony; also if Mr. Williams was importing springs for the carriages invoiced at £15 per ton, and whether that amount was not at least £10 under the value provided for in the specification?

Mr. GILLIES, in reply, read the following memorandum from the Locomotive Superintendent:

"The carriages will be made in the colony at Williams' factory. The contract does not specify in detail that every item or part must be manufactured in the colony; it would be impossible to do so. At the present time the inspector states that there are no springs for carriages upon Mr. Williams' premises."

ADMINISTRATION OF THE LAND LAW.

RESERVE IN GIPPSLAND.

Mr. MASON asked the Minister of Lands the following questions:

1. If it is true that he has reserved 70,000 acres of land from selection in South Gippsland?
2. What does he purpose doing with this land?
3. Does he purpose having it sold by public auction, or will he permit it to be selected?
4. Will he grant licences to all applicants for land in this locality where the applications were received by his department previous to the proposed reservation?

He said that he scarcely wanted an answer to the first question, as he believed it was the fact that the land referred to was reserved. Within the last month or two many persons from various parts of Victoria and some from New Zealand had taken up land in the locality referred to, and had been put to considerable expense in doing so. In fact it cost a man about £30 to go into this territory and select land, and the survey fees were £25, so that the total expense which a selector had to incur in taking up land there was £55 or £60. He hoped that the Minister did not intend to deprive these men of their selections. It would be a great injustice to do so after they had gone to so much trouble and expense in penetrating the scrub and pegging out land.

(Mr. Mirams—"Are they not speculators?") If they were speculators, so also were the whole of the selectors throughout the colony. The reservation of the land in question was no doubt a compliment to South Gippsland, because it showed of what immense value it must be to the colony; but he had been requested by many of his constituents to bring under the notice of the Minister the great loss, hardship, and injustice which those who had selected upon it would suffer if they were deprived of their selections. The shire council of Buln Buln passed the following resolutions on the subject at their last meeting:

"That this council views with regret the intention of the honorable the Minister of Lands to reserve from selection a large area of land in the parishes of Allambee, Mardau, Leongatha, Jumbunna East and West, Koorooman, and Nerrena, as it would be a great injustice to selectors who have already pegged and applied, and in some cases had their applications recommended by a local land board, the intention of railway extension being in most cases to benefit those who are already in possession of their holdings; and if the proposed reservation is carried out it will be the means of greatly retarding the progress of this district for years to come. This council has been at considerable expense in clearing and making tracks to the districts proposed to be withheld from selection, and a petition has been presented from a number of selectors in the parish of Leongatha praying to be severed from the shire of Alberton and annexed to this shire; but it would be impossible for this council to continue to construct and maintain roads if the adjoining lands were withheld from selection."
He believed that some public meetings were going to be held in the district to express dissatisfaction at the action of the Minister.

Mr. TUCKER said it was true that an area of about 70,000 acres had been reserved in South Gippsland. He intended doing nothing at all with this land at present. He did not propose to sell it by auction, nor to permit it to be selected. It was not intended that the reservation should affect the rights of persons who had selected land and paid their survey fees. With regard to those applicants who had done nothing further than pay the application fee, their cases would be dealt with on their merits, and would go before the local land board. In every instance special care would be taken that no hardship or injustice would be done to any man.

Mr. MASON inquired if the Minister would approve of all applications to select land on the area referred to which were received by the Lands department prior to the reservation being made? He thought that it would be very hard to deprive any man of his selection who had gone to the expense of making his way to this land and pegging out an allotment after being informed by the officials of the department that it was open for selection.

Mr. TUCKER remarked that he had answered the honorable member's questions very fully, and had nothing to add to the statement he had already made.

Mr. WOODS asked the Minister of Public Works whether he would take into consideration the advisability of cutting a direct storm-water channel between a suitable point on the Yarra and Sandridge, so as to prevent the consequences which would follow a flood in the river under present circumstances? Since the flood of 1863—and he presumed the time had about come round when another like it might be expected—the water-way between the Yarra and Sandridge had been filled up to a large extent; and in consequence, if another flood of the kind were to occur, the loss would be incalculable. The loss connected with the flood of 1863 was surely sufficient to have induced any Government, before filling up the low lands between the south bank of the Yarra and Sandridge, to make provision for carrying away the storm water. But, although the low lands had been filled up, the provision for carrying away the storm water was smaller than it was before. It was a scandalous shame that Government after Government should have allowed the matter to be dealt with as it had been; and he wanted to know now whether the Minister of Public Works was prepared, not to get reports—because nobody wanted reports—but to set to work to have a storm-water channel cut? He considered that the proper place to tap the river was near the Immigrants' Home, and that a cut should be made as straight as possible thence to Sandridge. By such an arrangement, while the water in the regular course of the river would not be interfered with, extra provision would be made for the carrying away of the storm water.

Mr. DEAKIN said he quite agreed with the honorable member for Stawell that the calling for reports on this question was not necessary at this time, and would not be satisfactory. He might mention that the Government had already taken action in the matter. Works which it was considered would remove, as far as possible, the danger which Melbourne had hitherto been exposed to in time of floods, had been determined upon and would be vigorously proceeded with. Those works included the removal of the reefs in the Yarra, the widening of the river at the Falls, and the alteration of the bridges by which the means of escape for flood waters into the Bay would be largely increased. (Mr. Woods—"They will take six or ten years.") He admitted they might occupy a considerable time. In addition to those works, the Harbour Trust were now engaged, or rather the Public Works department for the Harbour Trust were engaged, in making the cut across Fisherman's Bend which would have the effect of affording further relief to a considerable extent. Moreover, the land which might be necessary for a direct canal had been permanently reserved. Thus it would be seen that the necessity for guarding against dangers which might arise in connexion with future floods had been fully recognised by the Government, and, until the steps already initiated had been carried out so far as to indicate what effect they would have on the river, it would be somewhat premature to entertain the idea of constructing a storm-water channel such as suggested by the honorable member for Stawell, because a work of the kind would necessitate a large outlay for the purchase of private land.
Mr. GRAVES asked the Chief Secretary whether the Police department had furnished any report or reports as to the conduct, character, and position in life of the persons who visited the National Gallery and Museum on those Sundays on which the institutions were open?

Mr. BERRY said he had been furnished with reports from officers of police who were on duty at the National Gallery on those Sundays on which the institution was open. The following might be taken as a sample of the whole:

"Detective Office, Melbourne, May 7, 1883.

"For the Chief Commissioner's information.

"I have the honour to report, for your information, that by your direction I attended with Detective Lovie, Mahoney, Ward, and Keté, at half-past one p.m., at the opening of the Museum and National Gallery yesterday.

"At the opening there were not many people present, but as the evening advanced the crowd became great. From three p.m. till half-past four p.m. the crush at the front entrance was great. The constable in attendance being unable to keep order at the front, I suggested to him to go for assistance. He immediately returned with Sergeant Bourke and some other constables. After they arrived, good order was kept at the door during the afternoon.

"Every portion of the inside of the building was crowded up to about four p.m., and people who wanted to get out of the building could not, the crowd was so great, so I suggested that the doors into Latrobe and Little Lonsdale streets be thrown open as an outlet for the public.

"The committee were glad of the suggestion, and the great crowd soon dispersed. I also suggested to them that at about a quarter to five p.m. a bell should ring. At about that time the gong went, and the building was almost cleared at five p.m.

"The people who assembled there were nearly all of the working classes, mechanics, labourers, drapers' assistants, bank clerks, &c., all of whom seemed very much pleased with what they had seen.

"The attendance would number, I think, inside and outside, from eight to ten thousand people, men, women, and children, all of which were very orderly. There were very few of the criminal classes there, and no pickpockets.

"I placed the men with me in such positions in the building as to be on the spot or within easy distance if any complaints were made.

"I remained a good deal myself at the front entrance, and took a tour through the buildings. Everything seemed to have gone off quietly and satisfactorily.

"The arrangements might have been better inside, especially at the entrance to the National Gallery, where the crowd often got blocked.

"Joseph Brown, Sen., 1st C. Det."

Mr. McIntyre asked whether there were any reports of later date?

Mr. BERRY replied that the following was from the same officer with respect to subsequent Sundays:

"I have the honour to report for your information that, whilst on duty at the above place, with other detectives, I paid special attention to the class of people who frequented the gallery, &c. I found that there was a large majority of those present had the appearance of respectable tradesmen. All were nice and cleanly clad, numbers of them having with them their wives and children. I saw no low women or prostitutes, neither did I see any half-square privateers, large numbers of whom are known to me by sight and repute."

The following was from Constable O'Donnell:

"I respectfully report for the information of the officer in charge of detectives that when I was on duty at the Public Library, on Sunday, the 26th May last, I took particular notice of the persons assembled there, all of whom appeared very respectable. I did not observe any prostitutes or thieves."

Sergeant M. E. Ward reported as follows:

"On the afternoon of the 6th May I was on duty at the Public Library, and during my time there I did not see any person enter only respectable people; in fact, a superior class visited there on that afternoon, viz.:—Mechanics, grocers' drapers, &c." And this was the testimony of Sergeant Nixon:

"I have the honour to report for your information that when I have been on duty at the Public Library on a Sunday afternoon, I have not seen women of the town or other disorderly persons there. The visitors seem to be highly respectable."

The remaining reports were of the same character.

Mr. GRAVES asked whether the Chief Secretary had received any report from Inspector Pewtress, who was known to have attended the National Gallery on Sunday afternoons?

Mr. BERRY said the matter was left in the hands of the Chief Commissioner, who appeared to have obtained reports from men who, as eye-witnesses, were able to give the House the best information.

Mr. McIntyre asked the Chief Secretary whether, in view of the satisfactory reports which had been read as to the class of people who desired to attend the National Gallery or Public Library on Sunday, the Government would afford the House an opportunity of dealing with the main question whether the institutions should be open on Sunday or not?

Mr. BERRY observed that an opportunity would be afforded when the vote for the Public Library was submitted for consideration.

CENTRAL TELEGRAPH OFFICE.

Mr. Zox inquired of the Postmaster-General what progress was being made in connexion with the improvement of the
accommodation at the Central Telegraph-office, Melbourne?

Mr. BERRY said the Minister of Public Works informed him that tenders for the works were accepted the other day, and that one condition of the contract was that they should be prosecuted day and night. He believed the intended alterations, when carried out, would be satisfactory to the employés.

**FOG SIGNALS AT PORT PHILLIP HEADS.**

Mr. MACKAY asked the Minister of Customs whether foghorns would be provided at Point Lonsdale and Point Nepean? Some few years ago a whistling buoy was stationed at Point Lonsdale in order to warn vessels of danger in bad weather; but he believed that buoy was removed in deference to some of the residents of Queenscliff, who were much disturbed at night by the queer noise which the machine gave forth. But there could be no question as to the necessity for fog signals both at Point Lonsdale and Point Nepean. He had observed by a letter to the newspapers that fog signals were furnished to the light-ships in the Bay, and in Geelong harbour; and this fact seemed to make it exceedingly strange that so plain a duty as that of providing fog signals at Port Phillip Heads had been neglected.

Mr. LANGHIDGE said he presumed the question was put in consequence of the wreck of the *George Roper*. According to good authority, no fog signal could have saved that vessel from going ashore. As to the whistling buoy, the place where it was formerly stationed was inside the Heads. It was now lying at the dockyard at Williamstown. The Government fully recognised the necessity for the use of fog signals, and he might mention that the light-ship off Gellibrand's-point and the light-ship in Corio Bay were both provided with the instrument. With regard to the question of the honorable member for Sandhurst (Mr. Mackay), the memorandum supplied him by the Officer in charge of Harbours and Navigation was as follows:—

"The question of foghorns, and the necessity for supplying Point Lonsdale and other stations on our coast with such signals, has been under consideration for some time. The Agent-General has also been communicated with, and information as to cost, &c., received from him concerning the fog signals used by the Trinity Board on the coast of Great Britain. The cost of supplying these signals, namely, £2,000 for first-class, and £1,200 for second-class fog-sirens, exclusive of buildings, has no doubt in a great measure prevented their introduction up to the present time.

"The question, however, is of sufficient importance to demand immediate consideration, and I would recommend that steps be taken to procure, through the Agent-General, one second-class fog-siren for establishment at Point Lonsdale, after which the question of providing Point Nepean and other stations with signals of a similar character will be dealt with."

Mr. MACKAY suggested that, before so large an expenditure as that mentioned was entered upon, the experiment of erecting, at Point Lonsdale, a large bell to be rung during foggy weather should be tried.

**RESIDENCE AREAS.**

Mr. LEVIEN laid on the table a return to an order of the House (dated July 10) of residence areas registered in each mining district.

**GAOLS.**

Mr. COPPIN moved—

"That there be laid before this House a return showing a list of the gaols in the colony, the number of prisoners in each gaol at the present time, and the number of prisoners each gaol will accommodate."

The motion was agreed to.

**MALMSBURY RESERVOIR.**

Mr. WOODS rose to move—

"That there be laid before this House a copy of all plans and sections of the by-washes of the Malmsbury reservoir, both the original ones and those on which the present ones are constructed, together with all information and memoranda on the subject."

He stated that he wished to make an alteration in the terms of the motion—to substitute the words "in the Library" for "before this House."

The SPEAKER.—It is not usual for the House to order papers to be placed in the Library. Papers ordered by the Assembly are laid on the table, and become part of the records of the House.

Mr. DEAKIN said, if the honorable member for Stawell would withdraw the motion, he would place the documents in the Library.

The motion was withdrawn.

**CIRCULATION OF GOVERNMENT DOCUMENTS.**

Mr. MIRAMS asked the Premier, without notice, whether he would give instructions that, in the future, whenever important reports on public matters were handed to the press, copies of those reports should be distributed at the same time among
honorable members? There was a sort of parliamentary fiction that reports were not circulated until they had been laid on the table, and it was strictly adhered to so far as honorable members were concerned, but those reports were sometimes published in the newspapers days before members received them. (Mr. McIntyre—"A breach of privilege.") He did not put the matter on that ground. He simply desired that, when reports were circulated informally to the press, they should also be placed in the hands of honorable members. Under the present arrangement, the newspapers had an advantage over members, in that they were able to publish and discuss reports in their columns days before those reports reached the hands of members.

Mr. SERVICE requested the honorable member for Collingwood (Mr. Mirams) to indicate one or two cases in which the irregularity he complained of had occurred.

Mr. MIRAMS said the report of the board of inquiry on the Hawthorn railway accident was laid on the table of the House only that afternoon, but it was published in the newspapers the previous Saturday, and leading articles about it, without number, had been published in journals all over the colony before honorable members had had an opportunity of seeing the document.

Mr. SERVICE observed that he would have been glad if notice had been given of the question, but, answering it on the spur of the moment, he would say that it struck him that, while the proceeding of which the honorable member for Collingwood (Mr. Mirams) complained might be regarded as a technical breach of the privileges of the Assembly, it should be recollected that the Hawthorn railway accident was a matter in which the public at large were deeply interested, and it was important that they should know as early as possible the nature of the report of the board of inquiry. While there were some reports which it would be improper to publish until they were laid before Parliament, there were certain other reports which ought to be placed in the possession of the public as rapidly as possible. It had been the practice heretofore to allow such reports to be published. He would be the last man to derogate from the privileges of Parliament; and if the House were to say that the rule that reports should not be published until they were laid before Parliament should apply in every case he would be glad to see it carried out.

Mr. MIRAMS said he did not ask the Premier to refrain from giving reports to the press, because he considered it important that the public should have the earliest possible information on important questions. All that he desired was that, whenever reports were supplied to the press, copies of those reports should, at the same time, be furnished to members of the House.

Mr. SERVICE remarked that that would mean that the press should not get such a report as that of the board on the Hawthorn accident until it had been printed by the Government Printer. If he understood that was the wish of the House, he would act upon it. (Mr. Mirams—"It is hardly likely the press got the report in manuscript.") It should be recollected that honorable members had the opportunity of seeing the public prints, and that therefore they suffered no inconvenience by reports being published in the newspapers before they were circulated by the Government Printer. Certainly it would be a public inconvenience to lay down too strict a rule. However, he would bear in mind the hint which had been thrown out.

PARLIAMENT HOUSE.

STONE FOR WEST FRONT.

Mr. DEAKIN said—Mr. Speaker, I desire to fulfil the promise, which I made the other evening, that at the earliest possible opportunity I would state the intentions of the Government with regard to the stone for the west front of Parliament House.

The SPEAKER.—The statement which the Minister of Public Works desires to make can make only with the leave of the House, because it relates to the subject of a motion which has been already debated, and which, as an order of the day, is set down for further debate to-morrow.

Mr. DEAKIN.—I desire simply to fulfil the promise which I made on Wednesday evening, when I stated that the Government had decided on the course they intended to pursue with regard to this matter, though, in view of the negotiations which were going on, I thought it undesirable then to disclose their intentions. The question is one which is surrounded by many difficulties. It is a question upon which it is most desirable that honorable members should, if possible, be agreed, because it is a question which interests honorable members as Members of Parliament and from a public point of view, altogether irrespective of party. So far, however, there has been anything but unanimity in connexion with the matter. The experts themselves differ in the widest possible way, and the opinions of honorable
members who have been guided by the experts differ in a corresponding degree. Even the select committee appointed by this House, last year, differed greatly on many points; but one thing that committee unanimously recommended this House to do, and that was to cut a gullet, at an expense of £1,500, to settle once for all the question not only of the quality but the quantity of stone obtainable from the Grampian quarry. As this recommendation was made by all the members of the committee, however much they might have differed in other respects, and as it was approved of by every witness examined by them, I think the recommendation should be acted upon before anything of a definite character is done. The difficulty I had in the matter was that it seemed undesirable that £1,500 should be expended in testing the quarry, if the proceeding was simply to be for the benefit of the quarry proprietors. I put myself in communication with the lessees of the quarry with the view of ascertaining what consideration the Government would receive if they expended the money. After several communications between those gentlemen and myself had passed, they agreed to the terms which I suggested, and which I think will be of considerable advantage to us irrespective of the matter of settling the quality and quantity of the stone. We are to put in this gullet as the committee and the witnesses recommended at an expense of £1,500, and we are to have the right to use in the erection of public buildings such of the stone taken out by the cutting of the gullet as we may think proper. More than this, the lessees have agreed that any future contractor for the completion of Parliament House or any future agent of the Government in connexion with the matter shall be placed in exactly the same position as Mr. Amess—that is to say, the contractor or the agent of the Government will be permitted to enter the quarry and take the stone necessary for the completion of Parliament House, without any payment whatever to the quarry proprietors.

Mr. DEAKIN.—Three or four months. A sum of money will be placed on the Estimates, and the work will be commenced at once. I trust this will be a decisive testing of the stone, and that it will enable the hitherto differing parties to agree as to the value, and also the quality and quantity, of the article; and that it will also enable this House to deal with the contractor and the other questions which have arisen.

RAILWAYS MANAGEMENT BILL.  
FIRST NIGHT'S DEBATE.

The House went into committee to consider the Governor's message on this subject, presented on July 11.

Mr. SERVICE moved—

"That it is expedient that an appropriation be made out of the consolidated revenue for the purposes of a Bill to make better provision for the construction, maintenance, and management of the State railways."

The resolution was agreed to, and was reported to the House.

Mr. SERVICE (in the absence of Mr. GILLIES) moved that the Railways Management Bill be read a second time.

Mr. McINTYRE.—Mr. Speaker, I wish to occupy the attention of the House for a few minutes, because I do not think it desirable that a Bill of this importance should pass its second reading without some little discussion. To make a second-reading speech on a motion for leave to introduce a Bill is, I think, one of those customs which are much better "honoured in the breach than the observance." The other evening the Minister of Railways made undoubtedly, from his stand-point, a very excellent speech; but honorable members, not then being in possession of the Bill, could scarcely follow him in the way they are now in a position to do. I expected that, on the motion for the second reading, the Minister of Railways would have followed up his first-reading speech with remarks at length, further explaining the intentions of the Government, or at all events replying to the criticisms passed on the measure by the public press. As this has not been done, I can only deal with the Bill itself, and the statement made by the honorable gentleman when introducing it. The chief feature of the debate the other evening was the emphatic declaration of the Chief Secretary, in reply to his late colleague (Major Smith), that he is still the great liberal leader, not only in this House, but in the country. I doubt whether the Major was thoroughly satisfied with that statement.

Major SMITH.—Oh! quite.

Mr. McINTYRE.—Notwithstanding the Chief Secretary's declaration at Geelong, not long since, that all his life he had been an out-and-out conservative? Of course I can understand a member of the Government seeing his way to swallow his past convictions with reference to the important matter of patronage; but I cannot help thinking that, if the Chief Secretary and the Major were now sitting on the
opposition side of the House, a Bill like the present would receive the utmost attention at their hands and probably a great deal of opposition. I do not concur in the opinion expressed by the Minister of Railways that the management of the State railways has hitherto been a great failure. I don't think it is right to be so emphatic in declaring that past Ministers of Railways—and the honorable gentleman himself is one—mismanaged the Railway department. I think it is creditable to the colony—a new country with comparatively little knowledge of such works—that our railway system has been managed and worked so successfully. I think the gentlemen who have held the office of Minister of Railways up to the present time have a perfect right to take credit to themselves for the great success which has attended our railway management up to the present time. I quite agree that the period has arrived when, in deference to public clamour and the views of the people as expressed through the press, something should be done in the direction of altering the system of managing the railways; and the question we have now to consider simply is whether the Bill before us is based on the proper lines to carry out the feeling of the community with respect to this important matter. For myself, I doubt it. I think the Minister of Railways is wrong in proposing that three gentlemen should be appointed to undertake the management of the State railways. What did the Minister of Railways say, the other evening, would be required from the gentleman to fill the post of chairman of the commissioners? That he must have great tact, knowledge of men, good temper, power of leading his colleagues in an agreeable way, and at the same time a thorough knowledge of railway work—in fact, he must be a perfect genius in every way. But, with a man of that stamp at the head of the Railway department, where would be the necessity for two other commissioners to assist him? Then I would ask the Minister to remark that, while the necessary qualifications of this genius have been fully described, nothing—not one word—has been said as to the qualifications of the colleagues who are to discuss with him every matter connected with the general policy and administration of the establishment under their joint control. Supposing, for argument's sake, that the two assistant commissioners out-voted their head—I presume the majority at the board will rule—where would the "bright particular star" be then? Mr. McIntyre.

I trust the Minister will consider these points very carefully. Admitting, as I do very willingly, that it is necessary to have a man of the sort the honorable gentleman described at the head of the Railway department, would it not be better that he should be assisted, not by two fellow commissioners, but by a board, consisting of say the Engineer-in-Chief, the Traffic Manager, and some other high railway officer? What better body than one like that could be procured to manage the railways? Moreover, there would not, under such circumstances, be any risk of the chief commissioner being out-voted. I am in hopes that an amendment of the Bill like that I have just foreshadowed will be introduced, for I have little doubt that it would meet with acceptance from the House. I am satisfied that the two extra railway commissioners proposed in the Bill are no more wanted than is a fifth wheel to a coach. Besides, although the design of the measure is to ease the Minister of Railways, he will unquestionably have to retain some controlling power, and such authority would infallibly be far better exercised in connexion with the board I suggest than with the board indicated in the proposals of the Government. Another objection to the Bill—I alluded to it the other evening—arises from the proposition in it to give another place power to veto the decision of the Governor in Council.

Mr. MIRAMS.—Which might mean the decision of this Chamber.

Mr. McIntyre.—Undoubtedly so. I hope honorable members will not allow this important point to pass unnoticed. The proposed plan is to hand over to the other House a power the use of which would be tantamount to a vote of censure on the Government of the day. I can take no other view of it. In fact, the scheme will not bear looking at. Were the proposition to the effect that, in the event of a suspension of the kind in question, the commissioner suspended should not be reinstated unless both Houses—or, as suggested in one of the Melbourne journals, two-thirds of the members of this Chamber—required that to be done, I could understand and appreciate it. There would, under such circumstances, be a valuable check left. What astonds me most, however, is to find the Chief Secretary, after fighting so many years for the privileges of this branch of the Legislature, calmly agreeing to the proposal I am now referring to. He must surely see that he cannot swallow so much and still retain a hold over, or even a
connexion with, the liberal party. I have always maintained that the other House had duties of its own to perform, but never have I thought that among those duties passing a vote of censure upon the Government for the time being could by any possibility be properly included. The Minister of Railways has told us that the House of Lords possess a power similar to that which under the Bill the Council are to have, but when did the Lords ever pass a vote of censure upon the then existing Administration? Could any Government carry on in the face of such a vote? It would be ridiculous and absurd for them to even attempt to do so. I trust the Minister will promise to withdraw the proposition I am condemning, which is the great blot in the Bill, and adopt instead one of the plans I have indicated. Another portion of the measure I wish to draw attention to is that which proposes to force a system of assurance upon railway officers. The other evening it was suggested that the Government sought to take this assurance business on themselves, and I must say that I fail to see why they should not do so—why they should not establish an assurance business in connexion with every branch of the public service, so that every public servant might be sure of a provision for his family in the case of his death, or of one for himself, in the shape of an annuity, should he have to retire from his office. In my opinion, such a plan would work admirably. However, this point, like many others in the Bill, will be best discussed in committee. I think the Minister of Railways, in his speech of last week, passed over altogether too sightingly the question of leasing railway officers. For my part, I am convinced that the proper plan to pursue in connexion with our railways is to lease them. Let honorable members once fairly entertain this idea and work it out in their minds, and I am sure they will see in the end that a leasing system for our railways is the only one to really clear away all the difficulties we have in connexion with them. The Minister of Railways thinks the plan would be difficult to pursue, but my impression is that the thing could be done simply enough. In fact, I firmly believe that the Government could, if they took trouble to make inquiries in that direction, find a powerful organization ready and willing to carry on our railway system, and pay the State a large return for the capital invested in it, the Executive being able to make any regulations it thought fit for the preservation and keeping in proper order of the permanent way and rolling-stock. If the State got 5 per cent. for its railway capital, and was rendered secure that its railway property would be duly cared for, would not the arrangement be a better one for the country than having the lines managed by the Government? A leasing company like the one I have in view would be bound, in seeking to make a profit out of the railways, to increase the traffic on them, and how could such an increase be effected without the convenience of the community generally being consulted and its interests promoted? I am sure that leasing the railways would be a far better outcome from the present position than carrying out the plan embodied in the Bill, under which many of the existing evils of our railway system will undoubtedly be perpetuated. Not the slightest difficulty need ever arise from the leasing company being unable to offer the Government sufficient security that they would fulfill their obligations to the last farthing. At the same time, I would not be one to suggest that the State should ever part with its lines for a period except under the most stringent conditions. I know the leasing idea is not a popular one, but I do hope honorable members will turn it over in their minds. No doubt, however, the Government will try to carry their Bill, word for word, without any alteration—without accepting any suggestion on the subject.

Mr. GILLIES.—I beg your pardon.

Mr. McINTYRE.—Well, then I hope they will adopt my suggestion that they should drop the two assistant commissioners, and also the proposal to allow the Upper House to veto the suspension of a commissioner by the Ministry of the day. These proposals are the two great blemishes of the measure. I also ask that the leasing system should receive some favorable consideration, because under it our railways would assuredly be a success. In the old country railway companies adopt a number of plans to increase traffic—such as issuing return tickets to picnic and other parties wishing to travel within a brief period—which cannot be adopted under a system of Government management, but which could be followed to any extent by a leasing company, with profit to themselves and increased accommodation to the public. At present nothing is done to extend the traffic of our lines. Besides, with our railways leased the railway patronage difficulty would disappear for ever.

Mr. PATTERSON.—Sir, I quite approve of the example set by the honorable
member for Maldon in making a short speech, and I will endeavour to follow it by not trespassing more on the time of honorable members than I can avoid. We have now reached a stage at which we have the Bill actually before us, and know exactly what the Government propose. I don't think many persons in the community seriously desire to adopt the leasing system in connexion with our railways, for this reason, that the public generally wish to enjoy themselves the profits derivable from the lines, and not that the money should go to any private leasing organization in the world. The question, therefore, we have to consider is that of railway management, not one of railway leasing, and I scarcely need say that the matter is regarded with a great deal of interest not only by the lenders of the money we have devoted to railway purposes, but also by the numerous politicians in the old country who advocate the purchase by the State of all the railway lines there. The policy of extending our railway system is not at all affected by the Bill, and that is very properly the case, because the subject ought to be left to be dealt with by the two Houses of Parliament. It may, perhaps, be said that the Bill is not perfect, inasmuch as it does not propose to prevent in the future the abuses we have known in the past in connexion with the construction of new railways not of a truly advantageous character, but all I will urge on the point is that, if the two Houses are an insufficient check upon transactions of that nature, the circumstance constitutes a strong reflection upon our representative institutions altogether. But, further than that, we know that Parliament has already been most diligent in attending to the question of railway construction. Therefore we need now to turn our thoughts to the matter of railway management, and to that alone. It will be admitted on all sides that hitherto half the time of Members of Parliament has been devoted to railway affairs, a quarter of it being wasted over questions of the most trivial importance. Along with the policy of constructing new railways—a most proper subject for the attention of Parliament—there has grown up a pernicious system of calling on honorable members to interfere in every petty detail connected with the working of the lines, which has not only caused untold trouble to themselves, but also seriously impeded the administration of the Railway department. For example, does not 75 per cent. of the correspondence each honorable member receives every morning relate to applications for appointment or promotion in the railway service? I am sure also that the Minister of Railways will not deny that an equal proportion of the correspondence daily laid on his table is of a similar character, to say nothing of the persistent personal applications made to him by persons determined to have an interview with him at any cost. This is the great evil we have now to grapple with. The late Government brought in a Bill to meet it in the most effectual manner. I have a copy of their measure before me, and what do I find in it? A proposal to the effect that if any Member of Parliament introduced any one to a Minister of the Crown, in order to recommend him for appointment or promotion, he should forfeit his seat, and other penalties of a correspondingly severe character were to be imposed on any person making a similar application to any honorable member. I quote this circumstance to show the state of feeling existing in the last Parliament, and I may add that when that feeling was expressed to the country, at the late general election, it was most thoroughly endorsed. Unquestionably I disapprove of the present Bill on many minor points; but, nevertheless, I regard it as, upon the whole, faithfully interpreting public opinion. The principle of the measure is to transfer the management of the railways from the Minister of Railways to a board of three commissioners, who will have to attend exclusively to the administration of their departments. They will be relieved from a great many unpleasant duties which the Minister has now to perform; but they will nevertheless, considering the extent to which our lines have been and will probably be extended to different parts of the colony, have a great deal of work to do. We may as well understand at once of what their powers are to consist. In the first instance, they will be created a body corporate; and, next, a variety of functions which have hitherto rested with the Board of Land and Works will be left with them to discharge: They will be enabled to make by-laws and so on, and, inasmuch as the right of railway officials to apply for a board will be abolished, appeals from them will in future be to the commissioners, whose judgment will be final. Under the Bill, in fact, the commissioners will, it seems to me, be empowered to do everything. There is no Minister in the measure, nor any place for one in the Railway department. Indeed, any other Minister of the Crown might just as well undertake to perform the duties that will attach to the

Mr. Patterson.
Minister of Railways, for they would not occupy him five minutes in a month.

Mr. McIntyre.—Abolish the office.

Mr. Patterson.—I would not say that by any means, because the House will have from time to time railway estimates to consider, and a Minister of Railways is required to represent the department in this House. Nevertheless, the proposition is that he shall not have any power to interfere with the commissioners, except perhaps by influencing the Governor in Council to veto their by-laws. They will prepare their own estimates, hold all railway lands in fee, and everything in the shape of rolling-stock will be practically their property. It is true each commissioner may be suspended, but the act of suspension will necessarily be so serious in its character that it will never be possible to perform it successfully without the practical sanction of the whole community. Then they will be appointed for life, and their salaries will be special appropriations. So they will occupy a very strong position and hold very great powers. While I agree with the main principles of the measure, perhaps I may be permitted to offer a few friendly criticisms in regard to it. In the first place, I apprehend that the Government will not contend for keeping in the Bill the clause which affirms that the Legislative Council may restore a commissioner to his office after he has been suspended or dismissed by the Governor in Council. To commence with, I don't think the Council desire to possess such a power, but, whether they do so or not, it will be wise for us to avoid every possible chance of a repetition of the former contests between the Houses. I am perfectly sure that carrying this clause would lead to such a contest, because, if the Governor in Council suspended a commissioner and the Upper House restored him, it would be impossible for the Assembly to pass the matterover. The Bill might provide for a reinstatement at the instance of both Houses, or at that of the Assembly alone, but the present proposal is decidedly not a good one. It is quite right that in matters of railway policy—the construction or extension of new lines—the Legislative Council should take a part, and they have taken a large and important part, but with affairs of mere railway administration, which come clearly within the circle of Ministerial functions, they ought never to interfere. Therefore I hope that the Bill will be amended to the extent of striking out the provision I refer to. To my mind the next most important feature of the Bill, seeing that the whole thing must be regarded as an experiment, is that the commissioners are to be appointed for life. I hope that arrangement will not be rashly entered into, for I am sure the step would be a mistake. There can be no good reason in favour of making such a proposal—not enough to justify us in adopting it. An opportunity ought to be afforded when necessary for a change of men. No doubt it will be always difficult for the Government to select proper men for the office, but at the same time we ought to give the new system a trial before we venture to make their appointment permanent. I suggest that it should at first be for only five or seven years at the utmost. I fail to see that as a rule men give better service because they feel secure in their position—that they are everlastingly fixed in them. It will be jumping from one extreme to the other to substitute for a Minister of Railways, who may be in office to-day and out to-morrow, a set of men who will not be removable at all, and I don't think the House ought to assent to the proceeding. A smaller matter than that is the circumstance that the Bill appears to contain no provision for the appointment of a deputy commissioner to replace a commissioner temporarily away from his post on account of illness or some other cause, such as that of being absent from the colony on leave. A more important omission is that which will, as far as I can see, render it impossible under the Bill for the Minister of Railways to cause surveys of new lines to be made, or schedules with respect to them to be prepared. He will have no officers to perform any work of the sort. There is, in fact, nothing in the measure to enable him to take a single step towards proposing the construction of a new railway. Another part of the Bill may lead to some trouble. The fee-simple of the whole of the railway lands of the colony will be handed over to the commissioners, and there is a clause under which the Governor in Council may direct them to sell a portion, but should such a direction be given Governments pushed for money will often seek to get in a little through sales of land—it will be just possible for the commissioners to practically refuse to comply with it, for I don't see how they could be forced in the matter. Another point I will direct attention to is one with reference to the intended examinations of candidates for office in the Railway department. The Government profess, and I believe honestly, an extremely strong desire to
abolish the patronage system, but in their anxiety they propose to substitute for it a system of examinations which will be found extremely complicated and unworkable. For example, I ask honorable members to read clauses 23, 29, and 30, and endeavour to reconcile them. The first-named clause will enable the Government to appoint examiners for three years, but I wish to remark that it will be a great mistake to let candidates know beforehand in any shape or way by whom they will be examined. It need never be difficult, whenever competent examiners are wanted, to find them. With respect to the majority of the posts in the department, all that need be demanded from each candidate for them is that he should undergo a medical examination into his physical fitness, and hold a State school certificate of the highest kind. What more could fairly be demanded from any one seeking office as a porter or as a workman in one of the shops? Of course candidates for what I may call a professional position, such as that of a draughtsman or a bookkeeper of the higher class, will be required to come up to a higher standard, but in their case I think the ordinary civil service examination would be sufficient, and then you would have examiners always ready to your hand. I trust that we are not to have, in addition to three permanent commissioners, three permanent examiners also. I beg to impress on honorable members again that care ought to be taken, in removing patronage from the Minister and putting it out of the way of all the branches. The true principle to be followed in say the Secretary's branch. Again, when the commissioners classify the railway service afresh, I trust they will be careful not to work it in many different branches. For my part, I would have officers in one branch available for promotion in another. Great troubles have arisen hitherto from the cutting up of the department into so many sections, each with its separate head, who will come to no agreement, nor work in harmony with his neighbour. And now with reference to the chairman of the commissioners, of whose qualifications we have heard so much. It appears to me that the Minister of Railways and his colleagues have somewhat confused the functions of the chairman with those of the general manager. The extracts from Parsloe, and the letters to Mr. Murray and the chairman with those of the general manager. The extracts from Parsloe, and the letters to Mr. Murray, point distinctly to qualifications for the latter post. Make a man possessing them chairman of the Railway Commission, and what would be the effect? He would know so much more than the other commissioners that they would be practically useless—you would not want them at all. In that case, there would be no necessity for the chairman to be a person able to lead his colleagues “in an agreeable way.” It will no doubt be the first duty of the board to obtain a suitable man as general manager, and, of course, it will be their constant care—care of that kind has been taken in the past—to train men to general management. Again, get the best railway manager possible from England, and you would find that he would have great trouble in falling into our system. He would have a great deal to learn and to unlearn. It is the fashion to condemn our present railway management, but I assure honorable members that that sort of thing is indulged in a great deal too much, and that the best English manager procurable would not very greatly surprise us. However, such an officer would be of immense service, for one with capacity to the higher branches there is to be no competition whatever—that seniority is to be the ruling principle?

Mr. GILLIES.—There will be competitive examinations for appointments to a higher grade, but within each grade promotion will go by seniority.

Mr. PATTERSON.—But we must be careful about this distinction. For instance, it seems to me—I speak from experience—that it would involve great inconvenience, if not something worse, to make passing any kind of competitive examination an essential condition in connexion with promotion in the case I imagine that the commissioners would not come in at all—but if that is to be the effect? He would know so much more than the other commissioners that they would be practically useless—you would not want them at all. In that case, there would be no necessity for the chairman to be a person able to lead his colleagues “in an agreeable way.” It will no doubt be the first duty of the board to obtain a suitable man as general manager, and, of course, it will be their constant care—care of that kind has been taken in the past—to train men to general management. Again, get the best railway manager possible from England, and you would find that he would have great trouble in falling into our system. He would have a great deal to learn and to unlearn. It is the fashion to condemn our present railway management, but I assure honorable members that that sort of thing is indulged in a great deal too much, and that the best English manager procurable would not very greatly surprise us. However, such an officer would be of immense service, for one with capacity
to control other officers is just what is required. Under such a man we would soon find clever juniors—the men to be encouraged above all others—coming forward; and there splendid material of that sort ready to hand in the department. All that such young men want is a good governing head to keep them right. Holding these views, I naturally required, in the department. All that such young think that to place men want is splendid material of that sort ready to hand. colleagues ought to compare with a board of commissioner of the department ought to be, general expenditure of the department, would be a great mistake. My opinion is that the chairman of the commissioners ought to be, rather than a mere expert, a thoroughly good business man—capable of looking very carefully to the income and disbursements of our railway service. In fact, he and his colleagues ought to compare with a board of railway directors in England—men selected by the shareholders from among themselves to conduct their affairs. To make the board a board of experts would, to my thinking, have a disastrous effect. However, I put forward that opinion only for what it is worth. I need scarcely deny that I have the smallest eye to place is not concealed there. The Bill is a new departure, but it is, generally speaking, based on true principles, and I compliment the Government for having made it so prominent a feature of their programme.

Mr. MIRAMS.—Mr. Speaker, I fully recognise, as I have had occasion to say once or twice already during the present session, the desirability of making this a session of work rather than a session of talk, and I therefore fully recognise the advisability of honorable members keeping closely to the point under discussion and curtailing their remarks as far as possible. At the same time, it must be recollected that there is a possibility of overdoing even that, and of allowing very important measures of public policy, which we have now for the first time an opportunity of thoroughly discussing, to be carried in rather too rapid a manner for the public interest. No doubt, the public have had the present Bill before them for the last two or three days, but it is evident that in the case of a measure dealing with such large public interests and proposing such radical changes, not only of principles but in the methods of carrying those principles into operation, the public require time to make themselves thoroughly acquainted with the proposals of the measure; and to make their voice and opinion felt through the proper channels. Therefore I trust that I shall not be considered as unduly departing from the rule which we all appear to have laid down for ourselves this session, if I take the liberty of addressing the House on this important question somewhat more fully than either of the honorable members who have preceded me. First of all, I think it must be patent to all the members of this House, at any rate, that the conservative section of the community, and the representatives of that section in the Assembly, have great cause for congratulation at the present moment. We have, in the fact that this House is now called upon calmly to consider a measure of this sort, another admirable illustration of the well-known saying that “the world is for him who working waits.” Sir, the conservatives have been working and waiting for this moment for the last seven years at least—how much longer I am not prepared to say. Seven years ago they made the first public movement in the direction of securing the passing of a Bill of this character. It was just after I entered Parliament, and while I was sitting on the opposition side of the House led by the present Chief Secretary and some other honorable members whom I see.
around me, that a Bill to accomplish this very purpose was introduced by Mr. Joseph Jones, who was then Minister of Railways in the McCulloch Government, and the motion for leave to introduce the Bill was seconded by the honorable member for the Ovens (Mr. Kerferd), who was then, as he is now, Attorney-General, and who has the honour of fathering, to some extent at all events, the present Bill. On that occasion, the Chief Secretary, who was sitting in direct opposition to those gentlemen, said—

"He considered it a most extraordinary proceeding—one which reflected upon the Minister of Railways, and to a great extent upon his colleagues—to submit such a motion, without any statement whatever as to the nature and character of the measure sought to be introduced."

It is true that we have not that ground of complaint on this occasion, because the Minister of Railways, in asking for leave to introduce the present measure, took care to thoroughly and fully explain its provisions. The Chief Secretary went on to say—

"Of course it was well known to the House and the country that the Railway department was very badly managed. If that were the fault of the Minister of Railways, the defect might be cured by the resignation of the honorable gentleman and the appointment of some one else in his place. If the fault lay with the officials, the proper course would be for the Government, who had full power in the matter, to procure efficient officers."

I wonder whether it occurred to the honorable gentleman during the preparation of this measure that one or other or both of those courses might have been equally effective and efficient at the present time—whether he suggested to his honorable colleague, the Minister of Railways, to resign his position, or whether he called upon that gentleman to discharge the inefficient officers, and to get rid of the difficulty in that way? Those are aspects of the question I shall have to deal with more fully later on, but, in the meantime, I wish again to say that in the very fact that we are called upon to discuss this Bill we have another proof of the reward of persistent effort on the part of one section of the community to secure what they desire in the direction of placing the railways under a board which, for the time being, they choose to call non-political. I say the conservatives of this country and the conservatives of this House have a right to be proud of their position, and to be gratified at the state of affairs which they see around them. They have a right to congratulate themselves and each other that they now appear at any rate to be on the eve of snatching that reward of victory which is due to their persistent and patient effort and waiting for time and opportunity. What the feelings of those liberals who have acted all along with the honorable gentleman who is supposed to lead them may be under the present circumstances they will possibly be able to state for themselves. For my own part, I have never taken any action in opposition to the present proposal; I have never expressed myself one way or the other on the subject, and I am at perfect liberty to do what seems best at present in relation to the matter. Indeed, personally I am very pleased that this Bill has been introduced, because I see in it a public recognition now, on the part of the conservative section of the House and the community, of the principle which I have long been endeavouring to make plain to honorable members in relation to another large public department, and another great question of public policy. I, for years past, have been advocating the appointment of a commission to manage the public lands of the colony in order that those lands might be managed apart from political and back-stairs influences. I have been told over and over again that one of the principal objections to adopting that system of land administration is that it would be impossible to remove it from political influences, political manoeuvres, and political parties. My reply to that has always been that a commission could be appointed, in much the same position and under much the same circumstances as the Judges of the Supreme Court or the Audit Commissioners hold their offices, who would be able to manage the Lands department on purely business principles apart from political influences altogether. Now I find that the gentlemen who urged the opposite view propose to put the Railway department—an equally large and important public department—under the management of a commission. For that reason I am delighted that, to that extent, they are committed to the application of the same principle to the Lands department when the proper time comes to consider that proposal on its merits. As to the present Bill, there is no doubt that it is a very important one. It deals with very important matters and embraces the settlement of very vexed questions; but it has an additional importance to my mind in that it is the first measure which the coalition Government have submitted to the House and the country. This is the first measure by which the House and the country are enabled to
form some opinion of the kind of legislation which the present Government is likely to place before us, and of the kind of sacrifices, if any, which the two sides of the House are to be called upon to make in order that legislation may be carried through. I think we all acknowledge that the very term "coalition Government" implies the idea of compromise—that it implies the idea of legislation upon lines of compromise, and that, if we are to do any good work at all, both sides in the House and the country must be prepared, to some extent, to "give and take." But, while compromise implies the idea of "giving and taking," I fail to see that it implies that the "giving" is to be all on one side and the "taking" all on the other. If we are to have any real compromise, there must be a giving up on both sides and a meeting on a middle ground where both sides can shake hands and endeavour to carry out the embodiment of the ideas of both extremes. Looking through this Bill in that light, and endeavouring to find in it the indications of compromise, I ask where is there in it anything that the liberals have secured through the fact of a coalition Government being in power which they would not have been likely to secure if there had been a purely conservative Government in office and the liberals had been sitting in opposition? I fail to see anything whatever. Up to the present the only blot in the Bill which has been pointed out by various speakers is the provision that the rights and privileges of this House are to be handed over to the other Chamber, thus making the Legislative Council supreme over this House. Now is there any one question in the politics of this country about which we have had more disturbance, about which there has been more political bitterness raised, against which the liberal section has more strenuously fought, and to secure which the conservative section has put forth more effort, than the supremacy of the Upper House? Ever since I have taken any notice of politics in this colony there has been one continual struggle to secure the supreme power, as far as possible, to the Legislative Council, while it has been the aim of the liberal party to keep that supreme power for this Assembly. Yet in this very Bill, which ought to be the outcome of compromise between the two extremes, we find a clause inserted giving that power to the other Chamber. I maintain that that of itself shows that the Bill is not based upon the lines of compromise. Then, if there be no compromise in the Bill itself, I want to know—and I dare say there are other honorable members who will want to know too—what the liberal party are to get in exchange for this Bill in the shape of some other measure in which they will get all they want and the conservatives will give up everything, seeing that the conservatives get all they want in this Bill and the liberals give up everything? If there is to be no compromise in the Bill itself, there must be—if we are to have even-handed legislation from the coalition Government—some compromise outside the Bill in respect of some other measure. Every one knows that the Chief Secretary and his colleague, the Minister of Customs, very recently developed a most determined opposition to government by commissions. Why the stock argument of those gentlemen, at the late elections, and the chief means they used to endeavour to keep me out of the House, was to pretend that the Tariff Commission, of which I have the honour to be chairman, was nothing but a free-trade project started to endeavour to undo the policy of this country. Again, the Education Commission was to be swept away if the honorable member for Geelong (Mr. Berry) came back to Parliament and to power in the country. One of the main arguments against the late Government was that when they were in a difficulty they always appointed a commission in order to get out of it. It was high time, said the honorable member for Geelong, that government by commission should be done away with, and yet the very first administrative act the honorable gentleman performed after he took office as Chief Secretary was to extend the powers and the existence of a commission—one of those very commissions which he found fault with before his constituency. I refer to the commission appointed by the late Government to inquire into the question of employés in shops and factories.

Major SMITH.—And quite right too.

Mr. MIRAMS.—I agree with the honorable member for Ballarat West (Major Smith) that it was quite right that it should be done; but I say it was quite wrong of the Chief Secretary to do it, seeing that only a few weeks before he had been endeavouring to raise the country against government by commissions, and had been denouncing his predecessors for having governed in that way. Moreover, not satisfied with the first administrative act being the extension of a commission, we find that the first legislative measure submitted to this House is for the appointment of another commission—a most important paid commission with
great powers and great patronage. Now has the Chief Secretary, in exchange for this departure from his principles—in exchange for this turning his back once more upon himself and his recently given pledges to his constituents and the country—secured even the abolition of the Education Commission which he denounced so loudly and so constantly when before the country?

An Honorable Member. Question.

Mr. Mirams. If the honorable member fails to see what this has to do with the question, I cannot help it. I think it has a great deal to do with the question. I say this is supposed to be a Government of compromise, and I want to know where the compromise is? If it is not in the Bill, where is it, outside the Bill? What have the liberal section of the Government got for their liberal supporters in exchange for forcing upon them this measure which they have spent years in denouncing and talking against? What does the Bill aim at? In the first place, it appears, it is to relieve honorable members from the discharge of a duty. The object of the Bill is, we are told, to relieve honorable members from the necessity of saying "No" to troublesome constituents, who ask for things, it is said, they ought not to have, and to save Ministers from the trouble and the danger of saying "No" to members when they come and ask them to do things which their constituents have required. In other words, the proposal in the Bill is to rob members, if possible, of one of the—I won't say privileges, because it is hardly a privilege, but of one of the—qualifications which surround their position, which grow out of their position, and which cannot be separated from their position. When 86 gentlemen—or 138 taking both Houses—by their character, by their attainments, by their industry, by their position, and by their surroundings, have secured the approval, support, and confidence of their fellow citizens, and have thereby obtained proportionate influence, is it possible, I ask, even if it were advisable, by an Act of Parliament, to rob those gentlemen of the rightful influence which they have in the community? I assert that it is not. If honorable members do not want the difficulties and the troubles connected with being influential men, then they must not put up as candidates for Parliament. If they desire to be influential men, either by being Members of Parliament or in any other way that makes them influential, they must be prepared to accept, along with the pleasures and the profits of their influential position, all its pains, penalties, duties, and responsibilities. Sir, I regard as one of the best things that can come to a man in the course of his life the ability to do good to his fellow men because of the position which he has been able to make for himself by his character, by his attainments, and by his industry. But while that comes on the one hand, do we not know that there comes with it on the other hand the responsibility of using that influence properly—the ability to say "No" to an improper application, as well as the pleasure of saying "Yes" to a proper one? I repeat that it is impossible to rob honorable members of the influence which their position is bound to secure for them, and if any honorable members suppose that by passing a Bill of this sort they can get rid of the responsibility which rightfully belongs to them and can shunt it off to some board or commission, they will be grievously disappointed. I do not care how plain, clear, and definite you may make this proposal on paper, we know enough of human nature to know that while there are good things to be got, and while there are influential men in the world, whether in Parliament or out of it, to help people who want those good things to get them, those influential men will be asked to use their influence to secure them. All that they can properly be called upon to do is to see that they use that influence rightly, and that they are not afraid to say "No," when necessary, to an importunate constituent who comes to them and endeavours to get them to say "Yes." Honorable members say that their seats would not be safe if they did not please their constituents in such matters. I maintain that any seat in this House that is gained or kept on any such mean paltry ground as that is not worth having. If honorable members cannot command and retain the support of their constituents by real good public work done on the floor of this House in the discharge of their legislative duties, then, I repeat, any position that is gained or kept by securing billets for those who want them is a position that is not worth having and is no credit to those who secure it upon such terms. What we want is that honorable members and the country should learn to look upon the question in that light, and then we would not be insulted by having a Bill put before us which asks every one of us, as I shall show presently, to write ourselves down rogues, who cannot be trusted to do our duty to our constituents and the
country, but require that a Bill should be passed to prevent us from doing it improperly. Why there never was a more monstrous proposal submitted to a Parliament of honorable gentlemen than the measure we have before us to-night, if we have regard to the grounds on which we are asked to pass it. However good the Bill may be in itself, however admirable it might be upon other grounds, to ask this House to pass it upon the grounds upon which it has been placed before us is an insult to every member of the House, and every honorable member who votes for it upon those grounds—whatever may be his opinion of the Bill in other aspects—will, in the face of this community, assist to put on the statute-book an acknowledgment that he is not fit to be trusted with the proper discharge of his duties and has to be hedged round by an Act of Parliament. The Bill aims at the abolition of political patronage. It appears to me that there are three kinds of political patronage in connexion with the Railway department. The first is the patronage connected with the securing of appointments and promotions, and the securing of proper inquiry into cases of disputes between subordinate officers and those who are over them. The second kind of political patronage is the securing through the Minister in this House of an alteration in the rates or fares chargeable upon the lines to various constituencies. The third kind, which I consider the worst of all, is the political patronage which the Minister of Railways hitherto has been able to offer to whole constituencies through a Railway Bill such as we had before us last year. Those are, as far as my inquiries go, the three kinds of political patronage connected with the Railway department; and how does this Bill deal with them? The Bill still leaves the question of fares under the control of the Minister. A Member of Parliament will still be able to earwig a Minister, and deputations will be able to wait upon him just as much under this Bill, so far as the question of fares is concerned, as they are now, because although the Bill provides that the proposed commissioners are to regulate the fares, charges, &c., by means of by-laws, those by-laws will have to be approved of by the Governor in Council, which means the Minister of the day. Therefore, as far as that broad branch of departmental work, departmental lobbying, and political patronage is concerned, we shall be no better off after the Bill is passed than we are now. Then there is the kind of patronage attending the introduction of a Railway Bill which offers in reality so many bribes to honorable members in order to get it carried by proposing railways here, there, and everywhere without full information as to whether they are needed, as to whether they are likely to pay, or as to how much they are likely to cost. That kind of political patronage, also, will be just as possible after this Bill has passed as it is now. There is no provision in the Bill that the commissioners are to decide where the railways are to go. There is nothing to prevent the present or any future Minister of Railways from coming down to this House with a Bill as full of lines as was the last Railway Bill we had before us, and, as far as I have been able to see, there is no absolute provision even that the commissioners are to furnish the House with the reliable information I have spoken of, which it is so necessary for us to have in order that we may come to a thorough business-like decision as to what railway lines we should sanction. That department of political patronage is left exactly in the same state as at present, and there will be no relief to honorable members in that matter from the passing of the Bill. The only branch of political patronage it aims at touching is that which relates to the appointment and promotion of employees, and only of those to a limited extent, because day labourers, survey parties, and supernumeraries are to be outside its operation. People will be able to be employed for six months in every year as supernumeraries, so that, instead of honorable members being relieved by the Bill, I venture to say that they won't know any difference after it is passed, so far as applications for employment are concerned. All the classes of officers that will be affected by the passing of the Bill will be those who are supposed to be capable of filling superior positions, and who are asking for such positions; but I would like honorable members to say, out of all the applications they receive for appointments (which the last speaker said constitute 75 per cent. of their correspondence) how many would come into the category of positions that would be affected by this Bill, and how many refer to positions that would be outside the operation of the Bill? I will venture to say that honorable members will find that they are not relieved to any appreciable degree by the passing of the Bill. For my own part I have been very little troubled in connexion with applications for appointments to the public service. I do not suppose that, during the whole seven years I have been in Parliament, I have obtained six appointments or promotions
in the Railway department, and I am quite sure that not one of those was of a person who would come under the operation of this Bill. Some months ago I got a man who had been a line-repairer appointed a gatekeeper, but that would not be within the operation of the Bill. Even assuming, however, for the sake of argument, that no one could be appointed—not even a supernumerary or a day-labourer—unless he passed the examination we have been told of, how much better off would honorable members be under those circumstances than they are now? It is well known that the uselessness of applications does not prevent them being made, because, if it did, honorable members would not be bothered now. Is not the answer of honorable members, nine times out of ten, now that the application is of no use—that there are no appointments to be given, and that there are already, as the Minister told us the other night, 5,000 applications in the department? The honorable member writes—"I cannot possibly do anything for you," but does that satisfy his constituent? I have heard honorable members say, over and over again, that it does not do anything of the kind. The constituent writes again that in his case the member can be of use, and if the man is very persistent he makes a visit to town and gets hold of the member personally, in order to persuade him that his interference will be of use in that particular case. Will not that kind of thing go on after this commission is appointed? An honorable member on receiving an application from a constituent for a position in the Railway department will write back—"It is of no use applying to me; there is a commission appointed to make these appointments, and you must go through a certain course before you can get an appointment." But will that answer satisfy the constituent any more than the answer which the honorable member makes now? Not a bit of it. He will write back and say—"Oh yes, we understand all about that; that is all very well in certain cases, but you can do this for me if you like." That will be the answer after the commission is appointed just as it is now, and honorable members will get no relief whatever with regard to their correspondence from the appointment of the commission. If honorable members expect or believe that they can be relieved from the discharge of a duty by any Act of Parliament whatever, they will make the greatest mistake they ever made. The next ground on which we are asked to support the Bill is that it will cause a better management of the railways. I suppose that most of us are satisfied, by this time, that we require a very much better management of the railways than we have had for some years past, but I think the honorable member for Castlemaine (Mr. Patterson) pointed out very clearly that it is by no means certain that the appointment of this commission will give us a better management of the railways. When the Minister of Railways was introducing the Bill last week, I could not help being struck with the view that his speech, if it pointed to anything, did not point to the necessity for a board, but rather to the necessity for the appointment of a thoroughly competent manager—one man who could manage the railways, without the concurrence, or supposed concurrence, of two others who would be simply make-weights, and for all practical purposes might just as well be away, and their salaries saved to the country. I hope that, when the Bill gets into committee, we shall be able to amend it in several directions which honorable members who have preceded me have pointed out, and which, in my judgment, will tend greatly to the improvement of the measure. If we succeed in doing that, I doubt not but that we shall have done some service, at any rate, to the community in having made an honest attempt in the direction of improving our railway management. Whether it be successful or not, time and experience will be able to show, and besides if we make mistakes we shall be able to correct them, as our laws are not like those of the Medes and Persians—unalterable. However that may be, I must say that I am very much astonished at the action of the Chief Secretary and the Minister of Customs in being parties to the introduction of this measure at all. I cannot look upon their action in any other light than as another piece of evidence of the extent to which politicians in this country will go in order to secure a position on the Treasury bench, and to keep it when they have got it. Sir, there is not, I think, a single question, unless it be the Reform Bill, on which the leaders, or so-called leaders, of the liberal party have expressed themselves more determinedly over and over again than they have against this very proposal, and it is impossible for any man who believes in political consistency to reconcile the statements of those gentlemen in relation to this question with their action in being parties to the introduction of the present measure.

Mr. McINTYRE.—There is no political consistency nowadays.
Mr. MIRAMS.—I think it is a very great pity, both for this House and the country, if there be no political consistency. I have read to the House the statement of the present Chief Secretary on the introduction of the Bill of 1876. Again, when the late Government placed in the Governor’s speech, at the opening of Parliament in April of last year, a paragraph promising that they would introduce a Bill for the better management of the railways, I find that the honourable gentleman, commenting on that paragraph, said—

“Do Ministers intend that paragraph to be a kind of vote of no confidence in their colleague, the Minister of Railways? Do they suppose they can obtain the better management of the Railway department, which it is admitted has of late been exceedingly unfortunate, by means of this Bill?”

If the late Government, and the House led by the late Government, were incapable of securing a better management of the railways by means of a Bill of this sort, how can we expect to secure better management now? If the railways were badly managed in April, 1882, and a Bill of this kind was not equal to the securing of better management, what, I ask, has transpired in the Railway department since which makes it possible to better it by means of this measure? Then the honourable gentleman went on to say—

“Does any one believe that such an end could be gained by such means?”

He seems to believe it now; otherwise I think we may charitably suppose he would not be party to the bringing in of this Bill. For my part, I assert that there is not a chance of better management. For my part, I assert that there is no understanding the action of the late Government in any other basis than that they are afraid of an inquiry being made lest it should confirm what is said out-of-doors, that the management—the political management—of the railways is so bad that it must be totally changed, and that an irresponsible non-political board must be appointed to take the management. How is it that railway management was never seriously challenged in the same way that it has been challenged of late until the present Government took office. What right have we to condemn wholesale every Minister of Railways simply because there has been mismanagement during the last eighteen months?”

Sir, I ask what right have we to condemn every Minister of Railways, and every member of this and the other House who may have had anything to do with the Railway department, as we shall do if we pass this Bill? Then the Chief Secretary went on to say, and I commend this to those honourable gentlemen who sit behind him, and whom he flatters himself he leads—

“It has always been a pet idea with certain politicians to create boards in derogation of the true functions of this House.”

The honourable gentleman has been a great many years a member of this Assembly, and therefore he ought to be a good authority as to what are “the true functions of this House.” If “the true functions of this House” have changed since December last, it is due at any rate to his followers—to the gentlemen whom he asks and expects to follow him on this question—that he should tell them where the change is, and how it comes to pass that a Bill of this kind, which was “in derogation of the true functions of this House” in December, 1882, has become...
a very proper Bill in July, 1883. This is a question that the party outside the House, as well as a great many inside, will desire to have categorically answered and satisfactorily explained before they will consent to follow the honorable gentleman's lead with regard to this Railways Management Bill.

Mr. BOWMAN.—Was it the leader of the liberal party who said that?

Mr. MIRAMS.—I don't think he is the leader any longer. The present Minister of Customs followed his leader also on that occasion. He remarked—

"It is a very easy thing to find fault, but I am not one of those who condemn the system altogether. I think we ought to be proud of the way in which our railways are conducted, all things considered."

This was the opinion of the honorable gentleman last December; yet now he concurs in the bringing in of a Bill which declares that the railways are so badly managed that it is necessary to take them entirely out of the control of himself and his colleagues. I will call attention to another sentence from the honorable gentleman's speech, because it was the only portion of his utterance which was not a weak echo of his leader's sentiments—the only portion which has a gleam of originality about it. This is what the present Minister of Customs said:

"Our troubles commenced when Mr. Elsdon was taken from the Hobson's Bay lines to Spencer-street, and appointed Engineer-in-Chief and head of the whole railway system."

If that be true—I have no means of knowing, but the honorable gentleman spoke as if he knew—is it not rather hard upon us to ask us to write ourselves down on the face of this Bill as a parcel of political scoundrels, who cannot be trusted to secure a twopenny-halfpenny appointment for a constituent in order to cover up the misdeeds of some person or other who may be responsible for the bad appointment of an Engineer-in-Chief? If that is the blot in the management, let us know; and let us also know who is responsible—by what political or other influence Mr. Elsdon was taken from a place where he was supposed to be able to do well, and put to manage the whole system of railways which, it is said, he was not able to manage at all.

Mr. PATTENSON.—He always did well.

Mr. MIRAMS.—I am not prepared, and I am not called upon, to say whether he did well or badly. I am merely quoting from a speech made by my honorable colleague, who, it may be supposed, knew something about the subject. Certainly, when he went before his constituents at Collingwood in February last, he told them that he knew something about railway management.

Mr. LANGRIDGE.—The honorable member does not quote the whole of what I said.

Mr. MIRAMS.—My honorable colleague will not find anything in his speech to contradict the parts I quote to the House. What I want to show is that if the late Engineer-in-Chief was responsible for the disorganization of the Railway department, and therefore responsible for all the harm which has come out of that disorganization, it is unbecoming for the Minister of Railways to submit a Bill of this sort on the lines on which he has brought it in, and for the reasons which he gave in his speech on moving for leave to introduce the measure. Now, let me ask, what was the next turn of the kaleidoscope in connexion with this matter? The dissolution of Parliament came soon afterwards, and then the present Chief Secretary, assisted by my honorable colleague, galvanized into temporary life and activity the remains of the old National Reform League party, in order to trump up a platform to go to the country upon. In that platform they put prominently, as one question they would deal with if returned to power, the better management of the State railways; but they carefully avoided saying that they meant to appoint a commission to better manage them. The Chief Secretary addressed his constituents some time in February, and he walked round this question like a bear on hot bricks. He touched it as gingerly as if it were a parcel of dynamite which would explode on the least provocation. He knew that the eyes of the conservative party were upon him and that it would not do for him, as a prominent leader, who expected that most likely he would be asked to take a seat in a coalition Government, to express himself too strongly on this question. So, while he satisfied his party, and humbugged his followers by putting the better management of railways into his programme, he took care not to say at Geelong that he was in favour of a commission, and he took care to say nothing against it. As the Argus remarked the next morning, the honorable member left himself a nice back-door by which to make his opinions harden in one direction towards one section of the community, or harden in another direction towards another section, according as to which would be the strongest at the ballot-box. And this is all of a piece with the honorable member's whole political
career. It is exactly in accord with the programme which he lays down for himself on every occasion. We know that his maxim in politics—the maxim on which he acts—is "Damn principles; what is the use of principles if you can't succeed?" That is the ground upon which the honorable gentleman acts—the policy by which he guides himself—and no doubt he considers that he succeeds; and if the securing of a seat on the Treasury bench, a good salary, and patronage for a large portion of the community is political success, doubtless the honorable gentleman has got political success. For my part he may have it and keep it. But the success which the honorable gentleman achieves in politics by tactics of that kind is exactly on a par with the success of the blackleg on the race-course when he plucks the "pigeons." Sir, I say that kind of success is no credit to the honorable gentleman. It is no credit to this community. It is a success that will not last, whatever the honorable gentleman may think to the contrary. Sir, what was the next turn in the wheel? Although the "lender of the party" had not the courage to speak out plainly on this question—although he knew that his speech, as the speech of the leader, would be quoted all over the country, and be reproduced in every newspaper—he kept himself clear from any strong expression of opinion either on the one side or the other. But his insignificant colleague, who was not likely to have his words much weighed and regarded, was not at all reticent in relation to the matter. On the 14th February, the present Minister of Customs addressed his constituents at Collingwood, and he then made a very prominent point of this railway business. In the Age newspaper, the following day, he was reported to have said—

"Of late, the public have known as much of the working of the department as the officers themselves; and a cry has been got up among the public, in the press, and in Parliament for the appointment of a non-political board."

The honorable gentleman said a cry had been "got up," and the statement was absolutely correct. A cry had been got up. Why there is not anything like the amount of public opinion in favour of this Bill that one might be led to suppose by what has been said about it in the press. My honorable colleague asked the confiding electors of Collingwood how they were to obtain "a non-political board." Said he—

"The board would have to be appointed by the Government of the day, and they might rest assured they would not appoint their political opponents. He was not in favour of the appointment of such another board as the Harbour Trust really was. His idea was that the Engineer-in-Chief, the Locomotive Superintendent, the Traffic Manager, and other practical officers should be appointed a board, as those gentlemen would be anxious to make the railways pay, and to work them satisfactorily to the public. They would be responsible to the Minister or to the Cabinet, and the Cabinet would be responsible to Parliament. He contended that the railways had been as well managed as they could be until about the last eighteen months. The list of appointments in the department was sufficient to account for that. If they had the departments placed under the control of such a board as had been advocated, they would find, as in the past, that none but a certain class would get an appointment worth having. It was not until Mr. Berry took office that any one outside a certain class could get those positions at all."

This is the ground which my honorable colleague took up in Collingwood. And what does it mean? If there is any meaning in it, it is that the conservatives wanted the board in order to secure all the appointments worth having for the conservative class. That is the class alluded to in this speech, and by the Chief Secretary in the passage which I have already quoted. Now did my honorable colleague believe what he said, or did he not? If he believed it, how is he going to prevent men of the conservative class being on the board which he is now willing to grant and will be a party to constitute? I say that the proceedings of these two honorable gentlemen are unpardonable, unless they can show to their followers behind them and in the country that they have a substantial return for the passage of such a measure as this against which they have been talking for so many months. If they can show that they have induced the conservatives to agree to features in the platform which they have always put forward when they have gone to the country—to agree, for instance, to the liberal land scheme—in return for liberal support in the passing of a conservative Railways Management Bill, then we shall have something like compromise. I can understand a bargain of that kind; and I would say "Well done," to them for having secured a good return for that which they concede. But if everything, one thing after another, is to be given up, and nothing obtained in return, how will the liberal section of the country benefit by supporting the coalition Government?

Mr. McIntyre.—You don't want to sell yourself for the leasing system, do you?

Mr. Mirams.—So far as I am concerned, there is no "selling" in the matter. I never opposed this proposal. I am in the lucky position that, in February, I refused to follow these gentlemen. I took my own
road. I fought my constituency in spite of them; and, although they did their best to upset me, by endeavouring to make the protectionists of Collingwood believe that I had turned free-trader through the Tariff Protectionists of Collingwood believe that I had turned free-trader through the Tariff Commission, their attempt did not answer. The electors of Collingwood were not so easily hoodwinked as these gentlemen expected they would have been. They did not succeed in defeating me; and so I am in the position of being able to take my own road in relation to this matter independent of them. I understand that the Chief Secretary, from what he said in reply to the honorable member for Ballarat West (Major Smith) the other evening, still takes to himself the proud position of leader of the liberal party; but I can tell the honorable gentleman that there are men who now sit behind him who are not prepared to follow his lead in this matter; and there are numbers in the country, as well as in this House, who have come pretty much to the conclusion that the less they follow him the better it will be for their political principles and for the liberal party. I can tell the honorable gentleman that the shock which he gave the liberal party in 1880 has been continued, increased, and intensified by everything which he has done since. Did he not declare the other day, at Geelong, that he had always been a conservative? And if he has always been a conservative, how can he tell that 99 out of every 100 liberals in the country, as he says, will follow his lead and be satisfied with this Bill? What does he know about the liberals of the country if he has always been a conservative? Then did he not say, at a recent banquet at Fitzroy, that there are occasions and circumstances in life when the truth is not the truth? I presume the honorable gentleman, in now turning round upon himself and his pledges and principles so often enunciated on the floor of this House and on the public platform in relation to this question, is persuading himself that this is one of the occasions when the truth is not the truth—when he is at liberty to do what he likes. He found the community willing, upon one occasion, in connexion with one great question which it had been battling over for years, to accept without much question, however much they disliked it in their hearts, the settlement which he recommended; and he thinks that his action now will be supported to the same extent as was his action in connexion with the Reform Bill. He thinks that no matter what he does, whether he turns upside down or inside out, he has only to do it for the liberals of the country to follow him. But he never made a greater mistake in his life. The people of this country are loath to turn from a man they have long trusted. What is more, they are loath to admit, to themselves even, that they have been humbugged and hoodwinked for years; and much less are they willing to admit it openly to the world. But I tell the honorable gentleman that a large portion of the community is, day by day, coming to that conviction; and before very long, possibly when it is too late, the honorable gentleman will find that he no longer leads—in fact, he no longer leads now as he did—the liberal party in this country. We have only to look at the circumstances under which we meet to-night. Is not the very fact that the honorable gentleman is driven to take office with his opponents, and be privy to the bringing in of Bills which he has spent his life in denouncing, a proof that he does not lead the liberal party? If he led the liberal party, there would be no necessity for him to be a member of a coalition Government. If he led the liberal party as once he led it, the liberals would be strong enough to put him and keep him in power, and it would not be necessary for him to hang on to the skirts of those whom he has spent a lifetime in opposing. I say the idea that he is still the leader of the liberal party is an idea begotten of delusion, born of vanity, nurtured by flatterers and sycophants, and doomed, as all such bastard ideas are doomed, to a speedy death at the hands of the stern logic of facts. It will go down to the grave, from which there will be no resurrection, "unwept, unhonoured, and unsung"; and over the grave may be put this Railway Management Bill as a tombstone, with this inscribed as an epitaph:—

"Here lies poor Berry—yes, here he lies;
And nobody laughs, and nobody cries.
Where he's gone to, and how he fares,
Nobody knows, and nobody cares."

And now, sir, before I sit down, a few words as to the grounds upon which we are asked to accept this Bill. The Minister of Railways gave, as the prime reason for introducing it, that the management of the railways has become so disorganized, and the conduct of the railway business has become so bad through political patronage, that it is necessary, in the interests of public safety and a proper expenditure of the public money, that it should be taken out of the power of any member of this House or of the other House to have any say in the matter. Now I will take the report

Mr. Mirams.
with reference to the Hawthorn railway collision which has been laid before the House to-night. I have not read it, I have only read the comments upon it which have appeared in the press; and, assuming those comments to be correct, I will challenge the Minister of Railways to prove that political patronage, as he means and the country understands the term, has had anything to do with the accidents on the railways which have given rise to the cry for political patronage abolition. If the honorable member cannot do that, he maligns the character of every man who sits in this House; and I, for one, will not sit or stand here to be maligned, directly or indirectly, by any Minister of Railways. I challenge the honorable gentleman to produce every paper that I have sent to the Railway department during the seven years that I have been in Parliament, in connexion with the appointment of anybody. If he can find a scrap which will lay me open, in the slightest degree, to the imputation that I have used my position as a member of this House unjustly or improperly, I will resign my seat and retire from public life altogether. If he cannot do that, am I to sit here and vote for a Bill which writes me down a rogue, which tells me that I am not to be intrusted with the conduct of the business of this country, because, forsooth, the Railway department has gone wrong? Let the Minister show that the department has gone wrong through political patronage. Let us have every case inquired into, if necessary. Let us see who are responsible for the appointment of the men chargeable with the Hawthorn and other accidents. Then we shall know whether this allegation of political patronage being misused is well founded or not. A more monstrous thing was never done in the face of day, in relation to an assemblage of representative men. Sir, am I to write down my 85 colleagues in this House as political rogues? I know that I am not one. I never recommended anybody that I would not recommend before the whole world. I never asked a Minister, whether I sat behind or opposite to him, for anything there was any difficulty in saying "No?" to, if it was a wrong thing to grant. And I appeal to the Minister of Railways, on this report alone, to prove his case, or else to withdraw that statement, and make it clear that his Bill is wanted upon other grounds.

Mr. GILLIES.—Yours is an imaginary statement.

Mr. MIRAMS.—Not in the least. The object of the Bill is to do away with political patronage. If that is not the object, what is the Bill for? Political patronage, or so-called political patronage, is not only the root, but the trunk and branches of the whole arrangement. But there is no cry outside for the proposal. The cry of which my honorable colleague spoke in February was a cry, got up in consequence of the Hawthorn railway accident, that the accident was the result of patronage. And is it not stated in both the daily journals that support the Government that it is to do away with this patronage that the Bill is necessary? Therefore the assertion that I indulge in imaginary statements will not stand investigation. In yesterday's *Argus*, I find a short sub-leader, which says—

"The Hawthorn Railway Accident Board has assuredly done its work thoroughly in the public interests. The inquiry was searching. And now the report is found to be thorough. Each officer has been allotted his share of blame in the matter—sarcely one, from the Traffic Manager down, escaping—and the system is condemned as a sham and a danger. It is declared that the guard Hunt and the driver Kitchen well knew upon the fatal day that they ought to have stopped at Hawthorn with the up Box Hill special until the down ordinary train arrived."

Now I want to know what member of this House, or of any previous Parliament, is responsible for the appointment of guard Hunt and driver Kitchen? And are the two men incompetent for their position? This will have to be shown first; and then it will be necessary to show that a corrupt Member of Parliament forced a corrupt Minister to appoint an incompetent man in order to secure the vote of that corrupt member for that corrupt Minister's Government. That is what will have to be done, and I challenge the Minister of Railways to do it. Who is responsible for the appointment of these two men? Were they known to be incompetent when they were appointed? If not, the assertion that political patronage wrongly used is responsible for those two men being railway employés absolutely falls to the ground; it is not worth a moment's consideration. Then the *Argus* goes on to say—

"The station-master Thompson, who gave the 'all right' signal, is supposed to have carelessly yielded to an impulse."

Now, I ask, was Mr. Thompson appointed by political patronage? So far as I know, he was in the employ of the Hobson's Bay Railway Company for years before the property of that company was purchased by the Government; and there is no more connexion between political patronage and his

appointment than there is between day and night. The next thing we are told is that—

"The local traffic officers, Messrs. Moore and Harrowen, are censured for not seeing that the special was properly looked after."

Now who are Mr. Moore and Mr. Harrowen? Do any honorable members know them? I never heard the names before. Are we to be charged with using our patronage improperly because these two men have done wrong? I challenge the Minister of Railways to show who appointed these men, or where the political patronage in connexion with the matter comes in at all. Then we are told that—

"Mr. Ponting, inspector of permanent ways, was 'insubordinate and neglectful,' and deceived the Traffic Manager, and Mr. Baxter, the assistant engineer, was 'apathetic.'"

Mr. Ponting, we are told, was insubordinate, was neglectful, and was deceitful towards two of his superior officers. Now who appointed Mr. Ponting? If, as I hear an honorable member interject, he is an importation from England, is he a sample of the other importations we are to expect? I want to know what honorable member is responsible for the appointment of Mr. Ponting, and how this House or the other House can be dragged into this Hawthorn accident at all unless it can be shown that we used our influence improperly to get these men appointed and they were unfit for their position? Sir, the Argus of to-day attempts—in my opinion, very unjustifiably—to charge upon the late Minister of Railways the fault of the appointment of Mr. Ponting. I know nothing of Mr. Ponting or Mr. Todd; but I will direct the attention of honorable members to the circumstances mentioned in the Argus. What does the Argus say this morning? That Mr. Todd was recommended for promotion by Mr. Greene, the engineer under whom he would have had to work. He was recommended for promotion from a position in which he was getting £313 a year to the position of inspector, in which he would have received £450. What I want to know is—Was there any political influence at work to secure the recommendation of Mr. Todd? I find that the late Minister of Railways would not appoint Mr. Todd, and his reason for not appointing him, if it had influenced anybody else—if it had actuated the present Minister, for instance—would have been praised by every newspaper throughout the length and breadth of the country. It is mean and contemptible in the extreme, because it has become the fashion to hound down a member of this House, for all the other members, by their silence, to appear to give consent to the treatment to which that honorable member is subjected. I am under no obligation to defend the late Minister of Railways; I have nothing to do with him. My only desire is to secure what I consider justice for every man in this House and out of it; and I say that if any other Minister of Railways had refused to appoint Mr. Todd on the ground that the late Minister declined to appoint him, namely, in order to save the public money, and to prevent a man getting too great a rise at once—to go from £313 to £450 at one stride—he would have been praised as a Minister who looked well after the affairs of his department, and was anxious to save the country expense. We have no proof that Mr. Todd would have been any better than Mr. Ponting. It was never objected, so far as I know, that Mr. Ponting was not suitable for the position. The only thing was that one man was willing to take the position for less remuneration than the other.

Mr. Graves.—Mr. Ponting was the senior officer.

Mr. Mirams.—I wish I had known all the facts of the case beforehand, but I am only able to deal with what is set forth in the public press; and, taking the position as given by the journal which would hound the late Minister of Railways to death if it could, I say that, instead of telling against him, it tells in his favour—it shows that he managed his department in the way which he believed Parliament would sanction. But, apart from this, I want to know whether political influence of an improper kind was brought to bear upon the late Minister of Railways to induce him to appoint Mr. Ponting instead of Mr. Todd. If that were so, there would be some show of a case made out, because we would then have one clear proof of a Minister appointing a man to a position in opposition to the wishes of the engineer of the department, and through political influence; but the Argus of this morning does not pretend to say that this was the case. If it were so, I feel certain that the Argus would not be slow to state it. I say that the whole of the facts as given in the summary of the report of the Hawthorn Railway Accident Board, instead of proving that political patronage had anything to do with the late accidents, prove the very reverse. They show that confusion and disorganization exist in the department, amongst old officers who have been there for years, and about
whose appointment the question of political patronage was never raised. I challenge the honorable gentleman who has charge of the Bill to do justice to his fellow members, and not to be influenced by a cry which has been got up throughout the press of the country. For years past this House has been made the target for the scurrilous assertions and malignant aspersions of the press in relation to this matter. For years the press has been harping on this point, and endeavouring to make the country believe that at the bottom of our railway management there was a festering sore due to the action of honorable members of this House; and that work has culminated in the introduction of the present Bill, professedly to cure that sore. The gentlemen who have the conduct and the honour of the House in their keeping have consented to bring in the Bill, and have not raised their voices to defend their fellow members from the charge which has been so constantly made against them. They have done nothing to inquire into the working of the Railway department, to ascertain whether the charge is well founded or whether it is not. I say that honorable members ought not to be satisfied until this matter is thoroughly sifted and thoroughly cleared up. Honorable members may think that it is a small thing under present circumstances; they may not have taken the notice of it which I have been induced to take. Not to-day only, or yesterday, have I taken notice of it, but ever since this cry commenced I have been doing my best in this House, on the platform, and in the press, as opportunities served me, to show that at any rate Parliament was entitled to justice as well as any other assembly of men, and that honorable members have no right to be branded as rogues and scoundrels, unfit to be trusted with the management of a public department, unless there is something to prove that the charge is well founded. Sir, let the Minister of Railways ransack his department from roof to cellar, and from wall to wall; let him bring out all the cases of political patronage that he can find; let the Ministers who have been guilty of corruption at the suggestion of their supporters be pointed out, and let them be held up to the reprobation, the scorn, and the ignomy of their fellow citizens; but do not let the whole Parliament be asked, by placing this Bill on the statute-book on the grounds upon which we are asked to pass it, to declare that all that has been said about us for years is true, that we are all the rogues which we have been said to be, that we are not fit to manage the Railway or any other department—that we are not fit to be trusted with the conduct of the public business of the country. To pass the Bill will be to acknowledge all this in the face of the community; and it will go down to posterity, as our own deliberate conviction of our own character, that we have endorsed the very worst that has been said of us by a virulent and scurrilous press. And we shall endorse it, not only in a temporary resolution, which might be buried in the archives of the Library, and might never see the light again, but in an Act of Parliament that will be worked under our eyes and the eyes of our children every day. We are asked to do this because, as it appears to me, the gentlemen who have held office as Ministers of Railways have not had the moral courage to grapple with the situation, and rectify what was wrong in the department over which they presided. How does the present Minister propose to remedy the faults of our system of railway management under the Bill? Principally by bringing out a gentleman from home. The Minister dare not tell the head of any one of the sections of the Railway department that he is unfit for his position. The head of the traffic branch, the head of the engineering branch, the head of the Accountant’s branch, the head of the permanent way branch, and the head of the construction branch are all at sixes and sevens, and the Minister has not the courage to say which of them is right and which is wrong, but, in order to save himself from that difficulty, what does he do? He black-balls Parliament in obedience to the press of the colony, and then he proposes to get out of the difficulty of saying which officer is right and which is wrong by importing somebody from England, and putting him over the heads of the lot of them. Judging from past experience, this method will not do. Our importations of men from England to take prominent positions in our civil service has not been such a success as would warrant us in making another experiment of such a costly and important character. I venture to say that if it were not for the fact that the honorable member for Mandurang (Mr. McColl), for years and years, in this House and out of it, has been declaring that a certain hydraulic engineer was a “muff” at his work, and knew nothing of what he was professing to do, that man would have been got rid of by the Government of the day long ago. He has been retained only because of that professional jealousy which cannot or
will not stoop to admit that a civilian who is not an engineer has formed a better opinion of that man's qualifications than professional officers themselves were able to form. Does not every member of this House who represents a constituency in which waterworks have been constructed under the charge of the professional man to whom I refer, know that in almost every case, if not in every case, they have been rank utter failures? ("Hear," and "No.") I have no doubt that this officer would have been discharged long ago if his dismissal could have been effected without giving the honorable member for Mandurang the gratification of being able to say—"I told you so." Our experience in this case at all events proves that our ventures in the direction of importing so-called skilled men from home have not been a success; and what would be the result of bringing out a skilled man to take charge of our railways? What would be the first thing he would do? One of the first things he would do, I venture to say, would be to go in at once for the adoption of the Westinghouse brake instead of the colonial article. I am confident that a certain section of politicians, of whom the Chief Secretary and the Minister of Customs have spoken so glibly at different times, are looking forward to the advent of this man from England as a means of accomplishing their end in this direction. I have no doubt that they look forward to this with delight, as the possible outcome of importing a so-called pre-eminently able man to manage our railways. As the honorable member for Castlemaine (Mr. Patterson) has put it, if we can get this man—if he is to be had—the proper place for him is as manager of the railways, not as chairman of a board including two other members, who would be simply dead-heads, drawing salaries, but who would be able to out-vote him if they chose. In conclusion, I desire to say that I trust that the House will not consent to vote for the second reading of the Bill until the Minister who has introduced it withdraws the charges against honorable members upon which the measure is based. If the honorable gentleman withdraws those charges, I shall be prepared to vote for the second reading of the Bill, in the hope of amending the measure, in committee, in the direction which I have indicated; but if the honorable gentleman does not do justice to his fellow members, past, present, and to come, I will not be a party to vote for the second reading of the Bill to declare myself and my 85 colleagues to be men unfit to be trusted with such a slight piece of parliamentary work and governmental procedure as the management and conduct of the railways.

Mr. WRIXON.—Mr. Speaker, I don't suppose that the House will expect or desire that I should follow the honorable member for Collingwood (Mr. Mirams) through that portion of his speech in which he taxes certain members of the Government with inconsistency. That is a matter to which the honorable member certainly addressed himself with considerable force and eloquence, but it seems to be somewhat beside the question before the House; at any rate, the great principle involved in the Bill entirely dwarfs and puts into the shade any such questions of inconsistency as those to which the honorable member devoted so much time. I am not able to clearly understand from the honorable member's remarks whether he intends to support the second reading of the Bill or not. One portion of his speech would lead me to conclude that he is prepared to vote for the second reading, because he assured us that the whole of the Railway department is at sixes and sevens, and that the Ministers who have presided over the department have always been unable to control it. I quite agree with the statement. It is perfectly true, and, in my opinion, it is one of the strongest possible reasons for making a change in the management. Although the honorable member for Collingwood seems to think that the disorganization is owing to the want of firmness and energy on the part of the Ministers who have had charge of the department, I undertake to say that when the time comes—as I trust it will, and before very long—that the honorable member himself is in a Ministerial capacity, if he is at the head of the Railway department he will be no more able to control the discordant and jarring elements in that department than have been the different Ministers who have hitherto presided over it. The fact that the Railway department is in a state of disorganization, and that this arises from Ministers being unable to control it, leads me to the conclusion that the Ministerial system should not longer be tolerated in connexion with the department, but that it should be abolished; and I am glad to see that the Bill now before us proposes to abolish it. Upon one point the honorable member for Collingwood spoke very strongly, and I am sure that it has weight with other honorable members. The feeling of honorable members on the matter disclosed
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Itself, during the speech of the Minister of Railways in moving for leave to introduce the Bill, by exclamations, I will not say of objection, but certainly of surprise, and it has been brought out plainly to-night by the honorable member for Collingwood. The honorable member maintains that if we pass the Bill we shall really be discrediting ourselves—that we cannot pass the measure without, in doing so, casting at least an oblique censure on every member of this House and on every Minister who has held office in the Railway department.

Mr. MACKAY.—That is so.

Mr. WRIXON.—Is not the honorable member for Collingwood aware, and is not the honorable member for Sandhurst (Mr. Mackay) also aware, that the Parliament and the Government of Great Britain have taken this very step? Do they not know that men like Mr. Gladstone, the Marquis of Salisbury, Sir Stafford Northcote, John Bright, and Robert Lowe have all insisted on this very change in England, and have gloried in the fact of its accomplishment?

An Honorable Member.—What change?

Mr. WRIXON.—The taking of the patronage altogether out of the hands of Members of Parliament, and the adoption of a system of examination for appointments in the civil service. Last session I quoted extracts from speeches made by several leading men in England, some of whom I have just named, in which they stated openly before the public that all patronage and all control over appointments had been taken out of their hands, and that they rejoiced at the circumstance because it was the termination of jobbery and corruption. Does that mean that these men—men like Mr. Gladstone and Sir Stafford Northcote—reflected upon themselves as if they were rogues unfit to be trusted? Does it mean that the 658 members of the House of Commons are dishonest men? Are not the honorable members for Sandhurst and Collingwood also aware that only recently the Legislature of the United States of America passed an Act which substantially embodies the principles of the Bill now before this House, and passed it on the identical ground that it is a good thing to take away patronage from political men? But is it to be said that, because they have passed this Act, the members of the Congress of the United States, who unquestionably include many men of the highest character and honour, are to be written down rogues? Are we to have dust thrown in our eyes, to have our judgment warped, and our weaker feelings appealed to by the honorable member for Collingwood, and to be induced not to do a great act of political justice by a personal argument like that used by the honorable member? There is one thing which I think the honorable member for, and that is for prominently bringing before us the undoubted fact that this is a Bill to take away political patronage. I think this is a fact which ought to be faced, and the expediency of which ought to be argued out.

Mr. BERRY.—And the Bill takes away all other patronage.

Mr. WRIXON.—No doubt. It is unquestionably a Bill of that kind, and there is no use in pretending that it is not. There is no good in offering plausible excuses for the Bill, and saying that it means this and the other. It embraces many good objects, and is of wide scope, but undoubtedly the root of the whole matter, the thing we have to face in the first instance—the thing which challenges us at the very threshold—is that the system of political patronage is unsatisfactory, that it has not worked well, and that it ought to be changed. This I take to be the foundation of the measure, and if it is agreed to the great principle of the Bill is settled, the rest being merely matters of detail and machinery. On the other hand, if we take the view to which the honorable member for Collingwood seems to be partly inclined, though he does not appear to altogether embrace it—that is to say, if we are not to sweep away political patronage—then the whole Bill goes. I quite agree with the honorable member that at the outset we are challenged by the question whether the system of political patronage is sound. It is, perhaps, a delicate question to debate in this House; it is a question which may not be very easy to handle, but it is a question which the country wants handling, which it has remitted to us to deal with, and upon which, I think, it has expressed a very clear opinion. The importance of the Bill in this aspect cannot be exaggerated, because, by our vote on the measure, we will not merely determine the question of political patronage in connexion with the Railway department, but I take it that we will also determine the question of political patronage in regard to all the departments of the State. In fact, we cannot pass a Bill condemning and abolishing patronage in the Railway department and allow it to continue in all other departments. I almost regret that the Government did not introduce their Bill for the reform of the civil service before the Railways Management
Mr. Wrixon.—I don’t know whether the honorable member condemns or sustains the system. I myself condemn it; and I will give an illustration of its evils. Will any man tell me that the political patronage which has led to the appointment of justices of the peace in this country has proved a security for proper appointments? Undoubtedly a large majority of the justices are men of the highest character and honour, but when I hear an honorable member talk with indignation about the proposal to abolish political patronage, and ask if we are going to write ourselves down as incapable of exercising patronage, I say look at our justices. Do they show that political patronage is a safe way of making appointments? I say they show that it is not, and I could not give a better illustration of the evils of the system. I will refer also to the public service itself as a proof of the undesirableness of the system. For years the public service has been overcrowded, and has been deteriorating. Persons who were not wanted there have been put into the public service for political reasons and for the purpose of political reward. The service has from time to time been over-crammed, and this, again, has led to periodical slaughters—at one time under Sir James McCulloch and at another under the present Chief Secretary. The reason given on all these occasions by the Ministers who conducted the different slaughterings was that the service had been over-crammed by their predecessors. I believe the statement; but, if it is true, it seems to show that political patronage is not a mode of making appointments which works well. It is asserted that honorable members are responsible for all these appointments, but I take leave to say that, though we are responsible, we are not altogether free in this matter. A member is bound to some extent to represent the political wants of his district. We cannot help it, and there is no use in pretending that it is not the fact; and, while our judgment might be very good and very sound if we were able to exercise it perfectly unbiased, it is not found to be so safe and so advantageous, inasmuch as we are not free. Again, Governments themselves are not free in making appointments. They are pressed by political exigencies, and are not able to exercise their best judgment. Thus we have neither a safeguard in the responsibility of members nor in the responsibility of the Government of the day. The truth is that public opinion, while powerful on great occasions, and able to correct great

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[ASSEMBLY.]

Management Bill.

Mr. Wrixon.—I don’t know whether the honorable member condemns or sustains the system. I myself condemn it; and I will give an illustration of its evils. Will any man tell me that the political patronage which has led to the appointment of justices of the peace in this country has proved a security for proper appointments? Undoubtedly a large majority of the justices are men of the highest character and honour, but when I hear an honorable member talk with indignation about the proposal to abolish political patronage, and ask if we are going to write ourselves down as incapable of exercising patronage, I say look at our justices. Do they show that political patronage is a safe way of making appointments? I say they show that it is not, and I could not give a better illustration of the evils of the system. I will refer also to the public service itself as a proof of the undesirableness of the system. For years the public service has been overcrowded, and has been deteriorating. Persons who were not wanted there have been put into the public service for political reasons and for the purpose of political reward. The service has from time to time been over-crammed, and this, again, has led to periodical slaughters—at one time under Sir James McCulloch and at another under the present Chief Secretary. The reason given on all these occasions by the Ministers who conducted the different slaughterings was that the service had been over-crammed by their predecessors. I believe the statement; but, if it is true, it seems to show that political patronage is not a mode of making appointments which works well. It is asserted that honorable members are responsible for all these appointments, but I take leave to say that, though we are responsible, we are not altogether free in this matter. A member is bound to some extent to represent the political wants of his district. We cannot help it, and there is no use in pretending that it is not the fact; and, while our judgment might be very good and very sound if we were able to exercise it perfectly unbiased, it is not found to be so safe and so advantageous, inasmuch as we are not free. Again, Governments themselves are not free in making appointments. They are pressed by political exigencies, and are not able to exercise their best judgment. Thus we have neither a safeguard in the responsibility of members nor in the responsibility of the Government of the day. The truth is that public opinion, while powerful on great occasions, and able to correct great
abuses, is not equally able to cope with the secret, silent, and often unknown abuses which may go on under the shelter of political patronage. The history of our public service proves that such is the fact. Let me say a word about another point to which the honorable member for Collingwood also alluded, namely, the political effect of this patronage which it is proposed to do away with. The honorable member spoke of the Bill as proposing to take from us some valuable thing which we possess.

Mr. MIRAMS.—It is of no value to me.

Mr. WRIXON.—At all events the case has been put as if we were to be deprived of something valuable. I confess that I would be sorry to see anything of value taken away from the rewards of political life, because I think that at present the rewards of political life are none too great or too many. I can understand the argument as to the value of political patronage as it existed in England, when a mere class dispensed the patronage of a whole empire. Then, undoubtedly, this patronage was of some value to the class which dispensed it. In the United States also, where the whole public service was at the disposal of the patronage of the victorious party, this patronage was something to fight about. The system was a very bad and demoralizing one, but the patronage was a gain to the political class who could secure it; but is that the case in Victoria? Will any one tell me that political patronage is of value to Members of Parliament in this country? Is it not well known that it is only another name for mere unpaid agency work of the most harassing description? Not a man in the public service, however humble his position may be—whether he be a ganger on the railways, or a porter, or a policeman, or a clerk in any department—can seek promotion without going to the member for his district, and asking him to support his claim. Not a man applies for an appointment in the public service without asking his member to further his interest. This is done under the guise of patronage, and I think honorable members who have experienced what is the real meaning of this patronage will agree with me that nothing of any value is proposed to be taken from us by the Bill.

Mr. MACKAY.—It is of value to the public.

Mr. WRIXON.—I must take leave to question the value of it to the public. When it is asked why this patronage should be taken from us, I would like to know why it should ever have been vested in us? How is it connected with the duty of legislation? Why should we, whose time is fully occupied in discharging our functions in this House, have the duty of working the details of the public service cast upon us? What reason is there for the system of political patronage? We know what its origin was in the old country. There political patronage was formerly a form of bribery for the purpose of keeping together the House of Commons. That was the origin of the system in England; but this reason does not apply in a community such as ours, where we profess to rest our Government on public opinion, where men seek to be elected Members of Parliament because they represent public opinion, and where Ministries ask to be supported because they carry its commands into effect. Under such a system of government the duty of looking after the details of the public service, of managing appointments, and of patronizing individuals is altogether out of place on the part of Members of Parliament. There is no necessary and proper connexion between the duty of legislation and the duty of running to the various departments to look after appointments and promotions. I, for one, feel satisfied that we will lose nothing by having this patronage taken away from us. While the public will gain by the change, we will be left freer for our legislative duties, and the public service will be improved. I cannot exactly understand the view which seems to present itself to the minds of several honorable members that there is something contrary to liberalism in the proposal to abolish political patronage.

Mr. MIRAMS.—The Chief Secretary has always said that.

Mr. WRIXON.—And I understood the honorable member for Collingwood to say so.

Mr. MIRAMS.—I never said so.

Mr. WRIXON.—I understood that the honorable member, in criticising the action of the Chief Secretary, represented him as expressing the sentiments of liberalism when he objected to the abolition of political patronage.

Mr. MIRAMS.—Oh, no; his own sentiments.

Mr. SERVICE.—The honorable member said the Bill was a triumph of the conservatives.

Mr. WRIXON.—At any rate, the honorable member certainly said that, while he had kept himself free on this question, in keeping himself free he did not follow his leaders who were the leaders of the liberal
party, and whom he spoke of as condemning the policy of taking away political patronage. I would be sorry to believe that the honorable member is correct in that view. I am aware that the honorable member for Ballarat West (Major Smith) indicated something to the same effect the other evening, but I cannot understand on what that view is founded, unless it be that political patronage is in some way connected with the indirect gains of political life. The honorable member for Ballarat West asked, the other evening, whether the new system of making appointments in the Railway department would be fair to all parties. It must be fair to all parties unless there is absolute fraud—unless there is fraud in the examinations, or unless there is fraud on the part of the commissioners—and the fact of it being fair to all, being open to all without patronage, without the aid of political assistance, seems to be the most liberal and broadest ground on which it can be put forward for our approval. This is the view which was taken in England by the liberal party when they reformed the abuse of patronage in that country some 30 years ago. It was felt to be intolerable that the public service should be allowed any longer to be used simply as a means of placating or appeasing politicians. Therefore, as I remarked when I began to address the House, the leading men of all parties in England cordially concurred in the change by which this patronage was taken absolutely away from the House of Commons, and given, by the plan of competitive examination, to the public, for under that plan a man patronizes himself—he gets employment on his own merits without asking or being beholden to any one. I do not wish to weary honorable members with extracts upon this matter, but I will nevertheless read a short sentence from a speech once delivered by Mr. Gladstone, at Greenwich—

"As to the clerkships in my office—the office of the Treasury—every one of you has just as much power over their disposal as I have. . . . We have now been enabled to remove the barriers of nomination, patronage, jobbery, favoritism in whatever form; and every man belonging to the people of England, if he so please to fit his children for competing for places in the public service, may do it entirely irrespective of the question what is his condition in life."

That is the reform which the liberals in England thought it right to carry through, and that is the testimony offered to its success by Mr. Gladstone, who realized the evils of patronage as we do here. The same feeling was entertained and made the ground of similar action in the United States, and the simple question with us is whether we will follow the example—whether we will show a true devotion to liberal principles or hang behind, clinging to the old system and its abuses. I don't think the latter line of action is one the House will endorse.

An Honorable Member.—How far will patronage be abolished under this Bill?

Mr. Wrixon.—No doubt, the plan pursued in the home country differs from that now proposed. In England, civil service commissioners are appointed and competitive examination is made the basis of every class of civil service appointments. It is quite true that competitive examination is an imperfect test, but it has nevertheless the great merit of excluding incapacity, and of being an effective instrument for dividing the working details of government from the business of legislation. Moreover, it renders the system of making appointments to the Government service a self-acting one, in which there can be no injustice unless there is fraud. I come now to consider very briefly to what extent we meet the English system in this Bill. One good point in the measure is that it so far abolishes the Minister of Railways. That by so doing it will confer a benefit was, I think, indicated by the honorable member for Collingwood when he spoke of the Minister never being able to control appointments. The honorable member's statement was, I believe, correct, and it shows that the sooner the Minister is got rid of in the matter the better. It is asked why we should not have one head over the Railway department instead of three commissioners. That point was put by the honorable member for Maldon and the honorable member for Castlemaine (Mr. Patterson), but it seems to me that, considering the great powers the board will possess, it would not be satisfactory to hand them over to a single individual. It is not reasonable to suppose that because there will be three commissioners they will naturally seek to fall foul of each other. If two of them even go against one, I suppose there would be good grounds for the difference. We have tried the system of three commissioners in connexion with our Audit department, and it has worked well. As to the question of expense—whether having three commissioners instead of one will cost a few thousands more per annum—let us remember that the property the board will have to deal with is worth £20,000,000, and that the matters under their control will involve
Now it appears to me that that is just the wrong stage for competitive examination, which ought to take place when the candidate is beginning—when he is young and fresh from school—and to be followed by a system of promotion according to merit, or to certain regulations in which seniority forms an important element. Thus for each candidate there will be in the first place a pass examination, which at the utmost can only mean very little, and, secondly, a competition which will be held only when he has grown comparatively old, and has lost to some extent his capacity for working up his educational acquirements. At the same time he may, when the latter takes place, have already developed in his office the very qualities that are wanted in the department, although they would afford him no help in the proposed competition. I think this part of the measure requires further consideration. There is also another subject demanding attention. The Bill declares on the one hand that the commissioners are to construct all the new railways ordered by Parliament, but on the other it provides no channel of communication whereby they could communicate with Parliament on the subject of the new lines, and give an estimate of their cost. Supposing, for instance, that Parliament was to order the construction of lines with funds which were in the opinion of the commissioners quite inadequate for the purpose, would not their position be rendered a very awkward one? To cast upon them a duty without affording them the means of fulfilling it according to their lights would surely lead to something like a deadlock. I think, therefore, that provision should be made for Parliament, before deciding upon the construction of any new line, taking the commissioners into its confidence on the subject, and obtaining from them their estimate of what the intended railway would cost. I have already expressed my view of the provision for allowing the vote of only one House to restore a commissioner whom the Government had suspended, and I need only say further that, if that plan is not varied, it will infallibly lead to serious disputes between the Houses at no distant date. Nothing can be clearer than that the principle of competition followed from the very first. For instance, I would like to see the principal of promotion followed from the very first. For the present, however, it seems we are to have a pass examination upon entrance to what are called the lower grades of the service, from which every new appointee in the future is to rise, although we all know that such a test means little or nothing. The pass examination is to be followed by the drawing of lots, in order to select the persons to be appointed; and again I must confess that the plan is one I don't much fancy. There will be under it the possibility, I will not say of unfairness, but of a suspicion of unfairness, and also an opportunity for abuse. Those who are unsuccessful in the drawing will be sure to raise objections to the manner in which it was done, and that will not be quite pleasant. To complete the system, the competitive plan will come in, but when? After a man has been for years in the service, and is seeking to enter a higher grade, considerations affecting lives, property, and business interests to a large extent. Under such circumstances, it is perfectly idle to talk of a small annual extra disbursement as a matter of great weight and moment. The real point is which plan is likely to work best, and I, for my part, think that the gentleman to be placed at the head of our railway affairs ought to have two coadjutors. While approving of the Bill, and giving my support to it, I need scarcely repeat what I have often said before, that the true way to meet the matter would be to lease the railways. I believe that it is perfectly possible to get private companies to take up our several railway systems—one the northern system, another the western, and another the midland—and work them in a manner which would give a good return to the State, as well as relieve it of the difficulties connected with the Railway department by which it is now encumbered. But we must take what we can get; and, for the present, I am satisfied that the leasing system is unobtainable, although, when we have got the three commissioners, we may be able to gradually work up to the other plan. Under these circumstances, I am quite consistent in contending for the Bill as involving a great improvement upon our present arrangements. Coming to another principle of the measure—that of examination—I regret to say that I am not able to adopt it as thoroughly as I would wish; and, therefore, I am glad to learn, from certain indications on the part of the Government, that they will be quite open to suggestions in matters of detail. For instance, I would like to see the principle of competition followed from the very first. For the present, however, it seems we are to have a pass examination upon entrance to what are called the lower grades of the service, from which every new appointee in the future is to rise, although we all know that such a test means little or nothing. The pass examination is to be followed by the drawing of lots, in order to select the persons to be appointed; and again I must confess that the plan is one I don't much fancy. There will be under it the possibility, I will not say of unfairness, but of a suspicion of unfairness, and also an opportunity for abuse. 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what the country loudly called for at the last general election. I am satisfied also that making examination the basis of every appointment will give a great stimulus to education. It would seem, indeed, to be only the natural complement of our national system of education that places in the public service should be held out as the reward of those who have taken the fullest advantage of the means of instruction provided for them.

Mr. PEARSON. — Mr. Speaker, the honorable member for Collingwood (Mr. Mirams) addressed himself to a particular argument which I am extremely anxious to say something about. He spoke as though it was the conservative party, and not the liberals, who are interested on behalf of the principles of the measure the Government have introduced. I can understand a feeling of that sort prevailing to a certain extent. No doubt the idea is that the conservatives, having sought to abolish the present system of railway management, are therefore more or less identified with a desire for something like the system now before us. But, I think, it is nevertheless the fact that the conservatives have never proposed, and also that the liberals have never opposed, a scheme like the present one, which is indeed absolutely new. What the conservatives formerly pronounced was something very intelligible, and, perhaps, sensible—at all events, I am not going to denounce it—but it was decidedly different. Two plans have, as far as I can understand, found favour among different honorable members. One that has been a good deal alluded to by the honorable member for Portland and the honorable member for Maldon, both saying they would prefer it, is the system of leasing the railways. That means that they would hand over the railways, in the carrying on of which they believe the Executive have broken down, to private enterprise, with the expectation that the State would, in return, receive a larger percentage of railway profits than it now receives, and also secure freedom from a great deal of unpleasantness. The other plan is to hand over the railways and their patronage to a board probably composed of three persons. Now the adoption of either method would involve the continuance of patronage, and the liberal party have steadily opposed both, because they hold that, if patronage is to continue, it should rest with Parliament—that is to say with the representatives of the people who can be called upon by their constituencies to give an account of their actions. That is a thoroughly intelligible principle, but it does not for a moment commit the liberal party to supporting patronage in itself. I have all along been steadily opposed to patronage. In fact I was, seven years ago, the vice-president of a society formed for the purpose of procuring its abolition, and I have never wavered. I support the Bill the Government have placed before us, because I believe it to be a singularly wise and well-thought-out measure, and likely to completely effect its object. I don't think we are for a moment passing any censure upon ourselves when we say that times have altered, and that the railway trust we were perfectly competent twenty years ago to undertake has outgrown our powers. When our railways were only 100 miles long it would have been absurd to transfer them to commissioners, but now that their length is 1,200 miles, and may be increased to 1,500, it is utterly impossible for any Minister liable to be changed every thirteen months, to properly become the solely responsible head to govern the wisdom and energy of almost innumerable subordinates. Then as to the particular system of patronage we are now administering. It is said that some honorable members are scarcely ever applied to for Government situations, while others, who are frequently applied to, use their position to the best possible effect by recommending only proper persons. I quite believe that if patronage is to be maintained it will be best kept in our hands, and I may add that if, under the present arrangement, the name of every person recommended by an honorable member for appointment was published, the system would be relieved of a great deal that is bad about it. No doubt in a large number of instances the persons so recommended are quite fit to discharge the sort of unskilled labour given to them to perform, but unfortunately patronage does not cease with appointment—it follows the public officer throughout his course. I am sure every one of us has had a most ludicrous experience of the lengths to which this kind of thing is sometimes carried. I remember being once waited upon by a public officer rather high up in the service, who was not a constituent of mine, but who brought a letter from a constituent, and what do honorable members imagine he said to me? He stated that he did not ask anything from me, but that he had procured an introduction to me because he believed that to know a Member of Parliament might be
useful in an emergency. I confess that I have never been called on to interfere in his behalf, and for all I know he continues in the service, and perhaps he has been promoted without my assistance. I merely mention the case to show how affairs go on under the existing arrangement, and how certain it must be that the whole of the public departments are polluted by it. Every Government servant seems to have two masters. He looks to his representative in Parliament to push him forward, and also to support him when he goes wrong, and I have no doubt he pays more regard to him than he does to the official superior under whom he has to work. The mischief is undoubtedly felt more in the lower branches than in the higher ones, but to suppose for one moment that while it is operating the Railway or any other department can be properly carried on is mere mid-summer madness. I mix a good deal with liberals and hear a great deal of what they say, but I have never known the present system of patronage defended by them on its merits in any way. At the same time I have known it defended from many aspersions cast upon it. That is to say, I have heard assertions from liberals that political patronage has not been exercised in the manner imputed. I have also heard protests against the transfer of patronage to large-salaried commissioners who would probably entertain sentiments different from those of the liberal party, and use the power conferred upon them on behalf of an adverse electioneering interest. Had this Bill proposed anything of that sort, it would have been fought against by us as a matter of life or death. On the contrary, however, the measure seems absolutely fair to both sides, and, as the liberals represent the largest party in the State, unquestionably we and our friends will get most by it. There are only two or three particular portions of the measure upon which I will remark. In the first place—I am sure the Government will yield on the point—I share the objections of first place—I am sure the Government will yield on the point—I share the objections I merely mention the case to show how affairs go on under the existing arrangement, and how certain it must be that the whole of the public departments are polluted by it. Every Government servant seems to have two masters. He looks to his representative in Parliament to push him forward, and also to support him when he goes wrong, and I have no doubt he pays more regard to him than he does to the official superior under whom he has to work. The mischief is undoubtedly felt more in the lower branches than in the higher ones, but to suppose for one moment that while it is operating the Railway or any other department can be properly carried on is mere mid-summer madness. 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There are only two or three particular portions of the measure upon which I will remark. In the first place—I am sure the Government will yield on the point—I share the objections expressed to giving the Legislative Council power to overrule the decision of the Ministry of the day with respect to the suspension of a commissioner, for I feel strongly that that plan would lead to dead-locks. The moment a commissioner is suspended he will try to work on the jealousies, in the matter of dignity, of honorable members in another place, and no doubt, should there be there a majority opposed to the Government, a tempting opportunity would be then afforded them of revenging themselves, and inflicting a humiliating check upon Ministers, by reinstating the obnoxious official. With respect to the proposed examinations, I think the details will have to be worked out a little further. To begin with, I observe that examination will precede the ballot, but I imagine that, if that course is pursued, the Government will find themselves in no little difficulty, for those who will offer themselves for examination will have to be counted by thousands rather than by hundreds. I believe it would be best to begin with the ballot, and having sifted out a number of candidates—leaving, of course, a large margin corresponding to the number of vacancies—to then proceed with their examination, which, I think, ought to be competitive.

Mr. BERRY.—It is provided that the larger number of candidates will be got rid of first.

Mr. PEARSON.—What I say is that I would substitute a competitive examination for the proposed pass examination, so that the best men might be selected.

Mr. KERFERD.—I think clause 38 arranges for what the honorable member has in view.

Mr. PEARSON.—Then it will have to be made clearer. Another point never yet touched upon is the discrimination that ought to be exercised between the officers who will work with their brains and those who will do mere hand work.

Mr. BERRY.—That is also provided for.

Mr. PEARSON.—Where is that done? Perhaps Ministers have a plan in their heads which has not yet become apparent. At present, I simply see that the terms of clause 27 are very precise, and seem to adopt the Prussian army system, under which every one must serve in the ranks before he can become an officer. With the appointment of three commissioners—the chairman to be brought from England—rather than one, I quite coincide as the best plan. If there is only one commissioner, shorn as he will be of patronage, and bound to sometimes run counter to private interests, he will assuredly be sooner or later hunted down by those he has injured. On the other hand, we all know that a board is irresponsible—that, with three commissioners at the board table, the act of the body will never be traceable to the individual. It will not be known, with respect to an obnoxious transaction, whether A, B, or C was the author of it. As to obtaining a railway manager from England, we have simply to ask ourselves whether
there is any reason for us to suppose that talent sufficient for the place has, during the last few years, been developed in our own railway service. I observe that no one has ventured to say that that is the case. On the contrary, the complaint has been for years past that our Railway department is disorganized, and, if that disorganization really exists, no matter by whom it was caused, the result must be the same. A vast railway establishment has grown up which requires to be changed suddenly, and surely if the change is effected by a man with large English experience, who is wedded to no particular system or political party, a great advantage will be gained. As to the rate at which he should be paid, I agree with the honorable member for Portland that the matter is not worth consideration when the revenue to be dealt with is about £1,000,000 a year. Why the difference between good and bad management must be at least £50,000 a year.

Mr. WOODS.—A great deal more than that.

Mr. PEARSON.—Well, then, the amount I mention may be taken as the difference between the best and the second-best sort of management. The last point I will refer to is that I find a want of clearness in the part of the Bill assigning power to the commissioners. I beg the Government to bear in mind that when they invite three gentlemen to undertake the important task now in view they are bound to provide, as far as possible, for their success. For instance, it will be essential to that success that they should be able to reject the unprofitable part of the existing railway system and to keep the permanent way and rolling-stock in thorough repair. Yet, under the Bill, they will have to pay all their receipts into the Treasury and simply do the best they can with such sums as Parliament may choose to vote them. No doubt, under such circumstances, Parliament would be very much guided by the reports the commissioners sent in, but, on the other hand, honorable members should recollect what has occurred while we have had a Minister in the House charged with the responsibility of carrying on our railways. I have no doubt that during the last ten years we have been steadily carrying into income what ought to have been charged to the maintenance account of the railways. That has been done in a thousand particulars, and the practice has grown more and more of replacing permanent way or rolling-stock with borrowed money. If that course is continued, we shall get repetitions of those accidents which have caused the present system to be discredited; blame will be thrown on the commissioners; there will be a revulsion of public feeling, and a system, admirably thought out in many respects, and launched with many prospects of success, will be discredited from this simple fault. I do not pretend to say in what precise way the difficulty ought to be met. The commission might be allowed to take a certain portion of the revenue voted for them, or they might keep for maintenance purposes a certain portion of the receipts, taking for a guide any other system like ours in which that plan has been adopted. All I want is that these gentlemen to whom we are about to commit such an enormous trust, who, as the honorable member for Portland very well said, are to bring about the abolition of patronage, not only in the Railway department, but in every other department—who, in effect, are charged with inaugurating a new administrative system, not only in the Railway department, but at least in one or two other departments as well—shall start with "a fair field," as they will undoubtedly have "no favour." They must expect to be criticised severely, and regarded from the first with a certain amount of jealousy; and it is the duty of the Government, therefore, to see that they do not limit the power of the commission in this most important point.

Mr. KERFERD.—Sir, I think that, as far as the criticisms of this Bill have proceeded, they have all, with, perhaps, one or two exceptions, been in the spirit in which, in my humble judgment, the House ought to approach the consideration of a measure of such vast importance. They have all exhibited a desire really to perfect the measure, and I have no doubt that in committee the Bill will receive, in its various details, all the consideration that its importance demands. The honorable member for East Bourke Boroughs has very properly pointed out that this Bill is entirely distinct from any other measure that has ever been submitted to the Legislature on this subject. I had the honour of being a member of the Government which introduced the first Bill on this question, and I have also had something to do, as a member of the Government, with the present measure. I am well acquainted with the provisions which the Bill contains, and I assert that this is the first measure that has ever been introduced into the Parliament of this colony which has endeavoured to get over what has always been the difficulty in the way of dealing
with the question, namely, the difficulty of taking what is termed patronage out of the hands of Ministers and members of this House without giving it to some one else. This Bill gives patronage to nobody. If it does not accomplish that object, it entirely fails to accomplish what its promoters have had in view. If, in committee, it can be shown that the language used leaves any ambiguity on that point, then the Government will have to admit that in this respect they have failed to give effect to their intentions. The honorable member for Collingwood (Mr. Mirams) was pleased to say that the liberal party had devoted its political career to opposing a measure of this kind, but I maintain that this is the first measure that has ever been introduced into Parliament which tells all persons who desire to enter the public service in the Railway department that they can do so without the favour or recommendation of a Member of Parliament, or any one else—that they can rely on their own merit, and their own merit alone. The door will be thrown open wide to all, and those who are successful in getting in will not get in by the favour of any Member of Parliament, or by any outside influence at all.

Mr. BERRY.—Hear, hear.

Mr. KERFERD.—The honorable member for Collingwood laughs. I do not know whether he means to deride my observations. All I can say is that every line, I might almost say every word, of this Bill was carefully considered.

Mr. MIRAMS.—I was laughing at the Chief Secretary cheering your sentiments.

Mr. KERFERD.—I must say it was a matter of regret to me—and this is the only observation I shall make of a personal character—that the honorable member for Collingwood, in his speech from first to last, showed that he was largely influenced by very strong feelings against my observations. All I can say is that every line, I might almost say every word, of this Bill was carefully considered.

Mr. MIRAMS.—I was laughing at the Chief Secretary cheering your sentiments. Much as I have devoted myself to pointing out where the Bill fell short in those respects, I would have listened to him with pleasure, and would have controverted his arguments if I could, but, when he makes his speech simply the vehicle to attack another honorable member, then I say he has not the sympathy of the House in such a course. I allude to this matter with regret, because I have personally a very great regard for the honorable member for Collingwood. I gather from the tone that honorable members have adopted that there is substantially no objection to the principle of the Bill. The objections which have been raised have really only been to details of the measure. Even the honorable member for Collingwood went so far as to say that the principle was in accordance with a proposal which he has very much at heart in connexion with the public lands of the colony. The honorable member is perfectly prepared to hand over the public lands to a body apart altogether from politics, and surely, therefore, he must be prepared to take a similar step with regard to the administration of a department of the extent of our Railway department. No honorable member has yet opposed the principle of the Bill, but several objections have been taken to one or two provisions, and especially to the power which is alleged to be given to the Legislative Council to override the decision of the Government of the day in exercising the power of suspension. I think the conclusion some honorable members have arrived at on this point has been reached by them without really considering the provision that is made in the Bill. In the first place, I may point out that the object of placing the removal of the commissioners directly in the hands of Parliament was to give them a security of tenure that they should not be removed upon any political grounds whatever—that the only grounds on which they should be removed would be national grounds, namely, that they were utterly unfitted, from some cause or other, for the position. When Parliament acts in its capacity as Parliament we find that it acts for national annexation of New Guinea—and not for party purposes, and our object in placing the tenure of the commissioners on the basis proposed in the Bill was that the commissioners might feel secure, as far as they were individually concerned, from the effect of any political change which might take place with regard to party government, and that they would rely solely on their own individual merits and ability to conduct the great undertaking committed to their charge. That proposition is stated clearly and distinctly on the face of the Bill, in the clause.
immediately preceding the one on which so much discussion has taken place. If the House assents to the proposition that the commissioners for the time being can only be removed on a joint address from both Houses of Parliament, it would be clearly illogical to say in another clause that one House could confirm their suspension. If it requires the two Houses to remove them, it clearly follows that we must have the concurrence of both Houses when a commissioner is suspended by the Government. It can be readily understood that this House would not tolerate a Government suspending a commissioner unless for sufficient cause, and therefore a Government would not take that extreme step without feeling that they had ample justification behind them, and that they could defend themselves on the floor of Parliament in the course they were taking. The proposition in the Bill is not that either House is to override the Government, but that the act of the Government in suspending a commissioner is by the lapse of time to become confirmed, unless an address is presented from either House, praying for the reinstatement of the person removed.

Mr. WOODS.—What about the power of restoration in the 13th clause?

Mr. KERFERD.—The 13th clause is as follows:

"At any time the Governor in Council may suspend any commissioner from his office for inability, misbehaviour, or for neglecting to perform the duties of his office, and, when and so often as the same happens, a full statement of the cause of such suspension shall be forthwith laid before both Houses of Parliament, but, if Parliament be not then sitting, it shall be laid before it within seven days after the commencement of the next session thereof; and if an address at any time during the session in which such statement is laid before Parliament be presented to the Governor by the Legislative Council or the Legislative Assembly praying for the restoration of such commissioner to his office, such commissioner shall be restored accordingly; but if no such address be so presented, it shall be lawful for the Governor in Council to confirm such suspension, and to declare the office of such commissioner to be, and the same shall thereupon become and be vacant as if such commissioner were naturally dead."

I submit that honorable members will, on further consideration, see that that clause is the logical sequence of clause 12, which provides—

"The commissioners shall hold their offices during good behaviour, and shall not, save as is in this Act otherwise provided, be removed therefrom unless an address praying for removal be presented to the Governor by the Legislative Council and the Legislative Assembly respectively in the same session of Parliament."

Mr. PATTERSON.—The latter part of clause 12 is not wanted at all, because the method pursued of dispensing with the commissioners would be for the Minister to suspend in the first instance.

Mr. KERFERD.—The removal contemplated in clause 12 is entirely distinct from the removal contemplated in clause 13. The removal contemplated in the former clause might be altogether independent of the conduct of the commissioners. Parliament might say—"We are dissatisfied with the way in which the railways are managed; we think the system is a bad one." Parliament can then remove the commissioners at any moment, and this fact answers the objection raised by the honorable member for Castlemaine (Mr. Patterson) with regard to the commissioners being appointed for life. As far as Parliament is concerned, it never allows the commissioners to get out of its control. It can remove them at any time, so that if we should have men who proved to be utterly incompetent to manage the railways, notwithstanding the strong credentials they exhibited when they were appointed, Parliament could step in at any moment and by a resolution of both Houses remove them from office.

Mr. WOODS.—What about the power of restoration?

Mr. KERFERD.—I must again point out that the provision in clause 13 is only the natural and logical sequence of the proposition in clause 12. That proposition being that the commissioners are only to be removed by an address from both Houses, unless one House is given the power of restoring a commissioner or commissioners when suspended, we would be virtually giving one House the power of getting rid of the commission. In fact, without the provision in clause 13 we would really be giving the Executive Government the power of removal although clause 12 provided that the commissioners should only be removable on an address from both Houses. Honorable members must all agree that it is absolutely necessary that the power of suspension should be given to the Executive Government, and then the difficulty arises—when a commissioner is suspended what are we to do with him, unless we have such a provision as that in clause 13?

Mr. PATTERSON.—Suspension is practically dismissal.

Mr. KERFERD.—It is not, because it is not a logical consequence to give the Government of the day the power of dismissal when we have already by clause 12 provided
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that removal shall only take place with the consent of both Houses.

An Honorable Member.—Alter clause 12.

Mr. KERFERD.—When the Bill gets into committee, if there is any clause that we cannot defend, as far as I am concerned, and I have no doubt I speak also for the head of the Government, we will have no objection to have it amended, although I can assure honorable members that every line of the Bill has been thoroughly weighed and thrashed out by the Government.

Mr. WOODS.—What would become of the Government if a commissioner whom they suspended was restored?

Mr. KERFERD.—I suppose the honorable member means politically? Of course there is just the possibility of a Government rashly suspending a commissioner, but our form of government is so largely influenced by popular opinion that I venture to say no Government would dare to suspend a commissioner unless his conduct, not only in the opinion of this House but of the public, was judged to be such as to deserve such a course. All our acts are exposed to the full blaze of the sunlight of public opinion; that is the principle on which constitutional government is carried on.

Mr. WOODS.—When you have suspended a commissioner for misbehaviour and he is reinstated, what are you going to do with him?

Mr. KERFERD.—The object of the provision in the Bill is to afford a commissioner security that he is not to be lightly removed by the executive Minister of the day without the sanction of Parliament—that he will not be removed unless his conduct has been such that the Government will have no fear that either House will reverse their decision. As to the objection regarding the appointment of commissioners for life, I have already shown that if any commissioner made a contract with the Government under the provisions of this Bill, and he turned out to be utterly incompetent, he could be removed by a resolution of both Houses. Therefore the objection which has been taken that we might really be saddling the country with an incompetent person will not apply, because the Bill gives all the power that is necessary to deal with such a contingency should it arise. There were one or two other points referred to in the course of the debate, which I may notice. With regard to the examination of candidates for employment, the honorable member for East Bourke Boroughs has pointed out that there might be an overwhelming number of candidates above the number of vacancies to be filled. That possibility was in the minds of the Government when they framed the provision to reduce the number of candidates down to a certain proportion over and above the actual number of persons required.

An Honorable Member.—Say three times the number.

Mr. KERFERD.—I think it would be a reasonable proposition to have say three times as many candidates examined as there were vacancies. The chances are that even then a larger number would pass the examination than would be required for the vacancies immediately available. There is no doubt that it would be an injustice to call upon a man to compete with say 500 others; it would be much better to fix a reasonable limitation, so that a candidate would know whom he would have to contend with. Then, after the persons remaining after the first ballot have gone up for examination and obtained their certificates, they are all equally eligible for appointment and are exactly on the same footing. Consequently, we allow them to determine among themselves by ballot who shall be taken in the order of priority, and all will get appointments if there should be vacancies within twelve months. As far as the commissioners are concerned, they will be bound to take the names of the persons as settled by the applicants themselves. As far as I can judge, there can be no other scheme possibly devised that would be so fair and equitable to all parties as that.

Mr. PATTERSON.—There is no patronage there.

Mr. KERFERD.—No patronage at all. Say twenty persons have certificates that they are eligible for appointment, and the commissioners only want ten, it is left to the twenty to settle among themselves by ballot which ten will be taken.

Mr. MACKAY.—What about character?

Mr. KERFERD.—The examination that has to be passed is to be determined by regulations approved of by the Governor in Council, and those regulations can cover everything. There will be ample opportunity in committee, however, to consider all the details of the Bill and to render it as perfect as possible.

On the motion of Mr. WALKER, the debate was adjourned until the following Thursday.

The House adjourned at eleven o'clock,
LEGISLATIVE COUNCIL.
Wednesday, July 18, 1883.

Dog Bill-Betting Law Amendment Bill.

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

PETITIONS.

Petitions against the opening of the Public Library, Museums, or National Gallery on Sunday were presented by the Hon. D. Melville, from Wesleyans of Flemington, Kensington, Moonee Ponds, and Tallarmina, and Wesleyan Sunday-school teachers of Flemington and Kensington; and by the Hon. J. Bell, from Wesleyans of Inglewood.

DOG BILL.

The Hon. R. S. Anderson moved the second reading of this Bill. He observed that it was a matter for extreme regret that the existing Dog Act had failed so completely as honorable members knew it had done: Various reasons had been assigned for its failure, but, in his judgment, there were two which principally accounted for the result. The first was that the present Act imposed upon municipalities no obligation that could be legally enforced to compel them to put the Act into operation. In the second place, the fees and fines provided by the Act were not sufficient to cover the expenses necessary for the efficient carrying out of the law, and hence it was allowed to a great extent to remain inoperative. In the present Bill care had been taken with respect to these two points. As to fees, clause 4, which was the first which made any important alteration, provided that the fees for registration of dogs should be in accordance with the 1st schedule, in which the fees were given as follows:—For every greyhound, kangaroo dog, or lurcher, 20s.; for every pointer, setter, or retriever, 20s.; for every sheep or cattle dog, 20s.; for every hound, being one of a pack of not less than twenty-four, kept habitually on the chain, such dog being the only one so kept, 5s.; for every hound, being one of a pack of not less than twenty-four, kept confined, and exclusively for hunting, 5s.; for every other dog, 10s. Sheep dogs were regarded as really tools of trade, and hence the fee charged for them was only enough to cover the cost of registration, but it would be seen, from comparing the proposed schedule with that now in force, that the fees were in other cases largely increased, and especially with respect to those dogs which were notoriously, on going wild, given to injuring cattle or sheep. As these increased fees would go into the revenue of the municipalities, it was expected that the local bodies would not be able to complain in future that they were not remunerated for putting the law into operation and stringently enforcing it. The penalties under the Act had also been considerably increased. The penalty for making a false declaration had been raised from 20s. to 40s. as the maximum, and in the same way throughout the Bill heavier penalties had been imposed than existed at present. Clause 12 was a new provision inserted with the view of throwing the legal responsibility of carrying out the provisions of the measure upon the municipal authorities. It provided for the appointment, by the local councils, of an officer to enforce the measure. It would be the duty of this officer to take and destroy dogs which were not protected by their owners having complied with the law, and, in addition to any salary he might get from the council, he would be entitled to receive 1s. in respect of each dog he so seized. He (Mr. Anderson) might also state that, accepting a suggestion which appeared in an article in that morning's Argus, he would be prepared to move an addition to this clause which would give any police constable who might seize a vagrant dog the same fee as was to be paid to the municipal officer. Clause 14, which was also a new clause, provided—

"The owner or occupier, or the servant of such owner or occupier, of any field, paddock, yard, or other place enclosed by a fence in which any sheep, cattle, or poultry are confined, may shoot or otherwise destroy any dog found at large therein, whether the owner of such dog be or be not known. Provided that it shall not be lawful to shoot or otherwise destroy any dog engaged in actual pursuit of game, or any dog accompanied by and under the control of its owner or other person."

Clause 15 brought sheep under the protection of the law. This was not done by the present Act, which only referred to the attacking or chasing of cattle or horses by dogs. The existing penalties were increased by the clause, and the following provision was also added:—

"The fact that such dog was immediately before such rushing at, attacking, worrying, or chasing in or from the premises occupied by such person, shall be prima facie evidence that the person so complained of..."
is the owner of such dog. It shall not be necessary to prove a previous mischievous propensity in such dog, or the owner's knowledge of such previous mischievous propensity, or that such attacking, worrying, or chasing, or any damage occasioned thereby, was attributable to neglect on the part of such owner."

The latter portion of the clause did away with the necessity of proving scienter. Clause 16 was also a new clause, and was inserted in consequence of the nuisance caused by the exercising of greyhounds in public places. It was well known that these dogs when taken out for exercise were in the habit of attacking and sometimes destroying other animals, and therefore the clause provided that no person should be allowed to exercise or train any greyhound within the limits of a city, town, or borough, except on private property, unless such dogs were kept muzzled whilst being so trained. The only other provision in the Bill to which he need call attention at this stage was clause 18, which provided that offences under the measure were to be heard and determined, and damages to be ascertained and recovered, before at least two justices, one of whom must be a police magistrate. There was no such restriction in the present Act, but it was considered necessary to have the attendance of a police magistrate in the hearing of such cases. In conclusion, he might say that the measure was very urgently required, and when the Bill was in committee he would be prepared to accept any amendments which were calculated to make it more workable. He hoped, however, that any amendments proposed would not be in the direction of reducing the proposed penalties or fees, as any such reductions would tend to make the measure ineffectual.

The Hon. W. A. Zeal remarked that the Government were to be congratulated on having submitted so useful a measure, but there were a few points in which, he thought, the Bill might be improved. There were one or two provisions which would press rather too hardly on certain portions of the community, whereas there were others which were hardly sufficiently severe. He agreed generally with the whole of the clauses up to clause 14, but it seemed to him that the latter portion of this clause was deficient in one respect. Under it a man might, accompanied by a dog, trespass over private property in pursuit of game, and there would be no remedy against him. The proviso to the clause stated that a dog was not to be destroyed if accompanied by its owner. He thought it would be necessary to add to this the words "if its owner has previously obtained leave to pursue game over the land," otherwise a man might trespass on private land with impunity. Again, in clause 15 it would be better if the words "rush at" were struck out. The words "attack, worry, or chase" were quite sufficient for protection, and a vindictive person might make use of the words "rush at" to summon the owner of a dog, and have him fined because the animal had run at him innocently and without doing him any harm. In the 1st schedule he thought the licence-fee for greyhounds, kangaroos, dogs, or lurchers should be increased to 40s. Every one knew the mischievous propensities of these animals when taken out for exercise —very often on a Sunday. The owner of any valuable greyhound would not object to pay a fee of 40s., and if the fee were raised to that amount it would have the effect of abating the meagre nuisance. The charge of 5s. "for every dog kept bond fide as a watch dog, and kept habitually on the chain, such dog being the only one so kept," was calculated to press hardly on persons living in exposed portions of municipalities, who found it necessary to keep more than one watch dog. He thought that it would be an advantage if the words "such dog being the only one so kept" were omitted. He threw out these suggestions with the object of improving the measure and rendering it more workable.

The Hon. C. J. Ham stated that he did not agree with the 18th clause of the Bill, which provided that all proceedings under the measure should be heard by two justices, one of whom must be a police magistrate. Surely two justices could adjudicate upon such a small matter as a breach of the Dog Act without it being made absolutely necessary that a police magistrate should be on the bench. Matters of much more importance were adjudicated upon by justices without the assistance of a police magistrate. Of course the presence of a police magistrate was very desirable, but he (Mr. Ham) did not think there was any necessity for it being made absolutely necessary in connexion with this measure.

The Hon. W. E. Hearne remarked that, as he had only just seen the Bill, he did not wish to express any opinion very confidently as to its provisions. Clause 15, however, struck him as introducing a very serious innovation on the present law. It was also difficult to say whether the two latter provisions in the clause were limited in their operation to the preceding part of the clause,
or whether they applied to ordinary actions outside the measure. The clause, in the first place, distinctly made it penal for a man to be the owner of a dog which happened to attack any person, or horse, cattle, or sheep. That was rather a strong measure. Hitherto the law had been content to make the owner of such a dog pay damages for anything it had done, and it was rather hard that, in addition to having to pay damages, a man should also be regarded as a criminal because he had the misfortune to own a dog (which perhaps had hitherto been apparently a quiet animal) that attacked a person or a horse. The rule of law on this subject was that if a man chose to keep any wild animal, such as a tiger, he did so at his peril, but if he kept a tame animal, such as a dog, it was necessary to show that the owner knew the animal was of a fierce character. As an old Scotch judge once said, "Every dog was entitled to one worry"—that was to say, in order to prove the character of the dog it was necessary to prove some previous hostile act by it. It was necessary, at all events, to prove what was called scienter—namely, that the owner kept a dog knowing that it was a fierce animal. This clause took away that provision altogether, and it was difficult to say from the wording of the clause whether it was intended that scienter should be abolished in all cases. Supposing, instead of a complainant going before justices for a small penalty, he went into the Supreme Court, would the necessity of proving scienter be removed by this clause? That was a very grave point. The clause meddled with a fundamental rule of common law, and it was a very serious thing to do that. (Mr. Anderson—"Statute law would override the common law.") No doubt it would, if sufficiently explicit, but the judges were bound to endeavour to read the two together if possible, and, if they could, to maintain the common law, and, therefore when there was any doubt, the statute law was more likely to give way than the common law. Besides, it was a very hard thing to say that it was a criminal act for a man to own a dog which made an attack. He could understand the owner having to pay for any damage the dog did. (Mr. Anderson—"The clause does not say it is a criminal act.") The clause distinctly provided that if a man owned a dog which attacked any person, or any horse, cattle, or sheep, the owner was to be fined, in addition to being ordered to pay for the damage done. If that did not stamp the owning of such a dog as a criminal act—as an act done in breach of the general law imposed by the State—he (Dr. Hearn) did not know what a criminal act was. While reserving his opinion on the other provisions of the Bill until he had had an opportunity of more carefully considering them, he might say that he agreed that some measure on the subject was certainly desirable. There was a general feeling, he believed, through most parts of the country that dogs were becoming a very serious nuisance. (Mr. Anderson—"Not are becoming; but have become.") No doubt that was true, and it was necessary that some effort should be made to put them down. He doubted whether it would not be necessary to introduce some provision into the Bill which would tend to compel local councils to carry out the law. It would be very difficult to coerce them to do so unless there was some more convenient method provided than by means of a mandamus. Ingling through the Bill, he noticed that, while clause 14 gave the owner or occupier of enclosed land the power of destroying any trespassing dogs not under control, the clause did not prevent the owner of the dog destroyed from bringing an action for compensation. This, however, was a matter which could be dealt with in committee. The Hon. J. BELL expressed the opinion, that the Bill would, with a few amendments, answer its purpose admirably. The dog nuisance had now become a crying evil. Complaint was made of the dogs wandering in the towns, but those wandering in the country districts were far worse, because they attacked and worried sheep to such an extent that Crown tenants and selectors suffered materially. At the same time, some of the municipal bodies were so perfunctory in their administration of the existing law relating to dogs that it had almost become a dead letter. (Mr. Anderson—"They simply collect the fees.") That seemed to be about the full measure of their operations, and what was the result? That in upcountry townships one was continually encountering parties of boys going hunting with packs of half-bred mongrels which, although they might be taken home when the hunting was done, generally managed to get out again in the evening or early morning in order to seize on the sheep they observed in the course of their day's rambles. Possibly clauses 11, 12, and 14 of the Bill would meet that state of things, but at the same time it might be advantageous to enact also that the fee per head to be paid for the destruction of vagrant or unregistered dogs should amount to more than 1s. It was

Hon. W. E. Hearn.
well known that it was not easy to get persons to go about seizing and destroying every dog they found "wandering at large, unaccompanied by its owner," because the duty was an unpleasant one, and unless it was liberally paid for the law imposing it would never be properly enforced. Clause 14, which permitted the owner or occupier of any place enclosed by a fence, or his servant, to destroy any dog he found there which was not actually in pursuit of game or under control, whether its owner was or was not known, appeared likely to be most useful, although were the existing provisions on the subject duly complied with the very stringent one now proposed would scarcely be called for. The only drawback to the Bill was the difficulty it would leave in the way of enforcing the new regulations. Probably the best plan would be for the Government to appoint an inspector who, if he found any municipal body not carrying out the law with respect to dogs, could apply to the local bench of magistrates for the means of compelling them in the matter. It was to be hoped that the Bill would speedily come into operation.

The Hon. D. C. STERRY said that, while he quite agreed with previous speakers that it was absolutely necessary to pass a Bill of this kind, he could not help sharing the objections to clause 15 just stated by Dr. Hearn. Its provisions were altogether too sweeping, and the Minister of Justice would do well to modify them. Indeed the last one was altogether of a dangerous character, inasmuch as it could be easily abused in a serious fashion by any nervous person who happened to be alarmed because a dog was following him, although, as a matter of fact, the animal might have no evil propensity whatever. In such a case a perfectly innocent person could be made to suffer. If a dog was ever wilfully urged to attack any one the offence could be severely punished under clause 17. He hoped that when the Bill was in committee it would be amended in the manner he had indicated.

The Hon. D. MELVILLE remarked that the Bill before the House was very much called for, and the Government appeared to have arranged its subject-matter in a very excellent manner. The pith of the measure was in clause 14, which would enable persons injured by the dog nuisance to deal with it on the spot. The magistrates sitting on the suburban benches were especially familiar with the evils this clause was intended to cure, and with the numerous losses continually being sustained because it was not already enacted. At present, if a man found four or five dogs in his paddock chasing his fowls or worrying his sheep, what could he do but sue their owners, and how were those owners to be discovered? Such men were always too careful to come voluntarily forward to own any dog that had committed an injury. Under these circumstances, to authorize a man who found a dog in his paddock to shoot it then and there would be distinctly an act of justice. What else could such a person do in his own defence? It was absurd to suppose that he could run after and catch a greyhound, or get a policeman to undertake the task. Therefore a law which would prevent a man from claiming damages for the destruction of his dog when found trespassing in the manner described in the clause would be generally beneficial. Another nuisance in connexion with dogs was only partially dealt with under the Bill, because it would simply compel each owner of an extensive dog kennel to pay a fee of so much per head for his dogs, whereas the plan ought to be to altogether prohibit such establishments in the neighbourhood of towns. He (Mr. Melville) knew of two large dog kennels in a comparatively populous neighbourhood, and the noise the animals in them created at night disturbed persons in their sleep in a shocking way. All institutions of that kind ought to be banished from the towns to the shires—to be situated, so to speak, beyond the confines of civilization. Again, it was the practice with many dog breeders to give the dogs they had that were not worth training to boys who would regularly spend their Sundays hunting with them in the fields, where they frequently committed great mischief. Although many suggestions for the improvement of the Bill might easily be made, it was calculated, even as it stood, to become an extremely useful measure. One admirable point in it was that it would greatly simplify the means by which the ownership of a dog could be ascertained. It was so difficult under the existing Act to prove ownership that, although the dog inspector in the district he (Mr. Melville) represented was entitled to receive 25 per cent. of the registration fees gathered in, it did not pay him to see to the law respecting registration being enforced. As for the schedule of fees now proposed, it was all very well except in one respect, namely, that a man owning a single sporting dog was to be charged £1 per annum while the owner of a pack of 24 sporting—that was to say hunting—dogs was only to be charged 5s. per
head per annum. Since the number of large dog kennels was increasing, and keeping hunting dogs was undoubtedly a luxury which only the rich could afford, it seemed only fair to tax it for the benefit of the State by making the registration fee for sporting dogs the same all round.

The Hon. J. BUCHANAN thought he might fairly congratulate the Minister of Justice on the way the Bill was framed, for it was evidently calculated to be of great value to the public. Certainly it was not brought forward before it was wanted, for a very large number of farmers within five miles of Melbourne were at the present time practically prevented by the frequent ravages of greyhounds from keeping sheep in their paddocks. Under these circumstances, there was no earthly reason why a man who kept a pack of 24 greyhounds should not pay as much per head for his dogs as any other dog owner would have to pay, and when the Bill was in committee he (Mr. Buchanan) would propose an amendment carrying out his view. Mr. Melville seemed to think it would be all right if all large dog kennels were banished to the shires, but he (Mr. Buchanan) begged on behalf of the shires to protest against any such arrangement.

The motion was agreed to.

The Bill was then read a second time, and was afterwards considered in committee—the Hon. James Lorimer in the chair.

The committee had advanced as far as clause 4 when progress was reported.

BETTING LAW AMENDMENT BILL.

On the order of the day for the resumption of the debate on the Hon. W. E. Hearne’s motion for the second reading of this Bill (adjourned from the previous evening),

The Hon. R. S. ANDERSON stated that since the adjournment of the debate he had carefully looked over the Act No. 424, and he would now offer no further opposition to the Bill. At the same time he doubted if much would be accomplished by carrying it into law.

The motion was agreed to.

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

On clause 2, which was as follows:—

"Where any letter, circular, telegram, placard, hand-bill, card, or advertisement is sent, exhibited, or published (c) whereby it is made to appear that any person either in Victoria or elsewhere will on application give information or advice for the purpose of or with respect to any such bet or wager or any such event or contingency as is mentioned in the Act of the Parliament of Victoria No. 424, or will make on behalf of any other person any such bet or wager as is mentioned in the said Act; or (d) inviting any person to make or take any share in or in connexion with any such bet or wager—every person sending, exhibiting, or publishing, for causing the same to be sent, exhibited, or published, shall be subject to the penalties provided in the 10th section of the said Act with respect to offences under that section,"

The Hon. W. E. HEARN said the clause was framed with the view of giving further effect to sections 10 and 34 of the Act No. 424, which were as follows:—

"Any person exhibiting or publishing, or causing to be exhibited or published, any placard, hand-bill, letter, circular, telegram, sign, or advertisement whereby it is made to appear that any house, office, room, or place is opened, kept, or used for the purpose of making bets or wagers in manner aforesaid, or for the purpose of exhibiting lists for betting, or with the intent to induce any person to resort to such house, office, room, or place for the purpose of making bets or wagers in manner aforesaid; or any person who on behalf of the owner or occupier of any such house, office, room, or place or of any person using the same, shall invite other persons to resort thereto for the purpose of making bets or wagers in manner aforesaid, shall be liable on conviction to a penalty of not more than £20, or in the discretion of the justices before whom he shall be convicted of the offence to be committed to the nearest gaol, with or without hard labour, for any term not exceeding two calendar months.

"No house, office, room, or other place shall be opened, kept, or used for the purpose of the owner, occupier, or keeper thereof, or any person using the same, or any person procured or employed by or acting for or on behalf of such owner, occupier, or person using the same, of or any person having the care or management in any manner conducting the business thereof, betting with persons resorting thereto, or for the purpose of any money or valuable thing being received by or on behalf of such owner, occupier, keeper, or person as aforesaid as or for the consideration for any assurance, undertaking, promise, or agreement, express or implied, such pay or any or persons taking or using, or on any or persons using or causing to be used any or persons using any or persons taking or using or causing to be used, any or persons using any of any money or valuable thing on any event or contingency of or relating to any horse race or other race, fight, game, sport, or exercise, or as or for the consideration for securing the paying or giving by some other person of any money or valuable thing on any such event or contingency aforesaid, and every house, office, room, or other place opened, kept, or used for the purposes aforesaid, or any of them, is hereby declared to be a common nuisance and contrary to law."

It would be seen that the Bill covered ground which the Act did not cover, and, insomuch as the restrictions now proposed were found to work successfully in England, he thought honorable members would do well to adopt them.
The Bill, having been gone through, was reported without amendment. The House adjourned at ten minutes to six o’clock, until Tuesday, July 24.

LEGISLATIVE ASSEMBLY.

Wednesday, July 18, 1883.


The Speaker took the chair at half-past four o’clock p.m.

ELECTIONS COMMITTEE.

The Speaker laid on the table his warrant appointing Mr. Coppin, Mr. Deakin, Mr. W. Madden, Mr. McIntyre, Mr. Moore, Mr. Patterson, and Mr. Wheeler as the Committee of Elections and Qualifications.

ESTIMATES.

Mr. Service presented a message from His Excellency the Governor, transmitting Estimates of Revenue and Expenditure for the year 1883-4, and recommending an appropriation of the consolidated revenue accordingly. The message was ordered to be referred to the Committee of Supply.

RAILWAY WORKS.

Mr. Gillies presented estimates of expenditure proposed to be incurred by the Board of Land and Works, during 1883-4, under the Acts Nos. 531, 608, 701, and 729. The estimates were ordered to be taken into consideration next day.

THE BUDGET.

At the request of Mr. Service, the whole of the notices of question were postponed. The House having resolved itself into Committee of Supply,

Mr. Service proceeded to submit the financial statement for the year. He said—Mr. Cooper, the close of the financial year 1882–3 enables us to make a comparison between the revenue estimated for that year and the actual receipts. As regards the expenditure, seeing that the liabilities actually incurred up to the 30th June may not be paid until the 31st August, and that therefore the expenditure between those dates, on account of 1882–3, is a matter of estimate only, the results cannot be given so accurately as in the case of revenue. The late Treasurer submitted, on the 5th September, 1882, a statement of accounts, showing that the balance brought forward from 1881–2 was £160,000, that the estimated revenue for 1882–3 was £5,584,104, making with recoups to the amount of £9,107, a total Ways and Means of £5,753,211. The expenditure was estimated at £5,574,073, leaving an estimated balance of £179,138 to be carried forward to 1883–4. On a subsequent date—on the 4th April last—I submitted a statement showing that the balance from 1881–2 was £163,412; that the receipts up to that date and the probable further receipts on account of 1882–3 came to £5,634,104; and that the recoups would be £9,107; making a total of £5,806,623. The estimated expenditure for the year, on that date, was £5,769,531, leaving a probable balance of £37,092 to be carried forward to 1883–4. The ascertained result, so far as regards the revenue side of the account, is as follows:—

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<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>Balance from 1881–2</td>
<td>£163,412</td>
</tr>
<tr>
<td>Revenue</td>
<td>£5,602,067</td>
</tr>
<tr>
<td>Recoups</td>
<td>£9,107</td>
</tr>
<tr>
<td>Total receipts for 1882–3</td>
<td>£5,774,666</td>
</tr>
</tbody>
</table>

As regards the expenditure for 1882–3, the amount cannot be definitely stated until the 31st August, but, as far as can be ascertained, it will be as follows:—

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<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
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<tr>
<td>Special appropriations</td>
<td>£1,419,520</td>
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<tr>
<td>Votes</td>
<td>£4,566,857</td>
</tr>
<tr>
<td>Total expenditure</td>
<td>£5,886,357</td>
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Leaving a balance to 1883–4 of £88,309. It will be seen that the receipts for 1882–3 are £21,455 in excess of the amount estimated on the 5th September, 1882, and £31,357 below the amount estimated on the 4th April, 1883. The explanation of the deficiency is that the Customs receipts fell off unexpectedly during the last few weeks of the financial year, and that some of the banks did not, as usual, account for the balance of interest due on the public account up to the 1st July. The expenditure is £112,254 in excess of that estimated on the 5th September, and £38,174 less than that estimated on the 4th April. On inquiring how so great a discrepancy could arise as £88,174 in so short a period as three months, I found that it arose almost entirely in connexion with public works. Such discrepancies have always existed, more or less,
and have been aggravated of late years by the delays of local bodies who are intrusted with the superintendence of works not furnishing promptly the schedules showing the actual value of the work executed up to the 20th June. The consequence is that the Public Works department, which always found a difficulty in giving an accurate estimate of the actual expenditure during the two months following the close of the financial year, now finds that difficulty aggravated through having depended upon other people to supply an amount of information which formerly it had in its own office. As no detailed estimate of revenue for 1882–3 was submitted to Parliament after the 5th September, 1882, a comparison between the estimated revenue and the actual receipts for the year can only be made with that detailed estimate. The receipts over estimate were as follows:—Excise, £20,663; Public Works (including Railways), £94,999; Ports and Harbours, £1,787; Post-office, £13,721; Fines, £2,331; and Miscellaneous, £21,672; making a total of £155,173. The receipts below estimate were—Customs, £23,996; Public Works (including Railway), £160,751; Customs, £8,632; Post-office, £17,105; Mines, £13,208.

The departments in which the estimates of the actual expenditure exceeded the amount actually voted last year are the following: Excise, £94,999; Public Works (including Railways), £225,000; Teritorial, £113,116; Fees, £99; total, £4,528,454, being a difference in estimated receipts, £2,331; and Miscellaneous, £21,672; being a difference in estimated recoups, £222,831, bringing up the excess of receipts over estimate to the amount already stated, £21,454.

I shall not detain the committee with any statement of the items under the head of expenditure being a difference in estimated payments; but as I found, on consulting with the Acting Collector, that he seemed quite certain in his own mind that the estimate for the 1st September, 1883, to £88,309, and the recoups, £225,000, to the estimated revenue, £5,779,775, we have a total Ways and Means for 1883–4 of £6,093,084. On the other side, we have an estimated expenditure under special appropriations of £1,529,298, and under votes of £4,528,454, being a total of £6,057,752. The difference between the two totals, to be carried forward to 1884–5, is £35,332—which I would have preferred to see a great deal larger. The excess of estimated expenditure over 1882–3 amounts to £38,309, and the recoups, £225,000, to the estimated revenue, £5,779,775, we have a total Ways and Means for 1883–4 of £6,093,084. On the other side, we have an estimated expenditure under special appropriations of £1,529,298, and under votes of £4,528,454, being a total of £6,057,752. The difference between the two totals, to be carried forward to 1884–5, is £35,332—which I would have preferred to see a great deal larger. The excess of estimated expenditure over 1882–3 amounts to £371,395, of which £109,778 is under special appropriations, and £261,617 under votes. The increase under special appropriations is chiefly due to expenditure in connexion with new loans. That under votes is made up as follows:—Chief Secretary’s department, £14,495; Public Instruction, £8,085; Public Works, £160,751; Customs, £8,632; Post-office, £17,105; Mines, £13,208. The departments in which the estimates of

Mr. Service.
expenditure for this year are below the actual expenditure of last year are the Attorney-General's department to the amount of £303; Minister of Justice, £1,793; Treasurer, £11,287; Lands, £2,952; Railways, £157,758; Water Supply and Agriculture, £11,516. The total of the excesses is £252,226 and of the diminutions £185,609, showing a difference of £66,617, to which we have to add recoups, £225,000, bringing the amount up to that which I have already mentioned, £201,617. It will not be out of my way, perhaps, to remind honorable members, at this stage, that out of our large revenue of £6,000,000 there really is but a small sum indeed which they have at their disposal during the debates upon the Estimates in Committee of Supply in any year. It is sometimes said that Parliament votes away a million of money in a few minutes, but, in reality, that is not so. Take the present year as an example. After deducting the special appropriations, and the votes for salaries, contingencies, subsidies, charities, pensions, compensations, and grants of a regular character—in short, everything that must be voted or is regularly voted, as a matter of course, from year to year—there remains not more than £666,000 for Parliament to vote at its good will and pleasure.

Mr. MIRAMS.—About 10 per cent.

Mr. SERVICE.—A little more. I may remind honorable members who take an interest in mnemonics that "666" is the number of the Beast. When out of this £666,000 are taken the votes for works, buildings, and defences, which amount this year to £290,000, it will be seen how little there is left for honorable members to wrangle over in Committee of Supply. And now I come to what really is the most interesting part of my statement—that connected with the loans and the works under them. It will be recollected that, when I made my supplementary financial statement on the 4th of April, I showed that the moneys available for the engagements which had been entered into, and which were daily maturing, were altogether inadequate. My colleague, the Minister of Railways, also made a statement, in the mouth of March, to the effect that all the moneys available for the construction of new lines of railway under the Act No. 717—the Act authorizing the borrowing of £4,000,000, known as the O'Loghlen loan, of which £2,732,055 was to be set apart for railway purposes—amounted to £719,888, from which had to be deducted, in order to finish what are known as the Patterson lines, £164,436, leaving available for the construction of new lines the sum of £549,252. I likewise stated that it was estimated that a sum of £1,067,000 had to be expended out of the O'Loghlen loan on railway purposes by the end of January next. Both those statements were traversed in this House. The Minister of Railways and myself were charged with exaggerating the exigencies of the situation in order to make a case against our political opponents. Now I would never willingly lie under a reproach of this sort, first, because it implies untruthfulness in dealing with facts and figures, which I regard as a very grave charge indeed; and, secondly, because it implies ungenerous dealings with gentlemen who have been my fellow workers in times that are past, and who may be again in times to come. For these reasons I would not willingly lie under such a reproach. I was told, as honorable members will recollect, that it was impossible that a million of money could be required or spent for railway purposes within the period. Well, what do I find? The period I mentioned in April was eleven months, taking it from March to January next inclusive. At the end of the first four months of that period, the amount actually paid away, out of the Treasury, on account of railway works, was £566,519.

Mr. MIRAMS.—How much of that expenditure is on account of the items included in the £1,067,000 you spoke of just now?

Mr. SERVICE.—Every pound, shilling, and penny. Four months out of the eleven are gone, so that there are now only seven months to the end of the period. Of course, the accountants and engineers and all the head men in the Railway department are now able to take a nearer, and therefore a clearer, view of what the requirements will be during the currency of those seven months; but the amount estimated to be expended between this and the end of January is £537,401, making a total in the eleven months of £1,108,920.

Mr. BENT.—I don't want to interrupt the Treasurer, but, when he talks of the amount which has to be spent out of the money raised under the authority of the Act No. 717, I desire to ask him whether he will say that any of the expenditure was not authorized by this House?—whether it was not for the purposes of the lines and railway material connected with them provided for in the Bill of the late Government?

Mr. SERVICE.—I will not be easily vexed with the honorable member for
Brighton; I will not say a word to annoy him or any other member of the Opposition, unless facts and figures compel me to do so, because I have the greatest desire to avoid unpleasant feeling. I say that the £1,103,920 which will have to be paid by the end of January next, instead of being less than was stated by me on the 4th April, is £36,920 more. The money has gone out of the Treasury; the accounts and figures are there to speak for themselves; and I submit that the fact illustrates the folly of members of this House contravening, without substantial reason, the accounts submitted to Parliament by the Treasurer—accounts prepared by the permanent heads of departments every one of whom holds his life in his hand, as it were—or, to speak more correctly, his position—if he supplies a Minister with statements which turn out afterwards to be willfully or negligently incorrect. With respect to my honorable colleague’s statement in March, that only £713,688 remained for construction purposes out of the £2,732,055 set apart for new railways out of the O’Loghlen loan, the condition of matters is considerably worse than it was then. Additional expenditure under the loan, not foreseen at that time, or at least not estimated, has been incurred to the amount of £173,351. I have here a statement showing in detail how this is made up. I may mention one or two of the items. For example, the rolling-stock imported was imported without wheels; the wheels have to be made in the colony.

Mr. BENT.—That is not so.

Mr. SERVICE.—The statement can be seen by honorable members if they like. I wish honorable members to understand that I am simply dealing with the money aspect of the affair as I find it in the Treasury and as I have it recorded in documents supplied by the Accountant of the Railway department. If there is anything to object to in connexion with the policy of the department, the Minister of Railways will deal with that hereafter. The amount put down in this statement for wheels is about £31,000. Among the other items are £12,540 for freight and charges, and extra cost of carriages, and £44,430 for fastenings to rails and plates. The whole sum totals, as I have said, to £173,351. There is a note to the statement to the effect that the sum may be reduced by from £16,000 to £18,000, but this is not certain; and, as the amount is comparatively insignificant, I take the figures as they stand in the statement. If, therefore, this £173,351 be deducted from the balance estimated in March last, by the Minister of Railways, as then available out of the £2,732,055 authorized by the Act No. 717 to be set apart for railway construction, we shall have left, instead of £713,688, only £540,337. I must now ask the attention of honorable members to the state of the loan authorized by the Act No. 608—the loan out of which the Patterson railways were constructed. When my honorable colleague made his statement in March he estimated the amount required from the O’Loghlen loan to complete the Patterson railways at £164,438. Since then, it has become evident that the amount was greatly understated. The estimate which I now have in my hand makes the amount required to be taken out of the O’Loghlen loan on account of the Patterson railways £392,248. Deduct that amount from £540,337, and the balance of the money available for railway purposes out of the O’Loghlen loan will be reduced to £148,086. But even the poor comfort that this sum will be available is denied us, for a note to the statement from which I quote says—

“The whole of this, and in fact more, will be required in order to complete works absolutely necessary on existing lines to provide for public safety, increase of traffic, &c.”

These figures show that both the Minister of Railways and myself largely understated the case last March, and finally dispose of all charges of exaggeration. Now I do not wish to say one word to irritate or annoy my old friends in this House; but the necessity is laid upon me to disclose the actual state of things; and I would fail in my duty to the House, to the country, and to myself if I did not do so. Well, here we are with an immense amount of rails and rolling-stock, and not a penny for the construction of lines, and apparently shut out, by the exigencies of our position, from getting one shilling for that purpose. Not only so, but the proceeds from revenue have been so greatly anticipated that that source of supply is more than exhausted, for this very year I have been compelled, in order to make ends meet, to calculate upon recoups from a future loan, which is of course quite legitimate but most inopportune, to the extent of £255,000. The late Government proposed setting apart £200,000 a year out of land revenue for railway and other purposes—a most laudable proposal—but they did not wait to see if the revenue would afford it, and now we find that, instead of taking £200,000 out
of the revenue for this year, we have had to supplement it to the extent of £225,000. Under all the circumstances, the committee will pardon me for saying that I am not in any way responsible for the condition of things disclosed in the financial statement. I find liabilities incurred which I must discharge; and if the means of discharging them have been anticipated, it is no fault of mine. I must repeat what I stated in April, that our entanglements have arisen from two causes—first, from a continual and pernicious system of borrowing; and, secondly, from spending in anticipation of proceeds; the latter being possible only because of the former. I will now place on the table a return showing all the borrowing Acts which have been passed from the year 1880. The first was introduced by Mr. Gillies in 1880, and was for £144,882; the second was introduced by Mr. Berry, and was for £112,856. These sums were borrowed out of moneys actually in the hands of the Government, and were so limited in amount, being less than a quarter of a million altogether, that no harm could have arisen if they had had to be ultimately charged to revenue. But in October, 1881, the honorable member for Brighton brought forward a borrowing Bill for £554,000, to be borrowed out of revenue, or out of the loan raised under Act No. 608—the loan for the Patterson railways—and to be recouped out of a future loan. At that time, of course, the loan authorized under Act No. 717—the last £4,000,000 loan—had not been floated, and it might fairly have been estimated that the £654,000 would be recouped out of that loan. In August, 1882, the late Treasurer (Sir Bryan O'Loghlen) borrowed £500,000 out of revenue, or out of No. 608 loan or No. 717 loan—the latter of which was not floated for seven months afterwards—and which amount was to be refunded out of a still subsequent loan that has never yet been even proposed. In November, 1882, the late Treasurer again borrowed £123,300, which was also to be taken out of revenue, or out of No. 608 loan or No. 717, and to be recouped also out of a still later loan, which is yet in the future. In March, 1883, the late Treasurer again borrowed £179,000, which was to be dealt with exactly in the same way. In April, 1883, within a month of taking office, the present Minister of Railways, driven by the exigencies of the position, borrowed out of revenue, to be repaid out of No. 717, the sum of £350,000. Besides the several sums I have mentioned, there has been paid, in anticipation of the sale of inscribed stock, for the Melbourne and Hobson's Bay Railway debentures and Bendigo Waterworks debentures a sum of £80,400. These items make, in all, a sum of £1,877,700—nearly £2,000,000—borrowed within a period of eighteen months; and not only has the future loan not been floated, or even proposed, but the O'Loghlen loan, No. 717, is as yet only half available. And now with respect to the expenditure. I find that the expenditure on railways which was properly chargeable to capital account was as follows:—In 1880, £417,500; in 1881, £574,746; and in 1882, £1,154,818, or more than double the former amount. I trust that the honorable member for Brighton will not be vexed—I would not make the remark if I thought he would—when I mention that, from an interesting little memo, which I have before me, I find that the innocent 6d. per day which the honorable member, in the generosity of his heart, gave to those employees in the Railway department whose wages were less than 7s. per day, amounts to about £30,000 a year.

Mr. BENT.—A very proper expenditure.

Mr. SERVICE.—Very proper. No one would dispute that if we had the money.

Mr. BENT.—We got value for every penny.

Mr. SERVICE.—I am not dealing at all with the policy of this matter. What I complain of is that our receipts and our expenditure have not been properly balanced—that we have been anticipating receipts far ahead, and the consequence is that we have got into a cul de sac for the time being; in point of fact, we are “pulled up with a round turn,” as the sailors say. It should be remembered that the £200,000 per annum proposed to be set apart out of the land revenue is also anticipated to a considerable extent by expenditure. The proposal was fair enough on the face of it, but I may give you figures showing what I am going to spend, and in what way the expenditure is to be met, yet, unless the amounts anticipated come in, the money cannot go out. Mere figures will not pay accounts.

Mr. BENT.—The late Government proposed to sell the Koo-wee-rup Swamp, and the House agreed to that proposal.

Mr. SERVICE.—Why did you not sell the swamp? The sale of it would have eased my hands very considerably.

Mr. BENT.—The land is there.
Mr. SERVICE.—The land revenue is very often spoken of as if it was available for a variety of purposes. There is a large amount of expenditure going on at Kensington-hill.

Mr. BENT.—Is the honorable gentleman aware that the Assembly agreed to the sale of 70,000 acres of the Koo-wee-rup Swamp—pledged itself to the proposal in the Railway Bill? If that land had been sold there would have been money at once.

Mr. GILLIES.—That was for the Great Southern line exclusively.

Mr. SERVICE.—The money was outside the revenue, as it is now, and I understand that the line was outside the Bill.

Mr. BENT.—It was a portion of the Bill.

Mr. GILLIES.—It was never mentioned when the Bill was introduced.

Mr. SERVICE.—I will call the attention of honorable members to some of the items under Loan 717 other than railways.

An HONORABLE MEMBER.—What about Kensington-hill?

Mr. SERVICE.—I intend to refer to that matter a little further on. At the present moment I would like to tell honorable members, when they speak of the sale of the reclaimed land near Kensington-hill recouping the expenditure incurred in connexion therewith, that this may be a perfectly legitimate transaction—in one sense it is a speculation—and likely to turn out a very profitable one, but they must not forget that it is the balancing of the expenditure and the revenue every year that I am driving at, and not the question of the wisdom or unwisdom of a work such as the Kensington-hill business. If a man has no money, he has no right to incur expenditure. Honorable members are aware that, by the common consent of all Treasurers, and by the feeling of the Assembly itself, it has been agreed that the money to be derived from the sale of Crown lands must be limited. Without an express desire on the part of the House it would be an unusual thing to calculate in a year’s revenue an amount of money to be afterwards received, to recoup money which had been appropriated out of that year’s expenditure. You cannot do it, because the expenditure and the revenue must balance between the 1st July and the 30th June. Therefore, when you speak of recouping the money expended on Kensington-hill from the sale of the land reclaimed by the material obtained therefrom, that statement may affect the Assembly, it may affect the Railway department, it may affect the Public Works department, but it does not affect the Treasurer. That is the unfortunate part of the business.

Mr. BENT.—You can get £4 a foot for the land now.

Mr. SERVICE.—I don’t wish for a moment to say that the speculation is not a good one, but I do say that the fact that it may be a good one does not get me out of my difficulty in the least degree. The old Scotch proverb—“Wait, old horse, and yau’ll get corn,” may be very good sometimes, but it will not suit the Treasurer when accounts come in and creditors are knocking at the door. The remarks which I am now making will apply to an item in which our Sandhurst friends are interested, namely, a large expenditure for public buildings in that city. I was a little thunderstruck, when making up my estimates, to find a sum of £10,000 put down for building public offices at Sandhurst. Without alluding to the late Government at all, I may say that there has been a tendency with all Governments—

Mr. BURROWES.—The Berry Government promised those buildings.

Mr. McINTYRE.—A more legitimate expenditure was never entered upon.

Mr. SERVICE.—I am not now dealing with the matter as a question of policy. No doubt the honorable members for Sandhurst can make out a good case in favour of the expenditure; and I will go further, and say that the beautiful buildings about to be erected are not a bit too grand for Sandhurst. The fact, however, remains that £10,000 has to be provided this year towards the erection of those public offices.

Mr. BURROWES.—£10,000 will not be enough.

Mr. SERVICE.—Not nearly enough. I am afraid that more will be required next year, for the total amount which the Treasurer has to find is £60,000. This is a very large item. I am also afraid that Castlemaine, Ballarat, and, perhaps, Sale and other places will come into the field and apply for grants of a similar kind. When I was interrupted with a question about Kensington-hill I was about to refer to some of the items under Loan 717 (the £4,000,000 loan) other than railways. The first to which I will allude is that for the erection of schools, in which we are all very much interested. The amount appropriated under that loan for building schools is £200,000, and there has been spent—actually paid out of the Treasury—and contracted for, £126,000. Honorable members will recollect that, as only half the
The loan has yet been floated, none of the items set forth in the schedule to the Loan Application Act should yet have had expended upon them more than one-half of the amount there specified. The amount put down in the schedule to that Act for the erection of the schedule for the erection of State school buildings is, as I have already indicated, £200,000. One-half that amount would be £100,000; but such have been the exigencies of the case, and the necessities of the country, that the Treasurer has advanced £225,000—that is including the work contracted for and the money actually spent—more than the proper proportion for school buildings out of the amount which has been realized by the sale of debentures. The amount appropriated out of the loan for the construction of works in connexion with the Yan Yean is £160,000; but a mistake, which I explained last April, occurred between the Treasury and the Public Works departments, the consequence being that the latter department entered into contracts to the amount of £225,000. It appears that the Treasurer of the day sent a letter to the Public Works department, stating that the amount for the Yan Yean works which it was proposed to put into the schedule of the Loan Application Bill was £225,000; but when the honorable gentleman came to tot up the different items to be provided for out of the loan, I suppose that he found other claims more urgent, and hence the £225,000 was reduced to £160,000. The Public Works department, however, did not notice the change, but entered into contracts for the full amount. The expenditure at the present moment is actually £150,000 out of the £160,000, although £160,000 is all that is set apart for the Yan Yean works out of the whole loan, and only half the loan has yet been floated. Besides this, we have to provide this year for Yan Yean purposes £125,000. I will next refer to the expenditure on Parliament House and the Law Courts. These two buildings are put together in one item in the schedule to the Loan Application Bill, and the amount appropriated for them is £100,000. The Law Courts are expected to be finished by the end of the year, and between now and then £40,000 has to be expended upon them. When that is spent, the money available for Parliament House out of the loan will be only £32,000, although the balance of Mr. Amess' contract amounts to £177,683. For waterworks constructed by local bodies, for water trusts, and for the Coliban and Geelong schemes the amount appropriated is £400,000. The whole of this sum has been spent or contracted for, and £26,000 besides. For this there is no provision of any sort made, and there are applications in for a further sum of £108,000, for which, of course, there is no provision at all. The sums required will only be available when we float the next loan, and, as this cannot be until next year, the expenditure under Act No. 717 for the purposes that I have already indicated must be kept as low as possible. It is disheartening to a Treasurer, at all events, to find that, after providing to get through this year by economizing wherever possible, the next Budget statement—the one for 1884-5—must also be hampered by undertakings which stretch forward into that year. For example, Mr. Amess' contract, or the remainder of it, for Parliament House is £177,683. This is considered a very low figure, and the probability is that, if the contract has to be given up and a fresh contract entered into, the amount of the new contract will be a much higher sum. With the exception of the £32,900 which I have already mentioned, there is no provision for this work, and I think that there can be no provision made for it out of a future loan for a very considerable time to come.

Mr. BENT.—If we are content with the present building, we can save that expenditure.

Mr. SERVICE.—Hear, hear. The honorable member is a good scholar, and he is also a good teacher. I am glad to see that he comes to my doctrine at last. Then the additional amount required for defence works, gun-boats, &c., is about £80,000. That amount is in addition to the £185,000 which is down on this year's Estimates. For the public buildings at Sandhurst there is another £50,000 looming in the distance.

Mr. BENT.—The people of Sandhurst agreed to sell the site of the present buildings to recoup that expenditure.

Mr. DEAKIN.—It will produce only £14,000 towards the amount.

Mr. SERVICE.—That is something, but will the people of Sandhurst sell the site this year?

Mr. BURROWES.—They will sell it to-morrow if required.

Mr. SERVICE.—I will make a note of what the honorable member for Sandhurst (Mr. Burrowes) says. There is at present required on account of waterworks, beyond any provision made for them, as I have already stated, the sum of £26,000, and applications for further grants have been
made to the extent of £108,000. Probably half of the latter may not be carried through, and I estimate that we have only to provide half of the £108,000, which will be £54,000. This will make the total additional amount required for the various purposes I have mentioned £334,783. This amount will weigh upon the Budget statement for next year; so that, instead of providing the Ways and Means for each year as the year goes on, we are actually anticipating not only the Ways and Means for the year we have just entered upon, but to a large extent the Ways and Means for the year after. The fact is that we must be content to go at a slower pace, and that will just be carrying out the advice of the honorable member for Brighton. We pay a large annual subsidy to municipal bodies; we spend large sums annually on roads and bridges and other special works; we are building railways with railroad speed; we are spending and lending heavy amounts for water supply; our defence works swallow up a great deal of money; and altogether the total expenditure which we have been indulging in, and which we are committed to, cannot be kept up without new and heavy taxation. It will be for the committee to determine, some time hereafter, whether they prefer economy or new taxes.

Mr. McINTYRE.—Look at the result of the New South Wales loan the other day.

Mr. Service.
Mr. SERVICE.—I can tell the honorable member something about loans which may astonish him. The Queensland loan floated in London last year went off at par, but the debentures were sold again on the London Stock Exchange, very shortly afterwards, at £96 for each £100 debenture.

Mr. McINTYRE.—The country got the money for all that.

Mr. SERVICE.—The honorable member is very confident in his statements, but I am not going to follow his example in that respect. These are subjects which may be touched upon, but cannot be exhaustively discussed on the present occasion. Taking into account all the circumstances connected with the last loans of Victoria and New South Wales, I prefer the result of our loan, and I do so for the express reason that we had nearly three times the amount offered that we applied for, which put us in the top position on the London market and before the world.

An HONORABLE MEMBER.—Look at the price at which the Victorian loan was floated.

Mr. SERVICE.—Perhaps if I had the choice of taking a higher price or obtaining the honour of having such a large sum tendered for, I might, in our present circumstances, have preferred the higher amount; but still I feel very proud that our loan drew out tenders to the extent of £5,000,000, although we only asked for £2,000,000.

Mr. McINTYRE.—New South Wales had nearly £2,000,000 more offered than she wanted.

Mr. SERVICE.—The honorable member is quite confident again. I do not mean to imply by the remarks I have just made that our credit was at stake in connexion with the floating of our late loan, because our credit, I believe, is justly regarded as undoubted; but the money market can absorb only a certain quantity of bonds, and we imply by the remarks I have just made that our credit was at stake in connexion with the floating of our late loan, because our credit was at stake in connexion with the last loans of Victoria, as I will point out in a few minutes, is not worthy of consideration, remembering what we have to show for it, and to set against it. The financial condition of this colony is thoroughly sound. The amount of our public debt on the 30th June was £26,103,200, exclusive of the liability for the purchase of the Melbourne and Hobson’s Bay Railway debentures, amounting (with interest) to £389,367. Of this sum of £26,103,200, £3,824,100 will be paid off on the 1st October next; £812,500 on the 1st October, 1884; and £3,180,620 on the 1st October, 1885. These amounts, however, will be replaced by new loans, and, therefore, the total indebtedness will remain about the same; but the reduced rate of interest will effect an annual saving of £156,000. The purposes for which our debt has been contracted are as follows:—

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<tr>
<td><strong>Total</strong></td>
<td><strong>£26,103,200</strong></td>
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We have also contributed to railway construction and water supply out of land sales and other sources the large sum of £3,000,000. Our net income from public works, including railways (after paying all expenses of maintenance), is considerably over £1,000,000, or about 4 per cent. on the total amount of our indebtedness for all purposes. The actual interest paid in 1882–3 on the public debt was £1,189,948, but if the interest had been at the rate which it will be after the debentures falling due in 1884 and 1885 are paid off, namely, 4 per cent., the amount payable last year would have been £933,948, or less than our present net income from railways and water supply works. The trust funds at present in the possession of the Government amount
to £1,450,584, of which there is in debentures £457,000, and in stock £269,186, leaving uninvested £729,398. This amount has materially aided the Treasurer in his financial operations, and at one time upwards of £600,000 was advanced from it under certain Acts of Parliament to meet expenditure connected with loans. The amount so advanced now is about £280,000. Altogether the financial position of the colony, as regards our indebtedness, is not only sound but excellent. At present our public works about pay all interest on borrowed money, and no doubt will at a period not far distant produce a handsome income to take the place of our decreasing land revenue. Like a foolish youth, heir to a fine estate, we have lately been far exceeding our yearly income, and retrenchment, the inevitable Nemesis, must be submitted to for a time. But our estate is unimpaired, and yearly increasing in value; and, with judgment and prudence in the management of our affairs, we may look fairly forward to a prosperous future.

I beg now to move—

"That a sum not exceeding £258,260 be granted to Her Majesty on account for or towards defraying the following services for the year 1883-4:—Legislative Council, £1,200; Legislative Assembly, £2,100; the Library, £450; Refreshment Rooms, £250; Chief Secretary's Office, £3,150; Government Statist, £900; Police, £1,450; Penitentiary, £2,500; Establishments and Gaols, £10,000; Hospitals for the Insane, £16,000; Industrial and Reformatory Schools, £8,000; the Observatory, £730; Public Library, Museums, and National Gallery, £2,000; Government Botanist, £360; Shorthand Writer, £550; Victorian Hansard, £350; Audit Office, £1,250; Expenses of carrying out the Land Tax Act, £200; Aborigines, £3,500; Friendly Societies, £60; Miscellaneous (Chief Secretary's department), £2,500; Education, £5,000; Schools of Design, £500; Miscellaneous (Education department), £2,000; Their Honours the Judges, £180; Law Officers of the Crown, £3,000; Crown Solicitor, £1,200; Prothonotary, £350; Master-in-Equity and Junior, £700; Court of Insolvency, £460; Registrar-General and Registrar of Titles, £5,200; Deputy Registrars, £1,000; Sheriffs, £5,450; Miscellaneous (Attorney-General's department), £840; County Courts, Courts of Mines and General Sessions, £3,000; Police Magistrates and Wardens, £9,210; Clerks of Courts, £3,150; Coroners, £1,170; Treasurer, £5,800; Secretary to the Premier, £1,500; Agent-General, £1,500; Government Printer, £2,500; Advertising, £500; Curator of Estates of Deceased Persons, £200; Land and Naval Forces, £14,200; Charitable Institutions, £33,000; Transports, &c., £2,000; Unforeseen Expenditure, £1,500; Miscellaneous (Treasurer's department), £500; Treasurer's Advance, £200,000; Surveyor, Sale, &c., of Lands and Reservations of Crown Lands, £12,200; Public Parks, Gardens, and Reserves, £1,400; Botanical and Domain Gardens, £1,100; Extermination of Rabbits and Wild Animals, £2,000; Miscellaneous (Lands department), £2,000; Public Works department, £5,300; Yan Yen Water Supply, £3,400; Yan Yen Recoup, £15,000; Miscellaneous (Public Works department), £400; Works and Buildings, £20,000; Defence Works, £79,000; Road Works and Bridges, £10,000; Customs, £11,200; Ports and Harbours, &c., £4,500; Mercantile Marine and Ferries, £260; Distilleries, &c., £2,250; Powder Magazines, £100; Miscellaneous (Customs department), £250; Post and Telegraph Offices, £2,500; Telegraph Lines, £5,000; Mail Service, £18,000; Miscellaneous (Postmaster-General's department), £830; Victorian Railways, £275,000; Miscellaneous (Railway department), £4,750; Melbourne and Hobson's Bay Railway, £5,000; Interest on debentures, £4,650; Mining, £7,200; Prospecting for Gold, Coal, &c., £2,000; Miscellaneous (Mining department), £700; Water Supply department, £5,000; Waterworks in Country Districts, £2,350; Agriculture, Forests, and Industries, £1,410; State Forests and Concessions, £3,420; Experimental Farm, £280; Vine Diseases, £500; Scab Prevention and Diseases in Stock, £1,840. Total, £568,260."

Mr. BENT.—The Treasurer, in the course of his remarks, referred to the Kensingtonhill purchase. I wish to ask him whether, having inquired into that transaction, he found there was anything wrong in it? I am not now referring to the question whether the purchase was a good bargain or not, but am simply speaking personally, as to my connexion with the matter.

Mr. SERVICE.—I do not want to anticipate what my honorable colleague, the Minister of Railways, will say on this subject, but I may mention that we examined into the transaction very minutely, and, speaking for myself as a commercial man, I must say that to me the transaction is a wholly incomprehensible one. I will not say anything except that I cannot understand it. There is not a thing that has appeared on the face of the inquiries we have made to inculpate the honorable member for Brighton, if that is what the honorable member means by his question.

Mr. BENT.—That is what I mean.

Mr. SERVICE.—There must have been some hope which I cannot understand of doing a good thing for the country by purchasing this material, but, as far as I have looked into the matter and am capable of judging, I really cannot make out how the honorable member expected to do good to the country in connexion with the matter. The amount even as now reduced by the arrangement made by the present Minister of Railways involves a very large expenditure to the country—I think I am right in saying about £140,000. A great deal of the material is not required for present purposes at all, as far as can be shown. However, I don't want to go into the matter now.

Mr. BENT.—The point as to whether the purchase was a good or bad bargain is quite indifferent to me, because my late colleagues will be able to say what I recommended. I am glad to hear the answer.
Mr. SERVICE.—This is a resolution on which to found a Supply Bill. Let it go through first.

The motion was agreed to.

The resolution was reported to the House and adopted.

WAYS AND MEANS.

The House then went into Committee of Ways and Means.

Mr. SERVICE moved—

"That, towards making good the Supply granted to Her Majesty for the service of the year 1883-4, the sum of £958,260 be granted out of the consolidated revenue of Victoria."

The resolution was agreed to, and was reported to the House.

CONSOLIDATED REVENUE (£958,260) BILL.

The resolution passed in Committee of Ways and Means was considered and adopted.

Authority being given to Mr. Service and Mr. Kerferd to introduce a Bill to carry out the resolution,

Mr. SERVICE brought up a Bill "to apply out of the consolidated revenue the sum of £958,260 to the service of the year 1883-4," and moved that it be read a first time.

The motion was agreed to, and the Bill was read a first time, and passed through its remaining stages.

DEBATE ON THE BUDGET.

Major SMITH asked whether the House was going again into Committee of Supply, as he wished to move the adjournment of the debate on the Treasurer's Budget statement?

Mr. SERVICE said he intended to move the House into Committee of Supply again on the following Tuesday, when the honorable member for Ballarat West (Major Smith) would have an opportunity of making any remarks he desired to make.

Major SMITH stated that he had allowed the Supply Bill to go through on the understanding that the House would immediately afterwards go into Committee of Supply, so that he might move the adjournment of the debate.

Mr. GILLIES remarked that there was no adjournment of a debate in committee. There was nothing to be gained by going into Committee of Supply for a few minutes. The honorable member for Ballarat West (Major Smith) would be able to debate the Treasurer's statement on Tuesday, when the
Mr. MASON said he desired to ask the Treasurer, assuming that he floated an additional loan of £1,000,000 and obtained the amount advanced out of the O'Loghlen loan for the payment of the debentures falling due in October, how much money would be then have available for railway construction?

Mr. SERVICE stated that he would only have the £1,000,000 he proposed to borrow if the London people would give it to him. There was not a single penny of the O'Loghlen loan left for railway construction.

Mr. MASON said he thought the Treasurer misunderstood his question. A certain amount of the O'Loghlen loan had been appropriated to pay off debentures falling due in October next. How much of that amount could be added to the proposed £1,000,000 loan for railway construction?

Mr. SERVICE observed that the honorable member for South Gippsland must have missed a portion of the Budget statement. The statement he had submitted extended from the 1st July instant to the 30th June next year, and included the floating of the £2,000,000 loan, but for which many other things besides the railways would be in an unsatisfactory condition. But, notwithstanding the floating of that loan, he found that the total sum which was set apart in the schedule of the original Act for railway construction, namely, £2,732,055, had all been wiped out or contracted for. There was not a penny left for railway construction, so that all the House could look forward to was the £1,000,000 loan which he proposed to ask the House to authorize.

Mr. WALKER asked the Treasurer whether the Government proposed to introduce a Railway Construction Bill until it was competent for them to obtain the proposed loan of £1,000,000 with which to construct the railways?

Mr. SERVICE stated that it was certainly the intention of the Government to introduce a Railway Construction Bill this session, so that as soon as the money was obtained they could set to work making the lines.

Mr. GRANT inquired whether the £1,000,000 would all be spent on railway construction?

Mr. SERVICE observed that, when the £1,000,000 Loan Bill was introduced, the House would have an opportunity of expressing its opinion as to whether the whole of the £1,000,000 should be appropriated for railway construction. He might state that that was the proposal which the Government intended to submit. It was worth
while explaining that £1,000,000 would go a long way in making new lines, seeing that the rolling-stock and rails were already obtained. The £1,000,000 would get the Government out of a great difficulty, by enabling them to use the rolling-stock and rails which had been purchased or contracted for. He thought the House ought to feel gratified if the Government succeeded in getting this loan. Of course it was a small sum, but it would get the Government and the House out of a difficulty.

Mr. BOSISTO asked whether it was to be understood from the Treasurer's statement that there would be no money available for completing the alterations at the Swan-street crossing? Unless those alterations were made, there would certainly be a serious accident before long.

Mr. GILLIES explained that the works at the Swan-street crossing were provided for by Acts No. 701 and 729. The money provided in those Acts was of course taken out of the loan raised under Act No. 717. The work was now being carried on, and there was sufficient money available to nearly complete it. A few thousand pounds additional would be probably required, but he dared say the House would provide them if necessary.

Progress was then reported.

SUPREME COURT JUDICATURE BILL.

The debate on Mr. Kerferd's motion for the second reading of this Bill (adjourned from July 11) was resumed.

Mr. PEARSON.—Mr. Speaker, under ordinary circumstances I should not have said a word on this Bill, as I have a strong feeling that a matter of this kind is best in the hands of experts. I have been requested, however, from a source which I cannot neglect, to bring forward an objection to one small part of the measure—an objection which I think is important, and which can at the same time be met, I believe, by the insertion of a few words. The point is one which concerns all honorable members who have poor constituents, which means all of us. The 1st schedule to this Bill repeals, amongst other things, sections 41 and 104 of the County Court Statute 1869, under which, if a plaintiff in the Supreme Court recovers not more than £50 in an action founded on contract, or than £20 in an action founded on tort, he will only get County Court costs. I am informed that the effect of repealing these sections may be to induce solicitors to bring actions in the higher courts, on account of the higher costs which will be allowed there. I am told that it is supposed that a similar change has been made by innuendo in the English Act, but, while it is only made indirectly there, it is made directly in this Bill. The thing for us to consider is whether a change which was not perhaps contemplated by English lawyers is a desirable change to introduce here, when it would affect the poorer classes of clients. It has been suggested to me that the 55th order in the 2nd schedule might be amended by the addition of some such words as these to the second paragraph:

"Provided that nothing herein contained shall affect or alter the intentions or the meaning of sections 41 and 104 of the County Court Statute 1869."

Although this suggestion happens to come from a very high authority, I simply bring it forward for what it is worth, asking that the consideration of the Attorney-General may be given to it. Perhaps, as the change is so slight, the honorable gentleman may see his way to introduce words to the effect I have stated into the Bill.

Mr. KERFERD.—By permission of the House, I desire to say that the provision in the County Court Statute to which the honorable member for East Bourke Boroughs has referred is a provision which applies to cases being taken into the Supreme Court which could have been taken into the County Court. Under section 41, if a plaintiff obtains a verdict in such a case he has to obtain a certificate from the judge before he is entitled to Supreme Court costs. All the Bill does is to give a discretion to the judge as to whether he will grant those costs or not, so that it really only does away with the form of the litigant having to obtain the certificate of the judge before he can get Supreme Court costs. Whether the judge will grant a certificate is at present a matter of discretion, and the Bill simply puts it that the form need not be gone through, and leaves it to the discretion of the judge to say whether he will grant the costs or not. With regard to section 104 there is a little alteration, and I think it is in a direction which will be beneficial. That section provides that—

"If any suit, matter, or proceeding under the equity jurisdiction of this Act be taken or instituted in the Supreme Court which could have been taken or instituted in the County Court, no greater amount of costs, including fees of court and all expenses, shall be allowed to the party or parties taking or instituting such suit, matter, or proceeding in the said Supreme Court than such party or parties would be allowed for such suit, matter, or proceeding if same had been taken or instituted in the County Court."
A rigid rule is thus laid down by section 104, and the alteration made by the Bill is that, instead of there being a rigid rule, it will be left to the discretion of the judge whether to grant a certificate or not. Honorable members who have had legal experience know that cases often occur in which the present rigid rule would operate harshly, and it is thought best to leave the matter to the discretion of the judge. This matter has been previously brought under my notice by a learned gentleman, but since I pointed out the distinction I have explained I have heard no more from him about it.

Mr. RICHARDSON.-Sir, I think the importance of this Bill is hardly appreciated by the laymen of the House. Either its importance has not been appreciated by them, or else their attention has been diverted from it by the statement that the Bill has been considered by a commission of gentlemen well qualified to frame a Bill of this kind, and at whose decision laymen should not cavil. The object of the Bill, as stated by the Attorney-General, is a very worthy one, and the honorable gentleman pointed out that one of the results of amalgamating the two branches of law and equity would be to lessen the cost of litigation. We are all agreed that that is very necessary, but I think that, while dealing with these two subjects, the Bill might have included another—namely, conveyancing, as practised by solicitors. I observe that the appendices to the Bill include a scale of fees which is copied from the English Act, and I have no doubt that it is of such a nature as to commend itself to the profession and be fair to the public. But there is another question in connexion with these charges which I think the Attorney-General might have considered, and I hope he will see his way clear to deal with it when the Bill gets into committee. I refer to a client and solicitor making an agreement. That has already been provided for in an English Act passed in 1881, and it would be a great advantage in many cases here—for instance, in connexion with securing letters of administration in estates in which only small amounts are involved. According to the scale of fees, the solicitor's charges would be the same in such cases as if the estates were of great value. In cases of this kind, I think it would be very advantageous if executors or clients were able to make an agreement with their solicitor. In a case in which I was concerned, I thought the amount demanded was a very large sum to charge for obtaining letters of administration, but on inquiring from two or three solicitors I found they could not make an agreement with me to charge a less amount than the fees authorized by law or the regulations of the court. In that case I did succeed in getting an agreement made—I am not going to say who made it—but I found there was a great deal of difficulty in the matter, and I think that difficulty might be removed if the Attorney-General would introduce into the Bill the clause of the English Act to which I have referred. There is another class of work which a solicitor has to do, and in regard to which agreements might be advantageously made between solicitor and client. As the law stands at present, a man who goes into a solicitor's office in order to borrow money has to pay a certain amount as the legal fee for drawing up the necessary document, and the solicitor is not allowed to enter into an agreement to take a lower fee than that prescribed by law. It might, however, pay the solicitor to do the work for very much less, and the solicitor might be allowed to charge as little as he thought profitable. Such a provision would also be a great advantage to the public, by enabling them to make a bargain for themselves rather than be bound by the scale of fees. A man would thus be able to go into the market and offer the work to whichever solicitor would do it for the least amount of money, and I think that would be an advantage to the public under any circumstances.

The motion was agreed to.

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

Discussion took place on clause 1, setting forth the title of the Act and the date of its commencement.

Mr. M. H. DAVIES.—Mr. Cooper, I desire to say a few words upon the Bill before us. In the first place, I think honorable members are indebted to the Attorney-General for the clear speech he made in moving the second reading of the measure. I am aware that it is one in which laymen are, as a rule, not very much interested; but, nevertheless, I am of opinion that, inasmuch as it deeply concerns them as well as the members of the legal profession, they ought to endeavour to express themselves on the subject as well as they possibly can. I am satisfied that passing the Bill will be a step in the right direction, but I am not prepared to assert that its provisions will be quite so beneficial as some honorable members imagine. There can be no doubt that the feeling out-of-doors is very much in their favour, or that they will to some extent
simplify, and, therefore, cheapen litigation; but I fancy that they will be found to be by no means so simple or comprehensive as is desired or expected. Moreover, although they will get rid of some complications in our judicial system, I am afraid they will give rise to new ones, which will have to be faced in their turn. The difficulties now experienced in serving legal processes outside the jurisdiction of this colony have been long felt in mercantile and other business circles, and I am, therefore, glad to see an effort made to remove them. No doubt the portion of the Bill relating to that subject will be hailed with satisfaction in many quarters, for it is not well that parties should be practically able to escape payment of their debts by simply crossing over into another colony. Then, I may point out, with respect to set-off claims at law, which, as the statute-book now stands, have to be made the subject of cross actions, that under the Bill all claims of the kind between two parties to a suit will be capable of being settled in one action, which will assuredly be regarded as a great boon. I am sorry to say, however, that the Bill does not go far enough. It is generally held that litigation is as expensive and troublesome as people often find it to be because lawyers set their faces against any alteration of our legal system calculated to remove those evils; but to my mind the idea so expressed is an utterly incorrect one. Certainly, so far as this Chamber is concerned, the lawyers in it have not been the obstructives in the matter. On the contrary, they are to be credited with receiving freely and passing readily a number of legal measures calculated to greatly benefit the community. So that I expect to be entirely believed when I repeat that my only regret in connexion with the Bill is that, while it removes many difficulties and disadvantages, it does not go a good deal further. For instance, I agree with the honorable member for Creswick (Mr. Richardson) that it is a pity the Attorney-General does not see his way to adopt some of the important details. Another point I will supplement this one on my part that it is very advisable that the main cause of the disputes that so often arise in connexion with the expenses of litigation is the circumstance that no agreement on the subject can be made beforehand. I am perfectly aware that the honorable gentleman will reply to this overture on my part that it is very advisable that the Bill should not be altered in any particular, because it is on the exact lines of the similar measure recently passed by the Imperial Parliament, which was very carefully worded by Lord Selborne, Lord Chancellor of England; and also because it has, in its present form, engaged the attention of Parliament for ten years, and been very closely considered by a select committee of Their Honours the Judges and other lawyers of eminence amongst us; but, nevertheless, I beg to urge that we ought not to be too free in giving up our privilege to legislate as we think proper, even to men of their high standing. Indeed, I would rather, instead of passing the Bill into law forthwith, refer it to a select committee composed half of lawyers and half of laymen. But the honorable gentleman appears unable to consent to this course, so that I must simply hope that before long he will introduce another Bill to supplement this one with respect to many important details. Another point I will touch upon is the desirability of rendering counsel liable for negligence on their part. I am quite aware that the position occupied by counsel in connexion with the courts of law is a somewhat ancient one. They are supposed to receive, not remuneration, but what is called an honorarium, for which they give their services if they think fit, or, if they choose, they withhold them.

Mr. HARPER.—But they take the honorarium all the same.

Mr. M. H. DAVIES.—Certainly they do. Well, I think the community generally have suffered long enough from this system.
As a member of the other branch of the legal profession, I may say that I have on several occasions felt keenly the incongruity and unfairness of the arrangement, and of course my clients have felt it even more. It is, in fact, possible, at the present time, to retain for a case the services of two, three, or even four counsel, and to give each of them what any fairly disposed person would consider a reasonable fee, only to find, when the case comes on in court, that not one of them is present to attend to it. What is the result of such conduct? That the unfortunate clients are compelled to see the action in which they are concerned dealt with by the court without any one to specially defend their interests. Surely such a state of affairs is inconsistent with the enlightenment of the nineteenth century. I wish to speak of the gentlemen who occupy the proud and honorable position of barristers of the Supreme Court with the utmost respect, because I think they are worthy of it, but I nevertheless hold that Parliament ought to alter the law so as to compel them, when they have taken a brief, to give their services to the client who has retained them. A barrister who has received a fee from a client ought to rightly discharge the duty he has thereby practically undertaken, or else become as liable for negligence as an attorney would be under similar circumstances. I regret also that the Bill does not go so far as to alter the law so as to compel them, who conduct certain proceedings, and to some extent the fees payable in connexion with them to barristers, it would scarcely be much of a stretch to make it include also the provision I am recommending. Therefore, I venture to ask the honorable gentleman to either introduce such a clause into the Bill, or else bring in at an early date a separate measure on the lines I have sketched out.

Mr. SERVICE.—Sir, I do not rise to speak on the contents of the measure before us in any way, but simply to recall to the memory of honorable members an incident that occurred in this Chamber some twenty-one years ago in connexion with what was known as the Torrens Bill, which eventually formed the basis of the present Real Property Act. It was brought in in order to establish in Victoria the transfer of land system in force in South Australia, but, advantageous as the measure was, a strong although not very numerous section of the House set themselves steadily against it with the intention of either preventing its enactment or securing amendments which would alter its whole scope and intention. What did the other members of this Chamber do on that occasion? They knew they were not capable of discussing the matter, nevertheless they were determined on carrying the reform the Bill embodied, consequently they decided not to debate it; but to simply place it on the statute-book, so that it should be made law first and amended, if necessary, afterwards. They knew perfectly well that if they did not take that course the system they advocated would not be adopted at all, or at all events for many years to come. They were successful, the Bill became law, and it has now assumed a complete

Mr. M. H. Davies.
and highly serviceable form. I think that the line we followed then may very well be followed now. We all feel that the Bill before us represents a step in the right direction; let us therefore carry it, leaving it to time to open our eyes to its defects and enable us to cure them, which it will doubtless be possible to do in a very simple, easy, and speedy way.

Mr. COPPIN.—Mr. Speaker, I perfectly agree with the Premier that it would be injudicious to amend this Bill in any general way, but I cannot see how the insertion in it of a clause or two, to carry out the suggestions of the honorable member for Creswick (Mr. Richardson) and the honorable member for St. Kilda (Mr. Davies), can fairly be objected to. The omissions in the Bill those honorable members referred to are unquestionably blots which ought to be cured. I see no reason on earth why a client should not be able to go to his solicitor and ask—

“What will this little piece of work cost?”

and if he said—“I don’t think more than £5,” to reply—“Well, make it £5,” and so finish the arrangement. The honorable member for St. Kilda, who is a lawyer—I beg to compliment him on his liberal views—has touched upon what I consider to be one of the most outrageous things in the colony. I allude, of course, to the relations now existing between barristers and their clients. It is well known that a barrister who has received fees from different persons will often at the last moment throw up his briefs without ever thinking at the same time of returning the money he received on account of them. I have heard of an instance in which three barristers were fed to conduct a particular case, and not one of them turned up to fulfil his contract when the matter came on for trial, or attempted to return the money he had received for the services he was to render. Would such a proceeding be tolerated in any other walk of life? Not for a moment. It would, in fact, be called obtaining money under false pretences. One clause would change that state of things; why not adopt it for good and all? Barristers have not the privilege of suing for their fees; well, I say give them that privilege.

Mr. KERFERD.—Sir, I wish to say a word or two in reply to the remarks we have heard this evening. This Bill is simply a machinery Bill, and does not in any way interfere with the proceedings of either branch of the legal profession. It refers to some extent to the costs which will arise in certain suits, and in a slight way to conveyancing, but only incidentally. Therefore, to amend it in the way suggested would be rather an inconsistent proceeding. Let me call attention to the circumstance that there is not on our statute-book a single Act to regulate attorneys. It is odd that that is the case after so many years, but there is the fact. To the reference of the honorable member for St. Kilda (Mr. Davies) to the Act recently passed in England to enable attorneys to make special agreements with their clients as to costs, I will reply that if the attorneys of Victoria choose to express, say through the Law Institute as their representative body, a desire that a similar measure should be enacted in this colony, I will assist in every way I can to promote their views. I have long been of opinion that the attorneys’ branch of the legal profession ought to be regulated by Act of Parliament. I see considerable force in the remarks just made respecting the sins committed by members of my branch of the profession, but the evil arises to a great extent from the action of attorneys. They will run after particular barristers, knowing well all along that each of them can work only a certain number of hours per day, and be in only one spot at a
time, and, therefore, neither they nor their clients, who follow their advice in the matter, ought to be surprised at the consequences. If, when a particular case is called on in a particular court, the barrister engaged to conduct it happens to be occupied in another court, it is not his fault.

An Honorable Member.—Why does any barrister take fees for work which he cannot perform?

Mr. Kerferd.—He cannot help himself. He does not know that he will be unable to do the work, and he cannot refuse to take business. If he is not already engaged against a particular man, he cannot refuse a retainer for him. There can be no doubt that the practice complained of is very injurious to the junior members of the bar, and often operates to prevent capable young men from getting on. The matter is, however, one to be settled between each attorney and his client rather than one to be dealt with by Parliament. I wish honorable members to notice, first, that the Bill now before us is of a very complicated character, and, secondly, that it follows so closely the lines of the English Judicature Act that, should it pass into law in its present shape, we shall have all the benefit derivable from the decisions of the English courts on the same subject. Now, both in the matter of informing Victorian lawyers with respect to the working of the Statute and also of saving expense to suitors, those decisions will be an invaluable guide. For ten years we have, owing to one different procedure, been unable to make use of them, but now the opportunity of doing so seems arriving. Under these circumstances, I think honorable members will see that there are almost overwhelming reasons why the Bill should pass into law as it stands. If it is so passed, I will carefully consider all the amendments to it that have been or may be suggested, and consult respecting them with gentlemen of the highest legal standing in the country, including the Judges, with the view of seeing whether they cannot be carried out in a future measure.

Mr. Bowman.—Mr. Speaker, I hope the Attorney-General will eventually find himself able to accept a clause of the kind indicated by the honorable member for St. Kilda (Mr. Davies). In no profession in the world, save that of the law, can any man take money for work without doing it. It is all very well saying that the highest legal talent in the country will be consulted on the subject, but we know very well that lawyers are uncommonly careful to consult only their own convenience. Taking money for work and then not doing it is practically obtaining the money under false pretences. I would very much like to know what has become of the clause, drafted, I believe, by the Royal commission on the Bill, requiring judges to certify, in cases up to £50 tried before the Supreme Court, for only County Court costs? Such a clause ought to be in the Bill as it stands, for it is monstrous that a man should have to pay £100 for law expenses in connexion with only a £50 verdict.

Mr. Graves.—Sir, I quite recognise that it is not possible for the lay members of the House to deal with the details of this Bill. It is a purely technical measure, and, if they attempt to amend it, they may unknowingly introduce something calculated to destroy its value. For myself, I would not take up the time of the House on the subject for one moment but for the statement by the Attorney-General that the principal clauses follow closely the principal sections of the Imperial Judicature Act. I have gone through both the Bill and the Act very carefully, and found several points of difference between them. The honorable gentleman also asserted, the other evening, that the Bill was the same as that introduced by Dr. Dobson in the Council, but that is not quite the fact. There are some striking modifications in the present measure. I do not say, however, that they are not advantageous. For example, the present Bill establishes the mode of trial before referees, which jurisdiction was not provided for at all in the Council's Bill. I also noticed that, in speaking of the regulations under the English Act, the Attorney-General informed the House that they correspond with those in this Bill, except that the latter are very much simplified, but I beg to point out at least one matter with respect to which they do not correspond, the difference being, in my humble judgment, important. The English regulation I refer to is as follows:

"If upon the hearing of an appeal a question arise as to the ruling or direction of the judge to the jury or assessors, the court shall have regard to verified notes or other evidence, and to such other materials as the court may deem expedient."

Whereas in the Bill the 11th regulation under the head of "Appeals" contains the following:

"As to any evidence given orally, by the production of a copy of the judge's notes, or such other materials as the full court may deem expedient."
This is a matter of some moment, because sometimes there arises in an appeal a point with respect to which the Judge's notes are not so full as they might be. Probably at the time they were taken the Judge believed their subject-matter to be of little or no consequence. It is evident that the result of an appeal will often depend on the way in which the notes of the evidence were taken. Again, the other night I mentioned to the Attorney-General that in Dr. Dobson's Bill some of the schedules of fees were extremely high, and he replied that in the Bill they appeared in a revised and somewhat reduced form. I believe that is correct, but I wish it to be noticed that reduction is not sufficient—that the fees under the Bill are still disproportionately high.

I may mention one. "For drawing up or entering any other order, whether made in court or at chambers," the fee is to be 5s. on the higher scale, or 3s. on the lower scale. But under the existing practice the fee is 1s. Then again, among the fees for "attendances," I find the following:

"On the attendance of any officer as a witness, or on the production by him of any record or document to be given in evidence (in addition to the reasonable expenses of the officer), for each day or part of a day he shall necessarily be absent from his office, £1."

Under this provision, a clerk in a Government department, who may have to attend court merely to produce a public document, will be entitled to a fee of £1, although he may be detained only four or five minutes. I say that provisions of this kind, unless they are to be subjected to some amendment, are calculated to impair the value of what would otherwise be a very useful measure. The measure has been prepared by professional gentlemen outside Parliament. I don't say they have prepared it in the interests of their profession, but I cannot shut my eyes to the fact that, in dealing with such matters, they are accustomed to have regard to the beneficial interests of the profession. Therefore, I am inclined to think that it would be as well if the Bill were remitted to a select committee of this House, with a view to the making of practical suggestions, the adoption of which would help to perfect the measure.

Mr. MACKAY.—Sir, I am rather surprised that the Attorney-General has not expressed his willingness to entertain the important suggestions which have been made in the course of this debate for the improvement of the Bill. I would like to know why the New South Wales practice is not to be followed with respect to actions involving small amounts which are tried in the Supreme Court instead of the County Court? In such cases, the New South Wales practice is to give costs on the County Court scale.

Mr. KERFERD.—I have already explained that, under section 41 of the County Court Act, if a case which could be tried in the County Court is brought into the Supreme Court, the costs, in the event of the action being successful, are on the County Court scale unless the Judge gives a certificate that the costs should be on the Supreme Court scale. Under this Bill, the necessity of giving a certificate will be done away with, and the matter of costs will depend on the discretion of the Judge.

Mr. MACKAY.—No doubt, the Attorney-General is a better authority than I am as to what should be done; but I cannot see why the practice here should be different from what it is in New South Wales. With regard to the present system of retaining barristers, under which barristers receive fees while they fail to perform the duty for which the fees are given, I call it one of downright dishonesty. It is the practice, when a brief is sent to a barrister, for the fee to accompany the brief; and yet the barrister may keep the fee, and not appear in the case at all. I think it is about time that such an old-fashioned system of doing business should be brought to a termination. I appeal to the Attorney-General—who, no doubt, wishes his name to be associated with something like a radical reform of our system of judicature—to do away with a practice which is very unsatisfactory to clients, and which cannot be satisfactory to honorable barristers, though it may suit some gentlemen of no principle. I don't think it is enough for the honorable and learned gentleman to say that he will support a private member in the endeavour to carry out this object.

Mr. KERFERD.—I did not say what the honorable member for Sandhurst (Mr. Mackay) attributes to me. What I said was that if the Law Institute desire the English Act relating to attorneys to be adopted in this colony, with or without amendments, I shall be glad to take charge of a Bill with that object.

Mr. MACKAY.—Why should we wait for the lawyers to commence? It will be a long time before they suggest reform. The Attorney-General sits here as the representative not of lawyers, but of the public; and therefore I say it is his duty to bring in a Bill to effect that which everybody is so anxious about. With reference to the circumstances under which the Torrens Act
Supreme Court [ASSEMBLY.] Judicature Bill.

was placed on our statute-book to which the Premier has alluded, I desire to say that the arrangement then come to was a perfectly intelligible one, for the reason that the Torrens Act was one for a simple object about which there was a general agreement, the only difference being as to the way in which the object should be carried out. Here, however, we have a Bill of 157 pages, 23 of which consist of clauses, 63 of schedules, and 69 of appendices, and I say that laymen cannot be expected to understand the whole of the voluminous details. We are quite willing to take the Attorney-General’s assurance that the Bill has been carefully considered, and that, generally speaking, the measure is in the interests of the public. But how are we to square with that statement the fact that the honorable gentleman, in deference to certain opinions, altered the Bill as it was brought before Parliament, last year, by Dr. Dobson? I think the honorable gentleman ought to explain the reasons why he saw fit to alter the measure in certain particulars. In conclusion, I must say I think the suggestion of the honorable member for Creswick (Mr. Richardson) quite worthy of consideration. Whether it can be embodied in this Bill or not, there can be no question about the necessity for the introduction of a better system with regard to the payment of barristers.

Mr. PATTISON.—Sir, I imagine that the case of a barrister who receives fees and does not do the work for which the fees are paid is provided for in the Legal Profession Bill which has been introduced by the honorable member for South Gippsland and the honorable member for North Melbourne (Dr. Rose). Clause 4 of that measure provides as follows:

"Every barrister shall in future, any law, usage, or practice to the contrary notwithstanding, be entitled to maintain an action for and recover from the party retaining him or from the party on whose behalf he has been retained his fees, costs, or charges for any professional work done by him, and the said fees, costs, and charges may be taxed by the proper taxing officer of the said court. And every barrister shall be liable to his client for negligence to the same extent as an attorney, solicitor, or proctor is now liable to his client for negligence."

For my part, I don’t see why barristers, more than any other class, should be allowed to receive money and render no service for it; and yet the practice is allowed in what are called “courts of justice.” I am aware that barristers are retained for various purposes—sometimes they are retained to appear, sometimes they are retained in order that their mouths may be closed. Often they are simply bought off, and, in this way, injury is done to the profession—and particularly to the young and rising members of it—and also to the public. I consider that if we are to wait for a reform in these matters until the lawyers take the initiatory proceedings we may wait for ever. I think that, with the credentials with which the Supreme Court Judicature Bill comes before us, we are bound to accept it. I observe that clause 53 provides that the allowances in respect of fees to counsel and other persons shall be regulated by the taxing officers of the court, subject to an appeal to any Judge, and I think the introduction of a few words might settle the question as to what the fees are paid for. But if this cannot be done without introducing what may be regarded as foreign matter, with the probability of endangering the measure, we must be content to accomplish our object by means of the Bill to amalgamate the two branches of the legal profession. Legislation is wanted, not only with respect to the remuneration of barristers, but also about the matters mentioned the other evening in the House by the honorable member for West Melbourne (Sir C. Mac Mahon). Those matters may not be deemed of importance by this Assembly, but they are taken notice of outside. In this country we have places which, as I have said, are called “courts of justice,” and people are afraid to go into the witness-box in those courts to speak the truth. That is a state of things which certainly ought not to exist in any free community. I don’t know whether it arises from the fact that there are on the bench men with less nerve than is possessed by men at the bar; but I think we have a right to demand from the Judges that they should protect the public. At present, the public are not protected. That a man cannot go freely into the witness-box, and state what he believes to be true without fear of insult, is a state of things which is not only a scandal to the community, but is dangerous to the liberties of the people. Witnesses are browbeaten by mere bullies and blackguards, and there is no remedy; the Judges sit tamely by under some old-fashioned idea as to the propriety of letting things go as they like. But that is not what, in modern times, the public expect. The public expect that barristers shall be kept in order, that witnesses shall not be intimidated, that the law shall be fearlessly administered. Certainly it is not a nice state of things when people are afraid; as many now are, to go into a place where they may be called upon to give
evidence, lest some stain or another should be cast upon their character. As to the Bill as a whole, I intend to give it my most cordial support.

Clause 1 was agreed to.

Clauses 2 to 33, inclusive, were also agreed to, some by the reading of the marginal notes, but most of them by the mention of the number affixed to each.

On clause 34, empowering a majority of the Judges, "of which majority the Chief Justice shall be one," to alter and annul rules of court,

Mr. SHIELS proposed the omission of the words quoted. He submitted this amendment without any desire to be disrespectful to any of the Judges, and much less to the gentleman who, for many years, had so creditably and honorably discharged the duties of Chief Justice. No one could have watched the demeanour and conduct of the Chief Justice on the bench without coming to the conclusion that he had shown a splendid loyalty to the duties of his office—that he had discharged those duties in a way of which the country might be proud. But at some future time there might be a Chief Justice of a crochety and overbearing disposition, who might not be on good terms with his brother Judges, and, under the clause as it stood, it would be in his power to prevent his brother Judges doing anything in the way of altering the rules of court. But that kind of absolute power should not be given to any one. Therefore he begged to move the omission of the words "of which majority the Chief Justice shall be one."

Mr. KERFERD stated that this very point was discussed by the Royal commission, and the puisne judges did not offer any objection to the provision, though he admitted that he was startled by it.

The amendment was agreed to.

The succeeding clauses, up to clause 47, were passed by the mention of the number affixed to each.

Mr. MACKAY then suggested that the marginal notes should be read. Honorable members ought to know something of the clauses as they were passed.

Mr. SHIELS observed that he would take the liberty of mentioning, though no doubt the information had already been communicated by the Attorney-General, that the Bill had been most carefully considered by a Royal commission, embracing not only the Judges of the Supreme Court, but leading barristers drawn from all the jurisdictions, and certain attorneys. The measure first went through the mill of a committee of the commission, and afterwards was considered by the commission, clause by clause. Therefore, honorable members who were not acquainted with legal procedure had a guarantee that the Bill had received the proper kind of attention it should receive before being submitted to Parliament.

With the exception of some necessary changes to meet the circumstances of the colony, the Bill was an exact copy of the Act which was in force in England, and also in Queensland and South Australia. Therefore the committee would not perform its duty in a perfunctory manner by allowing the Bill to pass through as speedily as possible.

On clause 58,

Mr. GRAVES asked the Attorney-General whether his attention had been drawn to a letter in the Argus, signed "Lex," protesting against a judge taking part in the hearing of appeals against his own decisions?

Mr. KERFERD said his attention had been called to the matter, and he would give it his consideration.

Mr. GRAVES remarked that, at present, the Judge in Equity did not sit with his brother Judges when appeals were heard against his decisions.

On the 1st schedule,

Mr. SHIELS called attention to the fact that among the Acts and parts of Acts repealed by this schedule were sections 41 and 104 of the County Court Statute. It must be patent to every one that the extension of the jurisdiction of the County Courts was a proceeding which met the public taste—however disagreeable it might be from a barrister's or solicitor's point of view—because it greatly lessened the cost of actions to suitors. But the effect of the repeal of the sections mentioned would have the tendency of taking business from the County Court and sending it into the Supreme Court. Therefore he thought it would be unwise to repeal the sections. However, he would not move any amendment, as the Attorney-General had given the assurance that he would further consider the matter.

The Bill, having been gone through, was reported with an amendment.
HOMESTEADS PROTECTION BILL.

Mr. COPPIN moved the second reading of this Bill. He said—Mr. Speaker, the measure which I have the honour to submit to the House is very short and simple, and involves no new principle at all. It will appeal, I am sure, to the feelings of every honorable member, and can be carried into operation by means of machinery which is already in existence. The object of the Bill is simply to allow a person to settle upon himself a homestead in the same way that he can now convey property to his wife. My first experience of such a law was when I visited California eighteen years ago. I found it in operation there, and I thought it would be a very desirable law to enact in this colony. I mentioned the matter to the then Attorney-General, but circumstances were not favorable to anything being done, and so the idea remained in abeyance. However, something which recently occurred in East Melbourne has revived the matter in my memory, and has induced me to submit the Bill to this House. I refer to the case of a tradesman who, at one time, was very well to do, who had a number of places of business, which he carried on with great energy, and who conveyed a property to his wife. Owing to his speculations, he became embarrassed, and had to go through the Insolvent Court. The wife did not like the position, and she realized upon the property conveyed to her, and took her departure from the colony. This proceeding preyed so much upon the man that he became almost imbecile, and he is now an inmate of the Benevolent Asylum. This is not an isolated case. There have been many cases of the same kind in Victoria, but under this Bill they will be prevented. The measure provides that any person, while in solvent circumstances, can settle upon himself a homestead to the value of £1,000. The mode to do this is for the person to go to the Titles-office and apply for the registration of his homestead. It will then be the duty of the Registrar of Titles to appoint a surveyor to survey the homestead and ascertain that it is not worth more than £1,000. If the report is satisfactory, the homestead will be registered in the “register of homesteads.” There is no disguise about the matter—everything is open and straightforward. The register is open for any person to examine on the payment of a very small fee. If, within two years, no claim is made upon the owner, the homestead becomes settled as against any creditors he may subsequently have. They cannot touch it. The principle of the Bill is already recognized in two instances: the one is in the case of property conveyed to a wife, which cannot be touched by creditors after two years; the other is in the case of money derivable under a policy of insurance which, by the Insurance Companies Act, creditors cannot touch—it goes to the widow and children of the assured when he dies. In the event of only a portion of a property being registered as a homestead, the balance must become a distinct property perfect in itself. By this arrangement, there is no chance of the Bill protecting any property worth more than £1,000, and that a man, by registration, will be able to preserve for his old age, or for the widow and orphans he may leave behind him. Appended to the Bill is a schedule of the fees payable for the valuation and registration of land, and for searching the register. Of course, if, in the course of time, a person wishes to withdraw his property from registration he is at liberty to do so by simply giving notice of his wish to the Registrar. In conclusion, I desire to say that I think the Bill will commend itself to every honorable member.

Mr. GRAVES.—Sir, I don’t think a more useful Bill than this could be introduced, and I hope the Government will see their way to give it their support.

The motion was agreed to.

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

TRADES UNIONS BILL.

Mr. RICHARDSON moved that this Bill be read a second time. He said—Mr. Speaker, I think it will not be necessary for me to enter into any lengthy explanation of the provisions of the Bill, inasmuch as it is the same as the measure that was passed by this House in the last session of the last Parliament. The former Bill was fully discussed in committee, and was amended by the alteration of certain clauses. I think that honorable members generally were satisfied with the form in which it left this Chamber, but we did not succeed in getting it passed through the other House, in consequence of the session coming to an unexpected termination. The principal object of the Bill is to allow trades societies, or trades unions, to become legal organizations. At present they are not legalized, but are subject to the common-law doctrine of conspiracy. The members of them might be proceeded against for conspiracy at many of their gatherings; in fact, they do things every day which are illegal, and for which
they might be prosecuted. Nevertheless, these institutions have become an established fact in this country, and their right to be legalized is commonly recognised. They are growing very numerous, and have increased largely since the last Trades Unions Bill was submitted to this House. I believe that at the present time there are 35 or 36 societies of various kinds that assemble in the Trades' Hall in this city, all combining to protect themselves and to protect their labour. These trades unions are recognised by employers of labour, and they are also recognised by the press, which now devotes a special column to report the proceedings at their meetings. The number of branches of the Miners' Association—the body at whose instance I have taken the measure in hand—has increased since the former Bill was introduced; indeed, the societies which the measure is intended to legalize are becoming more numerous and of greater importance every day. The Bill will not only legalize trades unions amongst employes, but will also permit employers to combine together for their own protection. The general fairness of the measure has, I may say, been recognised by the fact of it having already passed through this branch of the Legislature. Trades unions, I may mention, are not merely voluntary associations, formed for the protection of the particular calling, trade, or employment of the persons who belong to them, but they are also benefit societies. Vast funds are accumulating in their hands, but, as trades societies, they can take no legal action against any of their officers who may embezzle their funds or defraud them in any way. Except in two or three matters of detail, the Bill is a copy of the English law, and this alone will, no doubt, commend it to the approbation of honorable members. I trust that the measure will be passed through this Chamber, and sent to another place, as soon as possible, so that it may have an opportunity of becoming law this session.

The motion was agreed to, and the Bill was read a second time, and committed. On clause 1, giving the title of the measure,

Mr. SHIELS suggested that progress should be reported. It was not desirable, he thought, that such an important Bill should be hurried through committee. He—and no doubt the remark would apply to other honorable members—had not had the opportunity of studying its provisions.

Mr. MIRAMS said he would remind the honorable member for Normanby that the Assembly had already considered the Bill thoroughly, and had passed it through all its stages. It was only lost in the other Chamber in consequence of the abrupt dissolution of the late Parliament.

Mr. ZOX submitted that the Bill was a most important one, and required serious consideration. It was quite true that it was before the Assembly in the last Parliament, but the present House contained several new members, who hitherto knew nothing about the Bill. Moreover, there were certain clauses in the measure as to the legal construction of which the opinion of the Attorney-General ought to be ascertained. The honorable member in charge of the Bill would expedite its passage by not pressing it forward until the Attorney-General had had an opportunity of considering those clauses.

Mr. NIMMO remarked that the provisions of the Bill were thoroughly thrashed out in committee in the late Parliament, and no new members of the Assembly could see the reports of the discussions in Hansard. It was important that the measure should be passed into law without delay, because many fresh societies were on the eve of being formed, and, if the Bill was placed on the statute-book, it would be a great assistance to them, by enabling them to be established on a proper basis.

Major SMITH urged that the Bill should be allowed to go through committee, on the understanding that it would be re-committed, if necessary, for the further consideration of any clauses to which objection was raised.

Mr. KERFERD said the Bill was fully discussed in the late Parliament, and was substantially a transcript of English legislation. He had not compared the Bill to see whether it was an exact copy of the measure as passed through committee in 1882, but he would do so before it went through its final stages, and examine its provisions carefully.

Mr. ZOX expressed himself satisfied with the assurance given by the Attorney-General.

On clause 4, declaring that "the purposes of any trade union shall not, by reason merely that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust,"

Mr. GRAVES inquired of the honorable member for Ceswick (Mr. Richardson) whether the various clauses were identical with those contained in the former Bill as it left the Assembly?
Mr. RICHARDSON said the Bill was the same, word for word, as the former measure in the shape in which it was passed by the Assembly.

Mr. DERHAM asked for the postponement of the clause.

The CHAIRMAN.—The clause cannot now be postponed, but the honorable member for Sandridge may, at a future stage, move that the Bill be recommitted for the further consideration of the clause.

Mr. RICHARDSON intimated that he would consent to the recommittal of the clause if the honorable member for Sandridge desired it to be recommitted, but its purpose was fully explained when the previous Bill was before the Assembly.

On clause 6, providing that "nothing in this Act shall enable any court to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of" any of the agreements set forth in the clause,

Mr. SHEELS stated that if the clause was intended to prohibit a court of law from entertaining actions founded on any agreements of the kind mentioned, it would not affect its object. To omit the jurisdiction of the court, it would be necessary to substitute the words, "No court shall entertain any legal proceeding," &c., for those at the commencement of the clause.

Mr. RICHARDSON said the clause was taken from the English Act, and it had been found to work well in England. One of the class of cases which it contemplated were agreements entered into between members of a trade union, the fulfilment of which was a matter of honour, but not legally binding; such, for instance, as two men agreeing to work in a certain way at a certain place. The clause provided that, in the event of either party to such an arrangement committing a breach of it, the other should have no redress in a court of law. He thought that the clause as it stood would fully meet the object intended, but he would be glad to consult the honorable member for Normandy as to its phraseology before the Bill was read a third time.

Mr. PEARSON remarked that the meaning of the clause would be entirely altered if the amendment suggested by the honorable member for Normandy was adopted. If a trade union entered into an engagement to buy property, it might be necessary for it to get an understanding from its members that they would each subscribe a certain sum towards the purchase money. In equity it ought to be able to enforce that agreement, but if the phraseology of the clause was altered in the way suggested, the society would be deprived of its equitable right to recover the subscriptions in an ordinary court. He (Mr. Pearson) therefore deprecated such an alteration. He thought that the words as they stood, and which were taken from the English law, gave the exact shade of meaning that was wanted.

Mr. KERFERD said that at present trades unions were illegal, and no agreement made by them could be enforced at common law. The Bill would legalize such associations, and he took it that the reason for employing the particular phraseology used at the beginning of the clause under discussion was to allow agreements made by trades unions to be enforceable at common law. If it was intended to oust the jurisdiction of a court of law in all such cases as those contemplated by the clause, no doubt it would be necessary to use the words suggested by the honorable member for Normandy.

Discussion took place on clause 8, which was as follows:

"Any trade union registered under this Act may, for the purposes of the union, purchase, or take upon lease, in the names of the trustees for the time being of such union, any land, and may sell, exchange, mortgage, or let the same; and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire whether the trustees have authority for any sale, exchange, mortgage, or letting; and the receipt of the trustees shall be a discharge for the money arising therefrom; and for the purpose of this section every branch of a trade union shall be considered a distinct union."

Mr. ZOX observed that the clause would give the trustees of a trade union unrestricted power to buy land, and afterwards to sell it or mortgage it. The result might be that the funds of the society would all be lost by speculations in land, leaving nothing for the members when they required the benefits for which they had been paying contributions for years. He hoped that the clause would either be withdrawn for the present, or that the Attorney-General would promise to give it careful consideration, and, if he considered it necessary to do so, submit amendments in it with the view of obviating the danger which he (Mr. Zox) had pointed out. It certainly appeared desirable to place some restrictions on the power which the clause in its present shape would give to the trustees of trades unions.

Mr. RICHARDSON said that the honorable member for East Melbourne (Mr. Zox) raised the same objection when the previous Bill was under consideration, and, to meet it, certain words were added to...
clause 27, at the instance of the late Attorney-General. There was no doubt that the objection was fully met by the terms of the latter part of clause 27. (Mr. Zox—"They don't touch it.") The real object of the clause under discussion was to enable a trade union to have a building in which it could hold its meetings. It was not within the scope of the Bill that trade unions should deal or speculate in land in any way; indeed, it was so far outside the scope of the measure that the Registrar-General would be justified in refusing to register a trade union if its rules contemplated any such proceeding.

Mr. HARPER remarked that a good deal of discussion took place on this clause in the last Parliament, and the words "for the purposes of the union" (line 2) were inserted in it to meet the objections which were then raised; but he still thought that the language of the clause was not sufficiently definite to prevent the possibility of the evil alluded to by the honorable member for East Melbourne (Mr. Zox). It would, therefore, be well for the Attorney-General to consider the matter, with the view of submitting an amendment to clearly define that the clause was for the purpose mentioned by the honorable member for Creswick (Mr. Richardson), namely, to allow a trade union to obtain land on which to erect a hall for the transaction of its business. The English law limited the quantity of land which a trade union could purchase to six acres.

Mr. WALKER urged that the limitation in the English Act was clearly intended to prevent the funds of these societies from being used for speculative purposes. If the clause was passed in its present shape, it would give the trustees of any trade union the power of using the funds of the society to purchase land for purely speculative purposes. That would be a dangerous power to grant them, especially considering the fluctuating value of land, for it might result in considerable loss to the members of the society. He would like to hear some reason stated why there should not be a similar limitation to that contained in the English Act.

Mr. MIRAMS said there would be some ground for amendment of the clause if it could be shown that it would empower the trustees of a trade union to speculate with the society's funds irrespective of the wishes of those to whom the funds belonged. But any honorable member who had any practical experience of friendly societies must know that trustees could invest a society's money only as they were directed by the committee of the society, and the committee was chosen by the whole of the members of the society, who had the opportunity of electing a fresh committee from time to time. The same system would exist in connexion with trades unions. It would be a monstrous thing to say that a body of men forming a trade society should not be empowered to invest their money as they thought fit. Was it ever proposed that a church, which was only another organization and another corporation, should not be allowed to invest its money in the purchase of land? (Mr. Harper—"A church is not incorporated.")

Many churches were incorporated. A trade union had as much right to use its money in any way it chose to do as a church had. Some trade unions might be benefit societies, and some might not be; but, in either case, they had a right to manage their own affairs. The way in which the existing friendly societies of the colony managed their affairs was a credit to them. On the average they made no more losses in the investment of their funds than those financial institutions which were in operation against them, but which were not compelled to expose their losses to the world in the same way that those of friendly societies became known. In his opinion, the clause simply gave the trustees of trade unions power to invest money under the direction of the committee of the societies. The societies would have to frame rules, and the rules would have to be registered by the Registrar-General. The rules of each society would, of course, provide for the election of the governing body of the society, and, if the society had money to invest, the governing body would direct the trustees for the time being how it should be invested. It would be ridiculous, however, for the Legislature to put such societies into leading-strings and declare that they were not able to take care of their own money and invest it as they chose.

Mr. PEARSON stated that there was a very simple reason why the clause should depart from the English law, and not limit the quantity of and which a trade union could purchase. The whole policy of the English law was against the tying-up of land. It was tied up in the old country in so many ways already that it was most desirable that no further facilities should be given for tying-up land there. But in this country the case was entirely different. There was a small population, and a large area of land. If it had not been thought
necessary to apply the mortmain law in any other direction, why should it be applied in this particular case? Land was the most solid investment, and was the kind of property least likely to be disposed of fraudulently. On the whole, it was as good as anything these societies could invest in, and it was against the policy of the Victorian law to limit investments in any way.

Mr. McINTYRE considered that there would be great danger in allowing bodies of men holding the funds of benevolent societies to invest their money in land which might become in a short time utterly valueless, although the investment might appear a good one at the time it was made. This colony was very different from the old country, where money might safely be invested in land. If money were invested in land on some of the gold-fields here, in a short time the investment might be worth nothing whatever, and the whole of the society’s money would be gone. He agreed with the honorable member for Collingwood (Mr. Mirams) that the trustees would be under the direction of the committee, but at the same time he thought it was undesirable either for a committee or for trustees to have unlimited power of investing money in a speculative way in lands in this country. It would be well, therefore, for the honorable member in charge of the Bill to accept an amendment limiting the area of land in which money could be invested by a trade union.

Mr. LANGRIDGE concurred with the honorable member for Maldon that the clause required amendment. Large sums had been from time to time lost by various societies. He (Mr. Langridge) was trustee of one society having a very large fund, and it had been only with the greatest care that the trustees had been able to avoid getting into trouble. The Friendly Societies Act confined friendly societies to purchasing or leasing lands for the purpose of holding meetings and transacting business. No doubt a trade union was not a friendly society, but nevertheless he thought a provision should be inserted in the Bill which would prevent trades unions from going into building or land speculations.

Mr. WRIXON observed that a very trifling amendment would meet the views both of the honorable members who objected to the clause as it stood and of the honorable member in charge of the Bill. Both parties appeared to agree that trades unions should not be allowed to use their funds for the purpose of entering on land speculations. The way in which the difficulty had been met in England—by limiting the area which could be purchased to one acre—was rather a clumsy expedient, and was not suited to this colony. He would, therefore, suggest to the honorable member for Creswick (Mr. Richardson) that the objections of honorable members who were opposed to the clause as it stood would be met by the insertion after the word “land” (line 4) of the words “for the purpose of carrying on its affairs.” This amendment, while it would prevent speculation, would not prevent a trade union from obtaining four or five acres of land if they wanted a cricket ground, recreation ground, or the like.

Mr. M. H. DAVIES remarked that in addition to the recommendation of the honorable member for Portland, which he hoped would be considered, the latter part of the clause required alteration. As it stood at present, it provided that “for the purpose of this section every branch of a trade union shall be considered a distinct union.” If that provision were passed the result might be disastrous, as every branch would be enabled, without check, to buy, sell, mortgage, or otherwise deal with land. The Friendly Societies Act provided that every branch should be a portion of the society, and a branch could do nothing in the way of dealing with land except through the head office, or the society as a whole. He would suggest to the promoters of the Bill the advisability of striking out the words he had quoted, because nothing could be more dangerous than that a number of branches should have the power of buying, selling, and dealing in land as they pleased.

Mr. C. YOUNG said he agreed with the view of the honorable member for Maldon that societies of this kind should not be allowed to invest their money on mortgage on land. In his (Mr. Young’s) district the Provident Institute invested money in land, which they fenced in, and it was afterwards sold for 11s. an acre. The artisan class, who would form these trades unions, had very little knowledge of money matters, and it would be very unsafe for Parliament to intrust unions with the power of investing money in country lands. He thought the amendment of the honorable member for Portland, while avoiding this danger, would afford unions sufficient power to obtain the land required for their own buildings.

Mr. ZOX observed that the power contained in the portion of the clause referred to by the honorable member for St. Kilda,
(Mr. Davies) was a most dangerous one. There might be branches of the parent union all over the colony, and these were to have power to buy, sell, mortgage, or exchange land as they pleased, and at the same time they need not recognise the parent institution in the matter at all. That kind of thing was one of the principal reasons why the Friendly Societies Act was amended. Under the present Friendly Societies Act the parent institution pledged itself to any member joining a branch that the institution with which he connected himself would always pay its engagements. If a branch failed in any district the district became responsible, and, if the district could not pay, the member could fall back on the society as a whole, each member of which was responsible to see the due fulfilment of the payments contracted for. If that were so under the Friendly Societies Act, why should two or three trustees of a branch trade union in any part of the colony be allowed such power as would be given to them under the latter part of the clause, no one whatever being responsible? He thought the honorable member in charge of the Bill would really be injuring his cause if he attempted to press provisions of this kind through the House without their being subjected to serious investigation. The honorable member for Collingwood (Mr. Mirams) had referred to the case of a church or a synagogue, but there was not the remotest analogy in his illustration. If a church was shut up any member of that church could go to another church, but if one of these societies, which were not protected in the same way as the Odd Fellows, Foresters, or Druids, became insolvent by speculating in land, the whole of their funds would be lost to the members.

Mr. SHIELS remarked that the reference of the honorable member for Collingwood (Mr. Mirams) to the case of a church was not a happy one, because religious corporations above all others were never content until they were in debt. There was a great deal of force in the objection urged by honorable members as to the danger of allowing trustees of trade unions unlimited power. It was well known that once responsibility was divided it became very shadowy, and trustees would be found competing with each other in the erection of handsome buildings, just as trade unions now competed with each other as to which should fly the gaudiest flag and turn out with the best equipment. When widows, children, or crippled members wanted funds at a critical time, it might be found that the money was all invested in land and could not be realized. The whole scope of the legislation of the colony was to protect people who, like the members of these trades unions, could not protect themselves, and therefore he thought the honorable member in charge of the Bill should agree to the request made from all sides that the clause should be postponed for further consideration.

Mr. RICHARDSON observed that honorable members, in the objections they had raised, seemed to be confusing trades unions with friendly societies. He could quite understand the necessity of protecting friendly societies in the way suggested, but the objections urged would not lie in any way against trades unions. (Mr. SHIELS—"Why?") In the first place, a trade union was formed simply to protect its trade; it was not a benefic society.

Mr. SHIELS stated that a trade union used its funds to support those on strike. That was similar to the purpose for which a friendly society used its funds.

Mr. RICHARDSON said he could not see the similarity. The amendment suggested by the honorable member for Portland was exactly the same as one which was proposed on a former occasion, and, if it would meet the wishes of honorable members, he (Mr. Richardson) would accept it. He therefore begged to move the insertion of the words "for the purpose of carrying on its affairs" after the word "land" (line 4).

Mr. M. H. DAVIES stated that if the amendment were adopted he would withdraw his objection to the concluding words of the clause.

The amendment was agreed to.

On clause 14, providing that a person under the age of 21, but above the age of sixteen, might be a member of a trade union unless provision was made in the rules thereof to the contrary, but could not be a member of the committee, trustee, or treasurer,

Mr. BOSISTO asked why a youth of sixteen was to be allowed to become a member of a trade union? A youth was not allowed to select land until he was eighteen years of age.

Mr. RICHARDSON observed that, according to the clause, a youth of sixteen could not become a member of a union unless the rules of that union contained special
provision enabling him to do so. A union might deem it expedient to admit members at the age of sixteen, and, if so, it could frame a rule to that effect.

The Bill, having been gone through, was reported with amendments.

EMPLOYERS' LIABILITY BILL.

Mr. WRIXON moved that this Bill be now read a second time. He said—Mr. Speaker, in proposing the second reading of this measure I would ask the attention of the House while I shortly explain what it really means, because it is a Bill which has been a good deal misunderstood outside. It is entitled a Bill "to extend and regulate the liability of employers, and to assimilate the law relating thereto in Victoria to the English law." Honorable members are no doubt aware that it is an old principle of English law that a man is answerable for the action of his servant in the discharge of his duty, so that if a third person is injured by the conduct of a servant that third person is entitled to look not to the servant, but to the master to compensate him. That was the English law for many centuries, but about the year 1830 the judges in England introduced an exception to that law, and that exception was that where the person injured was another servant of the same employer he was not entitled to get any compensation. That was called "the fellow-servant doctrine," and it led to some very startling, and indeed very unjust, results. For example, if a stage-coach owned by a particular proprietor was driven negligently by the coachman so that it upset and a number of persons were injured, all the persons hurt would have a cause of action against the proprietor except the guard, who, if his leg was broken, would have no remedy against his employer, because, although the guard had nothing to do with the improper driving, he was a fellow-servant of the coachman, and therefore was entitled to no compensation from the employer. That exception was mercifully made good, and the most eminent judges in England, including the present Lord Chancellor, Lord Selborne, have stated that they are unable to make out on what principle the exception, which was thus grafted upon the old principle that a man is answerable for the wrongful acts of his servant, was founded. At one time it was put on the ground of inconvenience—that, for instance, if a man employing 3,000 workmen was made liable for the negligence of any of his servants, the consequences might be disastrous. Another view was also suggested to justify this exception to the general law, namely, that when a servant entered into an employer's service he impliedly or tacitly contracted, as one of the risks of his employment, to bear the consequences of the negligence of any of his fellow servants, and that, having so contracted, he therefore could not recover compensation from the employer. That ground, however, was of course merely imaginary, and had no foundation in fact. The Scotch judges always resisted this judge-made exception, and held—that was certainly more consistent with justice—that an employer was liable to his servant to the same extent, or nearly so, that he would be liable to one of the outside public. The English judges, however, maintained the exception, and after a time the matter began to attract the attention of public men in England. A Royal commission was appointed in 1866 to inquire into the working of this peculiar law, and subsequently a committee of the House of Commons also investigated it. Finally the conservative Government of Mr. Disraeli introduced a Bill on the subject somewhat similar to that which I have submitted, but not exactly the same. That Government went out of office before they could carry the Bill into law, but in 1880 Mr. Gladstone's Government passed the Employers' Liability Act, which is substantially the same as the measure I am now asking this House to adopt. I am, therefore, simply asking honorable members to take the law as it now stands in England after full inquiry. When Mr. Gladstone's Government proposed to deal with the fellow-servant doctrine there were two different views pressed upon them in the House of Commons. One proposal was to abolish the fellow-servant doctrine altogether, and place servants in precisely the same position as the outside public. The other proposal was to make the employer liable only if he specially appointed a deputy, and owing to the action of that deputy a servant was injured. Mr. Gladstone and the House of Commons, however, took a third course, and that course is embodied in the Bill now before this House. According to the Bill it is necessary, before a master can be made liable, that there shall have been distinct negligence, either on the part of the master himself or else on the part of some person to whom he has intrusted the duty of supervision. That is shortly the effect of the Bill, and in no other case will the master be liable. It is an error to suppose, as has been done, that under the Bill an employer
will be liable in every case. No one reading the Bill can fail to perceive that it only makes the master liable where distinct negligence can be traced to him or to some person whom he has appointed to supervise the workmen and whom the workmen are bound to obey. Even in those cases the Bill does not provide that the workman is necessarily to recover damages, but merely that he shall be placed in the same position as one of the outside public. The whole gist of the Bill is contained in clauses 3 and 4. Clause 3 provides—

"Where after the commencement of this Act personal injury is caused to a workman (1) by reason of any defect in the state or condition of the ways, works, plant, machinery, or plant comprised with or used in the business of the employer; or (2) by reason of the negligence of any person in the service of the employer who has any superintendence intrusted to him, or in the exercise of such superintendence; or (3) by reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to obey; or (4) by reason of the act or omission of any person in the service of the employer done or made in obedience of the employer who has the charge or control of any plant, machine, or apparatus; or in the service of the employer done or made in obedience of any rule or by-law has been omitted; provided that it shall not be placed in the service of the employer nor engaged in his work.

It will be seen that it does not necessarily follow from that clause that the workman will be entitled to recover, because one of the outside public is not able to recover in all cases—for instance, in a case where there has been negligence on his own part. But even the powers thus given to a workman are considerably limited by the next clause, which provides—

"A workman shall not be entitled under this Act to any right of compensation or remedy against the employer in any of the following cases (that is to say):—(1) Under sub-section 1 of section 3, unless the defect therein mentioned arose from or had not been discovered or remedied owing to the negligence of the employer or of some person in the service of the employer and intrusted by him with the duty of seeing that the ways, works, machinery, or plant were in proper condition; (2) Under sub-section 4 of section 2, unless the injuries resulted from some impropriety or defect in the rules, by-laws, or instructions therein mentioned; provided that where a rule or by-law has been approved or has been accepted as a proper rule or by-law by any department of the Government or by any registrar or officer lawfully authorized under or by virtue of any Act of Parliament, it shall not be deemed for the purposes of this Act to be an improper or defective rule or by-law: (3) In any case where the workman knew of the defect or negligence which caused his injury and failed within a reasonable time to give or cause to be given information thereof to the employer or some person superior to himself in the service of the employer, unless he was aware that the employer or such superior already knew of the said defect or negligence."

It will be observed that this is really a compromise measure, and that it most carefully guards an employer from any unjust or extravagant claims. I desire to call attention to the fact that the Bill I have submitted to the House differs from the English Act in four particulars. In the first place, the English Act fixes three years' wages as the limit of the compensation which can be recovered. That provision I have omitted, because it seems to me that, if the principle is sound that the workman is to stand in the same position as one of the outside public, it is unsound and unjust to provide that he shall not be entitled to recover to the same extent as one of the outside public. Secondly, it is set out in the English Act that every legal proceeding under it should be taken in the County Court, but I have omitted that provision from the Bill, because, if I inserted it, claims under the Victorian law would be limited to £250. Thirdly, I have inserted a clause to prevent servants contracting with their masters not to take advantage of the Act. A few illiberal masters in England insist upon their employees making some such agreement, and consequently the persons who enter their service become almost helpless. I think such a proceeding unjust and unfair, and therefore the Bill declares all contracts of the kind to be null and void. Fourthly, the Bill omits the provision in the English Act—it was originally inserted in order to get the measure through the House of Lords—limiting its operation to seven years. My view is that, if the Bill is a good one, it ought to be placed on the statute-book permanently. Of course, if it works badly, it can be repealed. There is another point I wish to refer to. Certain gentlemen identified with manufactures and other industries in Victoria have expressed a fear that carrying the Bill into law will embarrass their operations, but I think the view is one to which no importance need be attached. If a similar law is found to work well in England, France, Belgium, Austria, the greater part of Germany, including Prussia, a portion of the United States, and New South
Wales, and also, be it remembered, in connexion with mining in Victoria, why need it be expected to cripple any other industry in the colony? The fact is that the cry against the Bill has been got up because some persons have come to the conclusion that under the new system the master will be liable in every case. But look at the working of the English Act. It has been ascertained that in 1879 the total cost of compensating injuries in connexion with the English coal-mining industry did not equal one farthing per ton of the coal raised. That surely cannot be regarded as embarrassing. On the other hand, look at how the interests of justice were served in the matter. An account having been taken with regard to the operations of certain leading English friendly societies, it was found that in 1875, out of 13 accidents in which they afforded relief, the masters were liable for only 4, and that the proportion in 1876 was only 3 out of 18, in 1877 only 4 out of 24, and in 1879 only 3 out of 27. Therefore, I trust we shall hear no more of the scare to which I have alluded. I do not suppose that masters in Victoria wish to keep their servants or workmen in a position worse than that occupied by servants and workmen in other countries. I imagine that the gentlemen in question have not looked at the Bill quite as closely as they might do. Let me, in conclusion, remind honorable members of the recent case of engine-driver Brown, and his action against the Government for damages on account of injuries sustained by him in his service, through an accident. I will state how that accident occurred. Having found that a part of the engine he drove was defective, he warned his superiors on the subject, but they took no notice, and a few days afterwards the defective portion broke loose and rendered him a helpless cripple for life. The jury to whom he appealed gave him a verdict for £2,000, but a fatal point was raised before the Supreme Court to the effect that the injuries were caused by the negligence of a fellow servant, and judgment, with costs, went against him. To the credit of the Chief Justice be it said that he then and there drew attention to the abuse in the matter, and I am now simply trying to follow the course he recommended.

On the motion of Mr. MACKAY, the debate was adjourned until Wednesday, August 1.

The House adjourned at nineteen minutes to eleven o'clock.

LEGISLATIVE ASSEMBLY.
Thursday, July 19, 1883.

GRANT ELECTION.

The SPEAKER informed the House that the Clerk of the Assembly had received a subpoena to attend at the Geelong Assizes, on the 26th July, to produce certain papers on the trial of Erasmus Hanson, for personation at the last election for Grant.

Mr. KERFERD moved—

"That leave be given to the Clerk, or some other officer of the Legislative Assembly, to attend and produce the documents as required by the said subpoena."

The motion was agreed to.

PUBLIC INSTRUCTION.

Mr. MASON asked the Minister of Public Instruction when he would be in a position to proceed with the erection of State schools in country districts where they were urgently required? At one building rented by the Education department in South Gippsland, typhoid fever had broken out, owing, as was believed, to the bad drainage and bad situation of the school. Several applications for school buildings in his district had been lodged with the department, and he hoped the Minister would continue to advance moneys out of the general revenue to satisfy urgent cases.

Mr. SERVICE stated that, when disclosing the state of the finances the previous evening, he mentioned that if an urgent case, which could not be postponed, were made out, he would do all he could to arrange matters satisfactorily; but he must deal with such cases one by one as they were submitted to the Education department. He would be glad to do all he could to prevent inconvenience; but he must proceed as cautiously as possible for the next six months.

Mr. MACKAY observed that he desired to call the attention of the Minister to a
letter signed "R. G." which appeared in the Daily Telegraph newspaper, the previous Tuesday. The letter stated—

"I do not know whether the public are aware that a State school teacher dare not teach in a Sunday school. Such is the case, however. A country teacher asked the department if he might teach in a certain Sunday school. The reply he got was as follows:—"I beg to inform you that the 12th section of the Education Act will not permit of your accepting the position." He believed the statement was quite erroneous, and he called attention to it in order that it might be publicly contradicted.

Mr. SERVICE remarked that, in the letter referred to, all the facts were not stated. There was no objection whatever on the part of the Education department to a State school teacher teaching in a Sunday school. The application which was made to the department was as follows:—

"Sir,—I beg to state that a Sunday school has been opened in the above school building, which the parents and the Rev. Mr. — have asked me to superintend. I shall be happy to do so, provided no objection is made by the department."

The answer was in the usual form. It informed the applicant that "the 12th section of the Education Act would not permit of his accepting the position." That section provided that—

"In every State school, secular instruction only shall be given, and no teacher shall give any other than secular instruction in any State school building."

These were the facts. He thought the House must feel obliged to the honorable member for Sandhurst (Mr. Mackay) for calling attention to the matter.

RAILWAY DEPARTMENT.

Mr. GRANT asked the Minister of Railways whether he had any objection to give directions that the labour required in connexion with railway works in country districts should be given to persons resident in the locality in preference to persons from distant places?

Mr. GILLIES replied that, with regard to the Engineer-in-Chief's branch, all labour was supplied by the contractor for line construction, and it was presumed that he employed local men. As to the traffic branch, all goods-shed labour and other labour of a temporary nature was obtained in the locality; station-masters, guards, porters, and other men requiring to possess skill and experience could not be locally appointed without previous training. With regard to the maintenance branch, under the present system repairers were appointed in accordance with priority of application wherever they might have previously lived, and must go where sent, their employment being of a permanent character; any extra men who were casually required were obtained in the neighbourhood of the works.

MALTING IN BOND.

Mr. PEARSON inquired of the Minister of Customs whether he was prepared to announce his decision on the subject of malting in bond?

Mr. LANGRIDGE observed that, in 1880, permission was granted to a firm in Melbourne to malt imported barley in bond; but, after a discussion which took place on the subject in Parliament, the permission was rescinded. Applications for permission of the same kind had been made to the present Government and refused. He did not consider that he had power, under the Customs Act, to grant the permission.

KEROSENE.

Mr. BILLSON asked the Minister of Customs whether kerosene imported into Victoria was regularly inspected by the proper officers appointed for the purpose?

Mr. LANGRIDGE remarked that samples of every importation of kerosene were tested by the proper officers. In 1881, complaints were made as to the quality of the kerosene imported into the colony, and intimation was given by the Customs department to the agents for the sale of the article that unless the quality improved it would not be allowed admission. Notice of this intimation was forwarded to American exporters, and since then the kerosene imported had met with the approval of the Customs officers.

HOWQUA.

Mr. GRAVES asked the Minister of Lands whether he would give immediate instructions for the survey of a township in the district of Howqua, and for the offering of township allotments for sale with the least possible delay? His reason for putting the question was that 200 miners had gone from Clunes to the Howqua district, and, unless a township was proclaimed at once, miners might take up land in such positions as would cause serious inconvenience hereafter.

Mr. TUCKER observed that a survey of allotments had been ordered with a view to sale at as early a date as possible.

ELECTION PETITIONS.

Mr. COOPER inquired of the Attorney-General whether he proposed to introduce,
this session, a Bill to provide that all petitions against the return of members to the Legislative Assembly be dealt with by a Judge of the Supreme Court, instead of by a committee of the House?

Mr. KERFERD remarked that a notice of motion on the subject, in the name of the honorable member for East Melbourne (Mr. Zox), appeared on the paper, and he would suggest that the question should be postponed until the motion had been dealt with by the House.

PETITIONS.

Petitions against the opening of the Public Library, National Gallery, or Museums on Sunday were presented by Mr. McColl, from Presbyterians of Miner's Rest and Coghill's Creek; and by Mr. A. Young, from Presbyterians of Linton. A petition was presented by Mr. Mason, from Thomas Andrews Eaton, late Travelling Superintendent of Public Works, praying the House to consider the report of the select committee on his case, which was presented to the Assembly in October, 1876.

SUPREME COURT JUDICATURE BILL.

Mr. KERFERD stated that, the previous evening, he promised to consider a suggestion made by the honorable member for Delatite for the insertion in the Supreme Court Judicature Bill of a clause prohibiting a Judge from sitting to hear appeals against his own decisions. He had since considered the matter, and he now begged to give notice that, on the third reading of the Bill, he would move the insertion of a clause to carry out the object indicated.

Mr. GRAVES inquired whether the Attorney-General had also considered his suggestion as to the necessity of providing for verified evidence in the case of appeals which turned upon the ruling or direction of the Judge?

Mr. KERFERD said he had considered the suggestion, and he intended to bring it before the Cabinet. The difficulty in connexion with the matter was one of expense, because it would be necessary to attach to each court a shorthand writer to provide the necessary report.

Mr. GRAVES remarked that a provision of the kind would not be necessary.

Mr. ZOX asked whether the Attorney-General would adopt the clause of which the honorable member for St. Kilda (Mr. Davies) had given notice, to empower barristers to sue for fees, and make them liable for negligence?

Mr. KERFERD said he must answer the question in the negative. The Bill was purely a machinery Bill, and did not deal with either branch of the legal profession. However, he hoped to be in a position, on the following Tuesday, to give notice of motion for leave to introduce a Bill to regulate the practice of attorneys.

DEFENCE OF THE COLONY.

Mr. PEARSON asked the Minister of Public Works when he expected the repairs to the Cerberus would be finished?

Mr. DEAKIN replied that the contract for the boilers was completed some short time ago, but that necessitated the commencement of work which could not possibly be let by contract, involving as it did the picking out of old material, wherever that course was deemed advisable, and replacing it by new. This work, which was of a delicate kind, and required the most skilled artisans, had to be executed under very difficult circumstances. He was afraid that some six weeks must elapse before the Cerberus would be in a position to leave the river.

Major SMITH asked the Premier whether the Government had placed themselves in communication with the Agent-General with the view of obtaining an Imperial officer to supersede the present commander of the naval forces; and, if so, whether he would postpone making any definite arrangement until the defence question had been considered by Parliament?

Mr. SERVICE said the Government had been in communication with the Agent-General in connexion with matters involving the carrying out of the policy initiated by their predecessors with regard to the defences—one of the good things the late Ministry did initiate; but he was of opinion, and he thought the House would concur in the opinion, that nothing could be more unfortunate or injurious than to mix up a question of high policy, on which the whole fortunes of the colony might depend, with mere personal matters.

UPPER GRASSY FLAT RESERVOIR.

Mr. MACKAY asked the Minister of Public Works whether he intended to repair the dam of the Upper Grassy Flat, at Sandhurst? This public work, he said, cost some £3,000 or £4,000 to construct. It had
been of service, in times past, to the people of the surrounding district, especially in dry seasons; but last year, owing to the pressure of water, a portion of the embankment was carried away. He visited the place a few days ago, and found that from 1,500 to 2,000 cubic yards of stuff would be required to repair the dam. Probably the cost of the repairs would be about £200, and it would be better for the Government to incur that expenditure than to wait until a big flood carried away the whole embankment, entailing a loss, most likely, of some thousands of pounds. It might be said that the local bodies ought to take possession of the work, and endeavour to turn it to some use. As a matter of fact, it was for some time in the charge of the Sandhurst City Council, but, as soon as they found that the custody entailed expense, they declined to have anything to do with it.

Mr. DEAKIN stated that he had made a special visit to the district, and was acquainted with the facts. The construction of the reservoir cost a large sum of money, but the work was scamped, and the disaster referred to by the honorable member for Sandhurst (Mr. Mackay) was the result; and if the embankment were patched up there would be no security that, when the patching up was done, the reservoir would retain the water. As to the service which the reservoir might be to the district, that might be judged of by the fact that last year the total revenue from it was no more than 20s. (Mr. Mackay—"There has been no attempt to get revenue.") Yes, on several occasions, and to obtain revenue from other reservoirs in the same district, but the receipts had never been sufficient to pay the most trifling interest on the outlay and the cost of maintenance. Notwithstanding the difficulty with regard to income, there was a probability that the reservoir would be included in a scheme of water supply which the Government had no desire to inconvenience the Exhibition trustees; they heartily wished to work hand in hand with those gentlemen. So far as he understood, the trustees had no immediate object in view in dispossessing the Government Printer. The quarters were exceedingly convenient. The Government Printer liked them better than the old ones, and probably better than he would like any new ones. Perhaps the trustees would put themselves in communication with the Chief Secretary when they had any definite object in view. (Mr. Zox—"We have.") Did the Chief Secretary know that the trustees required the whole building? (Mr. Zox—"Yes.") Well, for the present, perhaps the trustees would be as kindly disposed towards the Government as possible.

MELBOURNE TRAMWAY AND OMNIBUS COMPANY'S BILL.

Mr. LAURENS observed that this Bill appeared on the notice-paper as set down for third reading on the following Wednesday. He believed the Bill was restored, by order of the House, to the position it occupied when the last Parliament was prorogued; and he would like to know whether the notices of amendment in the Bill which were on the notice-paper prior to the prorogation would be reinstated prior to the third reading?

The SPEAKER.—I will ask the honorable member for North Melbourne (Mr. Laurens) to repeat his question on Tuesday, by which day I will be able to make myself acquainted with the facts of the case.

Mr. LAURENS observed that, the other day, the Speaker ruled that the Bill was so strictly in the position which it occupied at the time of the prorogation of Parliament that he absolutely debarred the Minister of
Customs from speaking to the amendment on the new 3rd schedule, because he spoke when that question was under the consideration of the House before.

The SPEAKER.—The honorable member must have misunderstood what I said. I stated that I was bound by the standing order adopted by the House. I did not go beyond that.

RAILWAYS MANAGEMENT BILL.

Major SMITH said he desired to ask the Premier a question about a matter which he regarded as national and not personal. He had the honour of introducing that day to the Premier, gentlemen representing three of the largest manufactories of railway material in the colony. The object of the interview was to ascertain whether the Government would consent to postpone the division on the second reading of the Railways Management Bill until colonial manufacturers and their employees had the opportunity of meeting together to discuss the measure and ascertain how far it affected them. The Premier did not see his way to accede to the request of the deputation.

The SPEAKER.—The honorable member is not in order in making his remarks in the absence of any motion before the chair.

Major SMITH observed that, if necessary, he would move the adjournment of the House.

The SPEAKER.—The honorable member had better do so.

Major SMITH said he would move that the House do now adjourn, though probably, as one result of the proceeding, his remarks would be more lengthy than he originally intended.

The SPEAKER.—I will call the honorable member's attention to the following standing order adopted by the House in July, 1882:

"No member, unless he be a Minister of the Crown, shall he allowed, prior to eleven o'clock, to move "that the House do now adjourn," unless on his rising to make such motion he shall state the subject that he proposes to speak to, and the debate shall be strictly confined to the subject so stated."

Major SMITH stated that the subject he proposed to speak to was "the unsatisfactory reception of a deputation by the Premier to-day." The deputation consisted of the managers of three of the largest manufacturing firms in the colony, and they were anxious to induce the Premier, after consultation with the Minister of Railways, to promise that the division on the second reading of the Railways Management Bill would be postponed until the manufacturers and their employés had an opportunity of fairly considering the measure. He (Major Smith) thought that this was not an unreasonable request, and he felt surprised that the Premier did not accede to it, as there was plenty of business besides this Bill which the House could go on with. The manufacturers naturally felt alarmed that a Bill which was inimical to their interests was being rushed through the House. Was it right that industries which had grown up under the fostering system of protection should be sacrificed? (Mr. Anderson—"There is no pretence of sacrificing them.") There was no pretence; it was a reality. He would not accept the responsibility of allowing the Bill to be rushed through the House, or its principles to be affirmed by the passing of the second reading, until those manufacturers and their employés whose interests it affected had an opportunity of consulting together on the measure. They were entitled to be heard on the subject.

Mr. SERVICE (who seconded the motion for adjournment pro forma) said the deputation which was introduced to him that day by the honorable member for Ballarat West (Major Smith) consisted of three gentlemen interested in the iron-manufacturing industry of the colony. Two of them were Melbourne men, and one was from Ballarat. The honorable member, in introducing them, stated that they desired the debate on the Railways Management Bill to be adjourned for a week, in order that they might be able to look thoroughly into the measure, and see that their interests were in no way at stake. He (Mr. Service) asked them what their objection to the Bill was, and they stated that the objection which they felt was that the commissioners to be appointed might have the power, without any restraint, to import all the railway plant from England or elsewhere, instead of having it manufactured in the colony. He then said—"Gentlemen, do you desire a week to make up your minds whether that is a danger that can be prevented or not?" "No," they replied, "we do not want a week." (Major Smith—"They asked for a fortnight.") Neither a fortnight nor a week was asked for in his (Mr. Service's) presence. The deputation said their minds were made up that the danger was one to be guarded against in the Bill, and they wanted to know the views of the Government with respect to the matter. He told them that the Bill, in the opinion of the Government,
NAVAL DEFENCES.

Major SMITH moved—

"That there be laid before this House all the papers relating to the naval defences of the colony that have passed between Captain Man­deville and the Treasury."

Mr. W. M. CLARK seconded the motion.

Mr. SERVICE said he could not consent to the motion in the terms in which it was couched. The honorable member for Ballarat West (Major Smith) had better withdraw it, and explain privately precisely what he desired, for the language of the motion embraced a pile of papers which would cover half the table.

Major SMITH stated that he would accept the Premier's suggestion.

The motion was withdrawn.

LICENSEING (PUBLIC-HOUSES) ACT.

Mr. MASON proposed the following motion, which appeared on the paper as "unopposed":—

"That there be laid before this House a copy of the report of Mr. H. T. Hammond, the Chief Inspector of Distilleries and Excise, to Earl Kimberley, on the working of the Licensing Act 1876, No. 566."

Mr. MACKAY seconded the motion.

Mr. GRAVES objected to the motion.

Mr. MASON remarked that he consulted the late Minister of Customs before giving notice of the motion, and the honorable gentleman agreed to it.

Mr. GRAVES stated that he did not agree to it. The honorable member for South Gippsland showed him the motion, and he said that while he (Mr. Graves) was Minister of Customs no officer of the department, nor even the Minister, had the right to communicate with Earl Kimberley. The honorable member stated that he wished to pay Mr. Hammond the compliment of having his name in the motion. (Mr. Mason—"Because Mr. Hammond wrote the report.") He (Mr. Graves), when Minister of Customs, did not communicate with Earl Kimberley, nor did he allow any officer of the department to do so.

The motion was ordered to be placed in the ordinary list.

RAILWAYS MANAGEMENT BILL. SECOND NIGHT'S DEBATE.

The resolution affirming the expediency of an appropriation from the consolidated revenue for the purposes of the Railways Management Bill (passed in committee on July 17) was considered and adopted.

The debate on the motion for the second reading of the Bill (adjourned from July 17) was then resumed.

Mr. WALKER.—Mr. Speaker, I regret that I had not the opportunity of hearing the speech of the Minister of Railways in moving for leave to introduce this Bill, inasmuch as the honorable gentleman, on that occasion, fully explained the Bill and his views of the principles involved in it; but I
must endorse the remarks which have been made by various honorable members as to the inconvenience of debating any measure before its first reading. The adoption of that course takes honorable members by surprise and places them very much at a disadvantage. As to the necessity for such a measure as the Railways Management Bill, I think that any one who was in this colony seven or eight months ago will not require to look very far to find a need for a change in the existing system of railway management. It is quite true that at the present time the excitement which then prevailed has cooled down to a certain extent, but I hold that the fact remains that the country is thoroughly in earnest in desiring a complete change in the system of managing the State railways. It appears to me to be simply impossible to defend the present system. To begin with, the head of the Railway department has not necessarily any experience of railway matters. He may be the most unfit member of this House to occupy that position. We know that Ministers are not selected because of their business capacity—that the practice is to select those members who are likely to be the most useful in debate, and, who, perhaps, might be very dangerous opponents if they were left out of the Government. The capacity of any man to manage a department is never for one moment taken into consideration; and we know by experience that, after Ministers are chosen, it would be almost impossible to allot the offices in a more curious way than they have been allotted in time past. The result reminds one of Sam Weller's remark that, by a peculiar dispensation of Providence, all the little postmen got the large coats and long trousers, and all the big postmen the small coats and the short trousers. I do not wish to give any illustration with the view of reflecting on any honorable member; but it seems to have been the custom, in forming Governments, to allocate the different offices without any regard as to whether a man possessed any qualifications for the particular post to which he was appointed. Consequently we might have our railway system—which began with a very few miles, but has grown to an enormous extent—conducted by a gentleman who knew nothing at all about railway management, and who had the control of a staff of officers without the knowledge necessary to guide him in their control. I have no hesitation in saying that the broad and general principle of the Bill, namely, that the control of the State railways shall be taken absolutely out of the hands of politicians, has been thoroughly approved of and endorsed by the country, and that the Ministry, by bringing in the measure, have simply given effect to the voice of the country. I believe that they have made a very honest and able attempt to grapple with this very serious question. No doubt it is an easy thing to show the inconsistencies of the existing railway system, but it is a much more difficult matter to sit down and draft a Bill to deal with those defects. I am glad that the Government have stated that their desire is to abolish patronage, and that if any honorable member can show that the language or machinery of the Bill will fail to effect that object, he is entitled to do so, and that they will be glad to make the necessary amendments in committee. The debate has, to a great extent, turned upon the power at present possessed by the Minister of Railways to make appointments. Independently of his power to make appointments, he has other powers—enormous powers—which have not hitherto been referred to. It is in the power of the Minister, in the first place, to decide what new lines shall be constructed. I need hardly point out to honorable members who had experience in the last Parliament what a large power this involves. The mere fact of the Minister being able to say which lines shall be made gives him an enormous hold on the members of this House.

An Honorable Member.—The power lies with the House.

Mr. WALKER.—Theoretically it does, but practically this power is exercised by the Minister. So long as the Minister has a majority, he can virtually do what he likes. Besides, after a Railway Bill has become law other enormous powers rest with the Minister of Railways of the day. One of them is that of deciding the exact route of each line. In the Railway Bill of last year a power of deviation, to the extent of five or six miles, was given with respect to the route of a particular railway. What I wish to point out is that, in cases of this sort, the Ministerial authority can be used with tremendous effect on the member for the district through which a particular line is to run. Here is one of the strongest possible reasons why the present system should be changed.

Mr. ANDERSON.—The Bill will not touch the arrangement the honorable member alludes to.

Mr. WALKER.—It will operate in that direction. Parliament has in each instance
to fix the limit of deviation, but it does not require the Minister to state to the House the route the line will follow within that limit. I think the power of finally selecting such a route an improper one for the Minister to hold. Then he has the power of determining station sites.

Mr. WALKER.—And the kind of building.

Mr. WALKER.—Yes, whether a particular station shall be a handsome brick structure, or a mere wooden shanty. I consider that power one capable of being wielded with great effect. Next comes the power to fix railway fares, which I regard as dangerously large. Look at how it has been used. In no country in the world are the suburban railway fares so low as they are in Victoria. When, seven years ago, I went to live in the neighbourhood of the South Yarra station, the return fare was 9d., now it is 4½d. A few years since, when I was in England, I lived at Blackheath, which is about as far from London as Brighton is from Melbourne, and what did I find? That while the return journey between the two last-mentioned places cost only 1s., the fare for that between Blackheath and London was 2s. 6d. Do not honorable members know very well how the thing has been worked here? Members for suburban districts connected with Melbourne by rail have, at the instance of their constituents, interviewed the Minister of Railways for the time being, and brought such pressure to bear upon him to induce him to reduce fares that he was compelled to yield. Of course members who are urged by their constituents in a particular direction cannot be wholly blamed if they follow it, but what is the result of the action I refer to? That, in spite of their enormous traffic, our suburban lines don't pay.

Mr. McINTYRE.—Will passing this Bill mean higher fares?

Mr. WALKER.—It will not necessarily mean higher fares, but it will put the power of fixing the fares in the hands of men who will be outside the influence of Members of Parliament. I don't say that I am better than any other honorable member, but I feel that under the present system we are placed in a position from which we cannot relieve ourselves, and, as it is the evident desire of the country that we should be relieved from it, I hope the Bill will be carried for that purpose. The system has also a most injurious effect upon the employees of the Railway department, and indeed upon the employees of every other Government department. It is undeniable that many thousands of the men in our railway service owe their places solely to political influence. Personally, however, I have very little experience of the matter. I have been a member of three Parliaments, but I am sure the number of individuals who have got posts through me is not up to a dozen. I have recommended hundreds, but that has not gone for much. I would like to know who are the lucky members who really hold the patronage that is so talked about. The mischief is that men are appointed not at all because they are well qualified to perform a particular duty, but because the Ministry of the day want political support from a particular quarter. Then there is the matter of promotions. At present, directly a man gets a Government billet he sets to work to interview his member in order to obtain promotion, and the member has in self-defence to try to procure for his constituent what he wants. Under such circumstances, what happens? That the man without political influence goes to the wall. He finds that, let him work his best and hardest, other men step over him, and in the end he loses all spirit, gives up every effort to improve his position, and sinks for the rest of his life into one groove. It has been argued that no advantage will be gained by transferring the patronage of the Railway department from the Minister of Railways to a board of commissioners, but there can be no doubt that patronage in the hands of the latter is not so liable to abuse as patronage in political hands. The commissioners will have no one to please in the matter but themselves, and it is only reasonable to conclude that their aim will be to carry on their work as well as they can. Consequently, we may expect them to appoint men according to their qualifications only. Certainly they will not have the same temptations to use their positions improperly that a Minister has. I have heard, both in public and in private, that country members fear that the Bill means confining the patronage of the Railway department to Melbourne—that persons in the country districts who desire railway employment will have no chance of getting it—but, after looking over the measure very carefully, I see no grounds for the alarm. As I understand the matter, appointments in the Railway department will be equally open to people in all parts of the colony. The object with which the Bill has been framed appears to be, from beginning to end, that the railway appointees of the future shall be chosen regardless of their
political influence, the part of the country they belong to, or anything else, save their fitness to do the work to be done. Some remarks have been made respecting the desirability of leasing our railways. Several years ago, I believed that leasing would be the best plan, but reflection has shown me that there are insurmountable difficulties in its way. Certainly, a syndicate might be formed that would lease the existing lines, but how about their taking in railway extensions? They might say that extensions would not pay, and on that ground refuse to have anything to do with them; what would we be able to do with them then?

Mr. WALKER.—Many of the existing lines are not paying.

Mr. WALKER.—The syndicate would start with clear knowledge on that subject, but the case would be different with new lines, of the profitableness or unprofitableness of which they would necessarily have no experience.

Mr. McINTYRE.—Then they could leave the new lines alone.

Mr. WALKER.—But it would be necessary to provide that the lessees must take in new lines, and therefore the difficulty I refer to is a substantial one.

Mr. McINTYRE.—Would Parliament construct new lines in order to punish the lessees?

Mr. WALKER.—No; but Parliament may do again what it has more than once done already, namely, construct a railway for political reasons. Another point worth a thought is that at present a large proportion of our railway expenditure is perfectly unchallengeable. Of course the greater portion of the funds voted for the Railway department must be expended by its Ministerial head within certain lines, but, nevertheless, there is a large margin of money wholly and entirely at his mercy. For example, if a man is injured by a railway accident, the Minister can compensate him as he chooses.

An Honorable Member.—Will not the intended commissioners be able to do the same?

Mr. WALKER.—Yes, but their action will be subject to the sanction of the House. With respect to placing the management of the railways in one pair of hands for a permanence, we may as well look at how things have gone on under Ministers of Railways—how different Ministers have held radically different views. Let us remember, for instance, how variously the honorable member for Stawell and the honorable member for Castlemaine (Mr. Patterson), when each of them was in office as the Minister of Railways of the day, regarded the abilities of Mr. Elsdon. The former, in language more forcible than polite, has denounced the late Engineer-in-Chief as an unmitigated muff, while the honorable gentleman’s official successor, with equal opportunities for knowing how the case really stands, has always held the precisely contrary opinion.

An Honorable Member.—One of the two Ministers is an expert.

Mr. WALKER.—I don’t admit that at all. Here we have the case of two gentlemen, each of whom entertained, while he was Minister of Railways, totally opposite views respecting the qualifications of the late Engineer-in-Chief.

Mr. PATTERSON.—Mr. Elsdon has a record of 20 or 30 years in his favour.

Mr. WALKER.—I am not now raising the question of Mr. Elsdon’s qualifications, but merely quoting his case as an illustration. Successive Ministers of Railways have differed equally strongly on other points. One has built an expensive platform which another has pulled down, and much the same thing has been frequently done in connexion with railway buildings, the country having to pay the cost. Bear in mind that the very ablest possible Minister of Railways does not stop in office a moment longer because of his extra ability. That is one of the cardinal evils of the present system. However fit a Minister of Railways may be for his post, the day arrives when he must give way to a successor, possibly a wholly untried man, whose first step will probably be to undo as much of the work accomplished by his predecessor as he can. We cannot forget how one Minister thought the late Mr. Thomas Higinbotham a perfect miracle of engineering ability, while another believed him to be a perfect muff. I am aware that the Bill gives very large powers to the administrator of the Railway department, who not only may be without any of the knowledge or ability requisite to fit him for the post, but who is forced to be subject to influences to which he ought not to be subject. It seems to me that changing that arrangement cannot fail to be a great improvement. It was argued the other night that, because the chairman of the board of commissioners would have two colleagues, it would be unnecessary to make him supreme. I am, however, able to say that such supremacy almost always exists in connexion with English railways.
The largest railway systems in the old country are each governed by a general manager, who is head over everything, and well paid. I noticed that, in introducing the Bill, the Minister of Railways seemed to pooh-pooh the idea of paying the chairman of the board as much as £5,000 a year; but what sort of salaries does he think English railway managers get? We have now, or shall have soon, about 1,450 miles of railway, a mileage not quite equal to that of some of the great companies in England, but not far behind. The Great Western Railway Company have 2,241, and the London and North-Western Railway Company 1,765 miles of railway open, and they each pay their general manager the sum of £7,000 a year, and also make him head over everything. No doubt he has a board of directors associated with him in some way, but they are careful not to interfere with him. His powers are really unlimited. Indeed, it would never do to limit them. A railway system is like an army, the chief control must be in one pair of hands. Who ever heard of three generals leading an army to battle with any success? That is the view of railway management which is entertained at home. It must be undertaken by one man, because it is impossible to divide the responsibility. Consequently, every great English railway company, whose only object is to keep up the paying character of their undertaking, find it to their advantage to hand over everything to their railway manager. They pay him a fabulously large salary, and make him supreme. I may mention, in addition, that the North-Eastern Railway Company, who have 1,508 miles of line, and the Midland Railway Company, who have 1,260 miles of line, each pay their general manager £7,000 a year. My informant on this subject is personally acquainted with Mr. Allport, the manager of the Midland Company's lines. Would any man of that stamp come from England to Victoria for even as much as £7,000 a year? I do not think he would. Therefore, if we make up our minds to have a railway manager, we must also decide upon paying him a very large salary. With regard to the proposed system of examination for applicants for railway employment, it would no doubt be better to adopt the competitive plan than have recourse to the ballot. The only difficulty would be how to apply the principle of competition to a service of a necessarily highly varied character. That, however, is a matter of detail, and, if we can show the Government means by which competition could be made the rule, they will no doubt endeavour to meet our views in the matter. One thing strikes me as deserving attention. No section of any Act ever passed by the Parliament of Victoria has created more dissatisfaction, or led to more abuse, than what is known as the "special ability" section of the Civil Service Act, yet I find that one of the clauses of the Bill is simply a transcript of that obnoxious provision. I am perfectly aware that there is all the difference in the world between the power I refer to being in the hands of a Minister and it being held by a non-political official, but it seems to me too great a power to give to any one. If the commissioners are enabled to go outside the public service in order to fill one vacancy, they will be able to do the same thing as to a thousand vacancies. They could declare every person they wished to appoint a person of "special ability." There seems also to be no provision in the Bill for enabling a railway employed dismissed or punished in any way by the commissioners to get his case considered by a board, but I think that to allow of no appeal from their decision would be unwise. Such an arrangement would be apt to create a sense of injustice, and consequently to injure the railway service. I have also a word or two to say on the clause giving the Legislative Council power to reinstate a commissioner who has been suspended by the Ministry of the day. I know the subject is a difficult one, and I admit that I don't see my way through it very clearly, but let honorable members imagine for themselves how the clause may operate. Supposing the Council to insist upon the reinstatement of a suspended commissioner, will not the Assembly, who practically create Ministries, insist on the suspension standing good? Of course they will, and then there will be a dead-lock. If this House cannot get at the commissioners in any other way, they will be bound to refuse them supplies. This matter demands grave consideration. Then what, when the Bill has been passed into law, will become of the Minister of Railways? Like Othello, his occupation will be gone. As I understand the Bill, it will completely sweep his power and authority away. I think we ought to have some information on that head. If he is to be only a medium between the commissioners and Parliament, his office might as well be amalgamated with that of another Minister. Clause 13 provides that the suspension of a commissioner may last during the whole of
the succeeding session of Parliament, but I beg to point out that in that case it may extend over eight or nine months, which I fancy is scarcely what the Government intend. The point is worth notice, because it will be open to the Legislative Council to call on the very last day of the session for the suspended commissioner's reinstatement. Clause 15 provides that the commissioners are to keep accurate minutes of their proceedings, but it is not said what will be done with the documents—whether they will be laid before the House or simply handed to the Ministry. Clause 28, while it makes it optional with the commissioners to appoint examiners, gives the Ministry power to change them every three years, they being, nevertheless, eligible for re-appointment, but I think it will be most dangerous to concede any such power to change. Have we not had the danger exemplified in connexion with the Melbourne Harbour Trust? Do we not remember the time when the Government of the day refused, on account of party feeling, to re-appoint a member of the trust whose term of office had expired, and whose qualifications, as one of the most capable members of that body, could not be doubted? I hope this provision will not be adopted without some qualification. Clause 28 provides for compulsory assurance on the part of railway employees, but it affords no information as to whether the commissioners are to deduct the amount of the premiums from the officers' salaries, or to have any voice as to where each assurance is to be effected. If they are to have any say in the latter case, a door to a large amount of wrong-doing will be left open. I think the mode of effecting assurances ought to be more accurately defined than it is. Another clause authorizes the commissioners to issue free passes, but surely that is an extraordinary large power to give, seeing that there will be no superintendence over its exercise. My idea is that the names of those who receive free passes should be published from time to time, and then we would have some guarantee that the holders were entitled to them. Some time ago, while travelling in the coach that plied between Wodonga and Albury, I noticed that out of ten passengers six had free passes. I think the proportion in that instance was rather large.

Mr. SERVICE.—The by-law under which free passes will be issued will need the approval of the Governor in Council.

Mr. WALKER.—I don't object to free passes being given; I only want to ensure that the power to give them will be properly exercised. It has been urged, particularly by the honorable member for Collingwood (Mr. Mirams), that political patronage is absolutely necessary for the carrying on of our business as politicians, but I altogether deny that such is the case. If political patronage is necessary to any party in the State, the sooner that party ceases to exist the better. We don't come to Parliament for the purpose of getting a certain number of our constituents into Government billets. Can it be right to say that the friends and active supporters of honorable members are the only persons who ought to receive State employment? Yet that only persons who can reach the ear of a Member of Parliament ought to be able to get into the Government service is what the honorable member's theory amounts to. The whole thing is simple nonsense. I hold that the employment which the State has to give ought to be open to every class of the community instead of to only the class possessing political influence, and I regard the Bill as distinctly intended to operate in the direction of such a change. Under these circumstances, if we can show that any portion of its machinery or wording is out of keeping with its true aim, I think we will be entitled, in accordance with the fair offer the Government have made, to call upon them to amend it, so as to enable it to accomplish its object in the most unmistakable manner. With that understanding, I support the measure.

Dr. ROSE.—Sir, the demands for this Bill seem to me to have arisen from two causes—first, mismanagement in the Railway department, and, secondly, the railway accidents that have occurred as the result thereof. The question then arises—Will the Bill meet these two cases? The accidents that have taken place appear to have resulted from defects that cannot be overcome by the appointment of a corporate body like the proposed commission. The Hawthorn accident was due to a defect in the time-table, and the Jolimont accident was due to a circumstance that does not seem to have been noticed. Although after the breaking of the tire the carriage went bumping along the line, no accident occurred until the coupling gave way. That was a thing over which no board could possibly have control. As to the mismanagement of the railways, I think it is due to a variety of causes. First of all it is due to patronage, and I am very glad indeed to find that the Government have attempted to grapple with this terrible curse to the country. The patronage is not altogether of a political character. I think
our constituents and the outside public estimate our powers as Members of Parliament far beyond their worth. I, like some of my fellow members, have recommended dozens upon dozens of persons, but I believe that only three or four of those have received appointments. I do not believe that, as a rule, supporters of a Government are able to influence Ministers in such matters. If the Government know that they are real and genuine supporters they will not put themselves about to meet their requests, but if they think there is a little doubt about their genuineness they may attempt to appease them by giving them appointments. I think those honorable members who are oscillating between opposition and support have the best chance by far of getting their recommendations attended to. The great cause of disorganization in the Railway department lies in the department itself, and amongst them is the small number of appointments for those who should not have received appointments. For my own part, I have had opportunities of observing the working of the department, and I know that complaints innumerable have arisen from the fact that thoroughly incompetent men are placed at the head of affairs. These men, by personal favoritism, have been the means of exalting those who were not entitled to be exalted, and obtaining appointments for those who should not have received appointments. If the officials at the head of the department are not favorably disposed to any person recommended for promotion or deserving promotion, he stands an exceedingly small chance indeed of getting it. The Minister of Railways does not appear, as far as I have been able to observe, to have the control of his department. He is a tool in the hands of those over whom he is placed, and of necessity he must be so, or else he must play an exceedingly unwise part. He is placed at the head of a practical department without knowing anything about it, and it would therefore be the greatest folly for him to act on his own responsibility. He must be directed by those under him, and, if these men are not trustworthy and reliable, of course they will endeavour to accomplish their own ends. Hence there is a great difficulty in managing a concern like our railways. What are the means proposed in the Bill to meet the requirements of the case? We find that there is to be a Minister and a board consisting of three commissioners, and that these are to be placed under the control of the Governor in Council. As to the Minister, it seems to me that his position is to be an exceedingly anomalous one. He apparently is to have no power, for all the powers are to be given to the commissioners, and yet it is said that "the Minister shall mean the responsible Minister of the Crown administering this Act." Is he to administer the commissioners too? Is he to have a ruling influence over the commissioners, or is he to be merely the medium between Parliament and the commissioners? Mr. PATTERSON.—That's it.

Dr. ROSE.—That seems to be his position. He is to be the representative of the corporate body, so that he may place before this House whatever statements or explanations are requisite. As to the three commissioners themselves, I thoroughly endorse the proposal of the Bill to appoint three men to manage our railway affairs, but the question arises whether it is wise that one of these men should be brought from home. For my own part, I think that we are excelling the home general managers far beyond what they are worth, and it is very doubtful whether any manager imported will be worth the £7,000 or £8,000 a year that we shall be called upon to pay him. Do we find that the railways at home are in such a satisfactory condition as to warrant our obtaining a railway manager from Great Britain? Mr. Gladstone has stated that at home there has been squandered or expended recklessly no less than £100,000,000 or £200,000,000 on railways.

Mr. SERVICE.—That was in the construction of railways.

Dr. ROSE.—Yes. There has also been any amount of litigation and personal squabbling. Managers at home have not sought to meet the requirements of the public, but have rather been trained as speculators to meet the requirements of the directors of the company with which they were connected. Even Parsloe, in his work on railway management, states that these men are not altogether the ideals we should expect them to be. He remarks—

"From the very commencement, the condition of our railways has been a fruitful topic for comment, and dissatisfaction on the part of the public has been again and again expressed. It is not to be supposed that a panacea will be discovered to cure all the grievances existing, but, on the other hand, a strong measure of reform might be introduced with public advantage."

In another portion of his work he shows that managers of railways frequently work into their own hands and to the disadvantage of many of those who are shareholders in the
concern. Again, if we select a manager from home, I should like to know through what medium are we going to select him? Is it to be through the Agent-General, or through some particular individual who will recommend the manager? If so, what guarantee shall we have that he will be the best man for our purposes? He may receive a recommendation in broad and vague terms from the company to which he belongs, while some of his defects, which would be very important in connexion with the management of our railways, are withheld from us. Not only that, but a company might actually be glad to give their manager a recommendation in order to get rid of him. I think we would not be justified in importing a manager, especially when we remember that one of the first acts of one gentleman whom we once imported was to have 50 trucks made on such a design that when they were loaded the wheels would not go round. With this example before us, we should be very cautious in bringing a man out from England. Moreover, an imported manager, being quite a stranger when he arrives here, would have to learn colonial experience, and to ascertain the character of our lines and the qualifications of our officers. In other words, for a time at least, he would have to be the pupil of the men who are now employed on our railways. Again, in England he would have managed a railway system on different principles from those on which he would be called upon to manage our railways. At home he would have managed a railway on commercial principles—to make it pay—while in this colony he would have to manage the railways for the purpose of opening up the country and producing the greatest results at the lowest expenditure of money, while establishing stations and lines in places where very small returns would be received. I think, therefore, it would be wiser for us to ascertain whether we have not sufficient talent in our own Railway department to satisfy the requirements of this particular position. Nothing is said about what the qualifications of the two other commissioners are to be, but it is of the utmost importance that they should be men well fitted for their position. If the commissioners are not men well suited to their work, what can we expect but a repetition of the past disorganization? Business men might do, but I think that practical men would be far better. It would be useless to place mere business men over such a branch as the locomotive branch. We want a man who thoroughly understands the work, and who is able to say when it is rightly or wrongly done, otherwise he would simply be a tool in the hands of those beneath him. I think that if we had one good business man as chairman, and two practical men to sit with him on the board, we would be able to obtain satisfactory results. The next point is the tenure of the commissioners. It is proposed that they shall be appointed for life, but, as the proposed system is only an experiment, I think it would be a great mistake to appoint them for more than seven years, the tenure to be subject to renewal. Certainly the House has reserved to itself considerable powers with regard to these men. We can refuse them money to carry on the work, and the Governor in Council has also power to suspend them. But we know very well that if the commissioners work into the hands of the Governor in Council there will not be the slightest prospect of their suspension, unless the House rises up against them, and takes the matter into its own hands.

I think it would be far better, therefore, only to appoint the commissioners for a limited period, so as to test the experiment. Another point of importance is with respect to the position which is to be occupied by the employees. I would like to elicic, for the sake of my constituents, a large number of whom are railway employees, what is to be really the position of those who are now in the service. When this new body comes into force are they to be dismissed, or are they to be retained and to be placed on the civil service list? If any of them are dismissed, will they receive compensation for their previous service? Again, the employees are all to have their lives insured, and the amount of the insurance is to be fixed by the commissioners. Do the Government intend to pay those men sufficient above the ordinary regular wages of working men, officers, &c., to pay for the insurance, or are the men to pay the insurance premium out of their own pockets? I believe it would be much better if the plan were adopted that is now in vogue with reference to the police force—namely, that the Government themselves should devise a plan by which a certain proportion of each man’s salary would be deducted, and compensation allowed in accordance therewith.

Mr. SERVICE.—Both systems come to the same thing as far as the money is concerned.

Dr. ROSE.—No doubt. The powers given to the Upper House in the Bill have been already referred to by various honorable

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members, and I do not think the explanation given by the Attorney-General on that point was satisfactory. I am certainly of opinion that the provision in the Bill would afford the chance of a dead-lock, and, besides, I do not think that any power should be given to the Upper House that is not given to this House. With reference to the payment for overtime, I think that the railway employés should have their hours of labour definitely fixed; and if they are called upon to work beyond the hours appointed there should be a definite amount fixed as payment for overtime, so that there shall be no chance of favoritism. As to the general tenor of the Bill, I must say that it is certainly a credit to the coalition Government, and I venture to say that, if the coalition Government continues to produce similar Bills, they will have very little difficulty in maintaining their position or in securing the approval of Parliament for their measures. With reference to the speeches made on Tuesday night, I must say that I was rather amused and not a little surprised at some of the remarks made on that occasion. I am exceedingly astonished to see that the Chief Secretary has arisen from his premature grave. The honorable member for Maldon became the undertaker, prepared the grave, erected the tombstone, and buried the Chief Secretary, never, he thought, to rise again. It is certainly astonishing to find the honorable gentleman now among us notwithstanding all this.

Mr. WOODS.—Mr. Speaker, at the risk of laying myself open to the adverse criticisms of the honorable member for Collingwood (Mr. Mirams), I may say at once that I intend to vote for the second reading of this Bill, and I shall do so without any fear of incurring, from sensible men at any rate, the imputation that I thereby write myself down either a rogue or a scoundrel. Every one knows that political patronage in this colony has assumed vast proportions, and many honorable members have done their utmost to get rid of this vicious system before now. I myself, when Minister of Railways, suggested that a Bill not exactly of the same character, but aiming at the same objects as the present measure, should be introduced, and I even went so far as to have one prepared, but circumstances prevented it from being gone on with. I think that in divesting themselves of political patronage, honorable members will not only be consulting the dignity of the House, and their own dignity as representatives of the people, but they will also be preventing a large expenditure of public money on incompetent persons. Moreover, they will no longer be accessory to making the Railway department a kind of out-door relief establishment for those who cannot obtain work anywhere else. I am glad to hear that political patronage is to be abolished altogether. I trust that the very word will not be heard any more, and that not only will it be abolished in the Railway department, but that it will be done away with through all the departments of the Government. The thing may be as well struck down at once, instead of merely nipped in the bud in one department and allowed to flourish in every other department. There is one point, however, in which I agree with the honorable member for Collingwood (Mr. Mirams), namely, that if the Bill is passed as it stands, honorable members will be subjected to almost the same amount of solicitation for appointments as they are now. The positions of classified officers are very seldom vacant, and when they are vacant they should be invariably filled up out of the department. When I was in the department, I initiated a system having that object in view, under which every man in the department knew that any position in the department was open to him if it should become vacant and he was fit for it. Porters, guards, and others aspire, for instance, to become station-masters, and teachers were appointed to teach them telegraphy and the system of bookkeeping in vogue in the department, so as to fit them for the clerical duties of a station-master. Of course all the other knowledge, with respect to signals, semaphore, shunting, the running of trains, &c., they had already. I am glad to say that a great many availed themselves of the opportunity of qualifying themselves to become station-masters as vacancies occurred. Whether the system is still carried on I do not know. The objection of the honorable member for Collingwood, however, has, I think, great force, because there will always be a number of positions which do not come under the operation of the measure.

Mr. BERRY.—All will come under it.

Mr. WOODS.—That is impossible. If any honorable member goes to the goods sheds in the morning during a busy time, he will see, perhaps, from 100 to 200 men standing waiting to be employed. Out of the 200, probably 20, 40, or 60, as occasion demands, are taken on by the clerk in charge and set to work. They continue at work for
Mr. BERRY.—Of course not.

Mr. WOODS.—That is one case. Another is when, for instance, extra works are going on, such as the works at Kensington-hill. Is there any honorable member in this House who has not been solicited to use his influence in favour of some one wanting to get work at Kensington-hill? If there is, he is a lucky man. Things of that sort are constantly cropping up, and, when employment is to be given in the department, mon get it into their heads that a Member of Parliament, if he thinks fit to use what they call his "influence," can get it for them. For my own part, I would not be at all sorry to see a stringent clause introduced into the Bill, which would make it an absolute disqualification for anybody to ask the interference of a Member of Parliament, directly or indirectly.

Mr. SERVICE.—That is what the Americans have done in their measure.

Mr. WOODS.—And that is what we will have to do here if we are in earnest and want to make the Bill perfect. While intending, as I have said, to vote for the second reading of this measure, I propose to use my right to criticise its principles freely, because I wish to see the Bill leave this House in such a state that it will be a thoroughly practical and workable measure. In the first place, I wish to call attention to the fact that we are, to a large extent, legislating in the dark. General statements have been made as to the mismanagement and disorganization of the Railway department, but particular instances have not been advanced. No doubt, in a huge institution like the Railway department, even under the best management, cases will crop up in which matters do not go exactly in the way they are intended. I think some more definite information as to the working of the department ought to be furnished to the House by the Minister of Railways, especially after the statement of the Treasurer in his Budget speech last night. I understood the Treasurer to say that within the last three years—from 1879–80—there has been an increase in the internal expenditure of the department of over £500,000.

Mr. SERVICE.—No, I referred to moneys which had been paid out of capital account for works, and I stated that the expenditure last year was fully double what it was the year before, and that in the year before that (1880–1) it was less than in 1882.

Mr. WOODS.—Do I understand the honorable gentleman to say that these are works outside the Railway Construction Act? That is a point on which we want information, and I would suggest to the Minister of Railways that the House should be furnished with a great deal more information than it has at the present time.

Mr. GILLIES.—On what point?

Mr. WOODS.—I want to know how it is that so large an increase of expenditure has occurred, and what works have had to be paid for? Was this expenditure on railway construction authorized by this House, or was it on internal works of the department that seemed to want completing? That is a point on which I think information would be desirable.

Mr. GILLIES.—You must know the expenditure on construction.

Mr. WOODS.—Of course, I know exactly what the percentage of expenditure is. If you take the gross income of the department and deduct the expenditure from it, you can easily ascertain the percentage. I have here a table which shows the net income, over and above the working expenses, of the different systems since 1878. It is as follows:

<table>
<thead>
<tr>
<th>System</th>
<th>1878</th>
<th>1879</th>
<th>1880</th>
<th>1881</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern system</td>
<td>4.26</td>
<td>3.49</td>
<td>3.22</td>
<td>3.66</td>
</tr>
<tr>
<td>Western system</td>
<td>5.70</td>
<td>3.98</td>
<td>2.97</td>
<td>3.45</td>
</tr>
<tr>
<td>North-eastern system</td>
<td>7.44</td>
<td>5.22</td>
<td>7.38</td>
<td>8.27</td>
</tr>
<tr>
<td>Eastern system</td>
<td>5.14</td>
<td>2.88</td>
<td>2.75</td>
<td>3.25</td>
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</tbody>
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The report for 1881 is the last one out, and I think that is something to be complained of. The report for 1882 should be in the hands of honorable members, so that the comparison might be continued. Instead of merely hearing general remarks as to management or mismanagement, we would then be able to see for ourselves the actual results of the past year, so far as revenue and expenditure are concerned.

Mr. SERVICE.—I can inform the honorable member that the expenses for last year amounted to 61½ per cent., and for the year before to 54½ per cent.

Mr. WOODS.—That is information at all events. The general average of net income for the whole of the systems during
the years which I have mentioned is as follows:

1878  ...  ...  ...  ...  ...  £4635
1879  ...  ...  ...  ...  ...  £3717
1880  ...  ...  ...  ...  ...  £3880
1881  ...  ...  ...  ...  ...  £4007

We now learn that 61$\frac{1}{2}$ per cent. of the gross revenue for the past year is required to cover the working expenses of the department. In 1878 the expenses amounted to 51.43 per cent., so that in two and a half years the cost of working and management has increased 10 per cent. on £2,500,000.

Mr. SERVICE.—I may explain that a considerable sum—£216,000—which ought to have been paid in previous years, was charged to last year, in order to square the accounts. There were also large sums paid for accidents last year, which we hope will not occur again. It is scarcely fair, therefore, to take last year's expenditure as an average.

Mr. WOODS.—I am very glad to have elicited all this information, and I think honorable members will be gratified to know exactly the position of matters. I would suggest to the Minister of Railways that, while the Bill is in committee, he should have tabulated in a concise and convincing form, for the benefit of honorable members, all the information that is available. A table such as I had prepared in 1878 would be very useful and instructive, as it would enable honorable members to form a very good idea of where we are, and then we can ascertain to the best of our ability where we are going to. I have here a copy of that table, which, as honorable members will see, shows at a glance a comparative statement, for five years, of the cost and earnings of the various systems, giving particulars of the different kinds of charges and the revenue from the various descriptions of traffic. There would be little difficulty in preparing and lithographing a table of that sort, brought up to the present date, and with it before them honorable members would be able to see at once whether we are drifting with reference to railway management. Returning to the question of political patronage, I may say that a good deal more has been made of it than is at all necessary. I understand that the intention of the department is to engage for the most part boys, and train them up to fill the various positions. That is the proper thing to do. A boy going into the Railway department is taught his business, no matter what branch he goes into. Moreover, the department is unlike many manufacturers in Melbourne who, as soon as a boy begins to be of some value and can claim good wages, turn him adrift and take on another boy, so that they may get labour for pretty near nothing. In the Railway department, on the contrary, when a boy has been taught his business, the department is quite prepared to employ him and pay him full wages. I went down some time ago to the Langlands Foundry, where they are making wheels for the Railway department, and I was told by the foreman that the employees, from himself down to the nippers—boys who run about with rivets, &c.—had every one of them served his time in that shop. That is a credit to the establishment, which I may say turned out wheels which took the first prize at the Melbourne International Exhibition. The Railway department is only too glad to get hold of boys of a proper age, and teach them their business, and as soon as they have served their apprenticeship to pay them men's wages. I may say here that I think some system must be generally adopted by which a boy would be bound by legal indenture—a system which would not merely keep the boy at his work during the whole term of apprenticeship, preventing him running away, but would also bind the master to teach him his trade properly, so that when the youth had finished his time he would be ready to go and work in any shop. If honorable members go over the Williamstown workshops and make inquiries as to the young men working there on full pay, they will find that every one of them has learned his trade in those shops. If the Railway department adopts the policy of giving employment to none but boys, then, as far as political patronage is concerned, the thing is simplified at once. The honorable member for Castlemaine (Mr. Patterson) very properly stated that the first examination requisite for railway employment is a physical examination. It is absolutely essential to have physical power at any rate in connexion with railway employes, because the men are always required to be smart and are sometimes required to be strong. I am not now speaking of the officers, but of the large number of men employed on whose action the lives of the public largely depend. These must be all smart, active, intelligent men. Take, for instance, engine-drivers, stokers, firemen, guards, signalmen, shunters, pointmen—all these have a vast amount of power in their hands, and if they do not exercise it properly the most disastrous results may follow, and therefore these men must be physically capable. A test for colour-blindness is also
State Railways

[ASSEMBLY.]

Management Bill.

absolutely essential. Many accidents can be traced to the colour-blindness of the individual who caused it. The honorable member for Ballarat West (Major Smith) suggested that under the proposed system of examination the boys in the country districts would not have the same chance as those in Melbourne, but that difficulty is very easily got over. Boys about town can easily get to the doctor, and pass their examinations without expense; but it would take a great deal out of the small earnings of parents in the country districts to send their boys to Melbourne for that purpose. And there is no necessity for boys to be brought from the country to a town doctor. I submit that every boy, when he leaves a State school, should receive a certificate, signed by the schoolmaster or an inspector, showing his educational status.

Mr. GRANT.—That is done now.

Mr. WOODS.—Then nobody takes any notice of it. But the examiners under the Bill could be required to accept that certificate as an educational test, and what is to prevent the Railway department arranging with medical men in the different districts of the colony to give a certificate as to the physical capacity of every boy who chooses to submit himself for examination? If that is done, and if the examiners who are appointed to decide between rival claims for appointments are required to act upon the two certificates—the one from the school, and the other from a medical man—it appears to me that boys all over the colony will be placed on precisely the same footing. Now, assuming that commissioners to manage the railways are obtained, the best compliment you can pay them is to let them know that they must have nothing to do with political patronage. Why should there not be established in the colony an independent labour bureau or employment office, whether every applicant for employment in the whole Government service should go, where the application should be registered, and where the departments, when they require assistance, could seek for it? I regard labour, in connexion with the management of railways, much as I do stores. Now what is done in the case of stores? The Railway department may be said to consist of four branches—the Engineer-in-Chief's, the locomotive, the accountant's, and the traffic. When I was at the Railway department, a system was adopted whereby the head of each of these branches was furnished with certain requisition forms, and the forms of each branch had their own peculiar colour. Well, if anything was wanted from contractors who supplied the department with stores, a form was filled up by the proper officer and despatched, and, when the goods were delivered, the order was pasted in a book, and there was an entire record of the transaction, without the help of any bookkeeping or clerical work. There was no chance of error, because there was no circumlocution or red-tape about the business. Now what difficulty is there in treating labour in precisely the same way? Supposing the Traffic Manager wants four or five boys—two of them for clerical work, and the others for porters or for learning the work of signalling, a form could go up to the employment office from the department, and, in answer to it, the boys required would be sent, and be at once employed. In the event of any boys put on in this way being found unfit, I say the officers ought to have the absolute power of dismissing them, and getting others; and, if any appeal were allowed, it should lie wholly and solely within the department. There should be no appeal outside. The moment an appeal outside the department is allowed, that moment is established the kind of disorganization which is properly represented by the term "want of discipline." We have heard something about the duties of a general manager. If a general manager such as has been described during this debate can be obtained, the best thing to do will be to give him absolute power. If you want to make the railways a success, such a man must not be interfered with. He would know and would do his duty, and he would not remain in the public service if he were to be interfered with in the performance of his duty, or be humbugged with the ideas of people who do not understand the business. I quite believe there ought to be a general manager over the whole of the railways. He need not necessarily be an expert in any particular branch. A man may be an expert in locomotive engineering, and yet know nothing of civil engineering, or vice versa. He may be an expert as an accountant, and yet know nothing of traffic management. So that it would be difficult, if not impossible, to obtain any one man who possessed knowledge, as an expert, of the whole of the branches of what I may call railway business. At the same time, I don't think we need go out of the colony for the kind of man we want. I think I could point out two or three men, any one of whom would be thoroughly capable of taking the position of general manager of our railways. This general manager, I take it,
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would be the means of communication between the commissioners and the officers of the department; and, however good a man he may be, he must depend upon the men below him. He must depend upon the traffic manager for the proper conduct of the traffic business, and upon the locomotive superintendent for the good condition of the rolling-stock, and for the efficiency of the engine-drivers, stokers, and other men under him. The general manager cannot deal with details involving much time and trouble. He cannot make the necessary arrangements for all the stations. He will not know the qualities of the different employes. Probably he will know very little about them. So that he will absolutely be compelled to depend upon the heads of the different branches for that perfection which should be expected in the working of the railways. He will hold them directly responsible, and this responsibility must be not merely in name—it must be a personal responsibility, so that, in the event of anything happening which can be traced either to carelessness or incompetency, the person culpable can be punished at once. That is the kind of responsibility, and the only kind, that will answer. It is only incompetent men who want to shelter themselves, and do shelter themselves, behind somebody else—who bring influence to bear in order to have their cases favorably considered. The really good men do not want anything of that sort. With reference to the commission, I entertain an entirely different idea as to what is wanted from that which is provided for in this Bill. I have the same object in view, but I entertain a different notion as to the way of working it out. If we want to make our railways commercially profitable, there is no use in adopting only a part of the system which has been successful all over Europe, America, and India, and part of our own, and patching the two together, because they won't work. If we want a board of directors or a board of advice, let us have one; but the only individual to be communicated with by the officers and men of the Railway department ought to be the general manager. Do honorable members imagine that the directors of the London and North-Western Railway, or of the Great Northern Railway, know anything about appointments—that they ever go and interview their traffic manager, their locomotive superintendent, their inspector of rolling-stock, their accountant, or any other officer? They do nothing of the kind.

Mr. GILLIES.—That is quite a mistake.

Mr. WOODS.—I am speaking of management such as I have known. I recollect a chairman of directors of the London and North-Western Railway going through the workshops at Crewe, and seeing an iron shaft 5 or 6 inches in diameter, and wanting to know whether it was a pump. That is a sample of what a chairman of directors may be supposed to know about mechanism, I say the locomotive superintendent of such a railway as the London and North-Western would not tolerate any interference of the sort I indicate. Whatever interference he is subjected to is through the general manager, or, as he is called in England, the chairman of the directors. Instead of having three commissioners, as is proposed by the Bill, I would endeavour to follow the European and American system a little more closely. I suppose the Government do not propose to offer the commissioners less than £2,000 per year each.

Major SMITH.—And £5,000 for the "boss."

Mr. WOODS.—You won't get a man worth that money to leave England. When you do get your manager, as the last speaker has argued, it will be found that his experiences have been totally different from what his experiences will be here. He will have to deal with a different class of men, and an altogether different set of circumstances. The value of a general manager in England is that he can arrange with other companies—he can manage in the clearing house, with other companies over whose lines his rolling-stock runs—for the running of his engines and carriages from one end of the country to the other, and see that his company don't lose anything by his proceedings. But nothing of the kind has to be done here. We have no rival lines; our business is comparatively simple; and therefore I say the qualities which command the highest price in England, if I may so put it, are absolutely not wanted here.

Mr. KERFERD.—We don't want to import a man to distribute the rolling-stock.

Mr. WOODS.—I quite agree with the Attorney-General. When I was at the Railway department, I had some 3,000 miles of telegraph wire put up, in order that every morning the central office at Spencer-street might be informed of the number of empty trucks there might be at every station with which there was telegraph communication; and the department has only to perfect its telegraph communication to have,
twice a day if it pleases, a return of the empty trucks at every station in our railway system of 1,400 or 1,500 miles. With reference to the commission, I would ask why, instead of having three commissioners fixed at the Railway department, like so many railway monks, debarred from anything but their particular duty, should there not be a board of some six or seven directors? The expenditure of a few thousand pounds over such a matter may be regarded as nothing. The difference between success and failure in connexion with railways lies in the management. Why £50,000 or £60,000 may be thrown away before you know where you are. Therefore, I am not for standing any nonsense about paying a good man well. I have always maintained in this House that the highest of our railway officers are not well paid. They are not paid on the same scale that corresponding officers are paid elsewhere. I believe the Traffic Manager gets no more than £500 a year, while the traffic manager of the Omnibus Company gets £1,200 a year, and has an interest in the concern. South Australia gives its locomotive superintendent £1,000 a year, but I suppose we do not give ours more than £500 or £650. These are anomalies which I trust the commissioners, if we are to have commissioners, will put an end to. But why not have, instead of commissioners, a board of six or seven directors? Let there be among them a good accountant and a good shipping man, and let them all be good business men, and men who know the country and its institutions, and who also know something of the habits of the people. I would give them £1,000 per year each, or a little less if that is thought too much. It would not be necessary for them to meet more than two or three times a week. They could then discuss everything connected with the management of the railways in exactly the same way as the directors of a bank, or a mine, or of a railway company in England discuss the affairs of the concern under their control. I repeat that, if we are going to adopt the English plan in part, we should adopt it altogether. Instead of our creating three despotas, who, as soon as they got into the shafts, would probably pull one against another like fun, I would have a board of seven directors—men who, instead of being isolated from the world, would be mixing with the world, and who, for a certain consideration, and I would make it worth their while, would control the railway management. Before them everything connected with the railways, from first to last, would be brought; they would communicate with the general manager, and he would communicate with those under him. I commend this suggestion to the House. I think it is worthy of consideration. It is a suggestion which embodies within itself the power to prevent that which some honorable members believe may become a difficulty hereafter. Possibly commissioners would be appointed whom it might be desirable to get rid of; but the difficulty of getting rid of them, the trouble connected with the proceeding, might cause people to put up with them rather than disturb the system. But with a board of directors, anything of that sort would be almost impossible, because one or two of them could be removed and replaced at pleasure. It could be so arranged that, if they did not do their duty, the Minister could dispense with their services.

Mr. GILLIES.—What good would there be in having mere puppets in the hands of the Government?

Mr. WOODS.—The Minister could get rid of them if they did not perform their duties properly, but he would have to be responsible to this House, and this House alone, for his action. If a Minister, in the exercise of arbitrary power, dismissed a man who was doing good work for the country, this House would know how to deal with him; and I say that when an individual Minister does anything of that sort which is contrary to the views and opinions of this House, instead of the Government being displaced, the individual Minister ought to be made to bear the responsibility himself, and he should have to relinquish his office without rendering a change of Government necessary. At present we have a system so unwieldy that some very great national wrong must be perpetrated before this House will consent to punish the sins of an individual Minister by a change of Government. Then, again, the Railway department being entirely administrative, and dealing with funds voted by this House—funds raised by taxation imposed by this House—the control of that department is a matter which cannot be allowed to go out of the hands of this House at all; and, therefore, I say that not in any way or shape should the name of the Legislative Council appear in this Bill. It would be an absolute surrender of the privileges and rights of this House, and, through this House, of the country, to allow the Legislative Council to put its finger on the
administration of the Railway department in any shape or form. Therefore, when the Bill goes into committee, I shall endeavour, if no one else does, to get that part struck out which has any reference to the Legislative Council. I want the death of patronage to take place properly. I don't want to see, nor does anyone else, to get that part struck out which has any reference to the Legislative Council.

The absolute control of the public purse. Another point alluded to the other night, which, I am sorry to say, did not receive more attention from honorable members, was the question of assurance. I think honorable members are pretty well satisfied that such a system must be adopted. I am in communication with a gentleman in Germany with the view of obtaining a copy of the rules adopted by Krupp in his establishment. I suppose Krupp employs from 8,000 to 12,000 men. In connection with that establishment there is a perfect system of insurance. After an apprentice has finished his term, he goes on as a journeyman, and from the day he receives wages, so long as he continues a journeyman, a portion of the money he earns must go into an insurance fund. This fund is not an insurance fund in the ordinary sense of the term, out of which some one at the expiration of a certain time, or in a certain event, receives a lump sum to do what he likes with; but it operates in this way. After a man has been a journeyman for so many years, he is regarded as worked out, and he must retire. And what do honorable members think he retires upon? He retires upon full pay—his full wages as a journeyman.

Major SMITH.—For how long?

Mr. WOODS.—As long as he lives. They don't work men out there as men are worked out here until everything is extracted from bone and fibre, eye and muscle, when they are cast upon the human scrap-heap, there to die. 

This question—the question of the treatment which labour ought to receive, and the share which it should enjoy of the profits derivable from the joint enterprises of capital on the one hand and labour and skill on the other—is a very serious one, one which will have to be dealt with by the Legislature before long. But the dealing with it might be anticipated, in some slight degree, by providing in this Bill for the creation of an insurance fund similar to that in existence in Krupp's great establishment. When I was at the Railway department, I requested the Traffic Manager, who happens to be an excellent accountant, to make out tables—I asked him to take every man, woman, and boy in the Railway department, and ascertain the date of the appointment of each, and the rate of remuneration received—with the view of ascertaining what ought to be paid, at the ordinary rate of compensation given to civil servants on their retirement, to the railway employes, in the event of the services of the whole of them being suddenly dispensed with. What do honorable members think the sum amounted to? To £380,000. That was the sum which this colony was theoretically responsible for, in connexion with the Railway department, a little over three years ago. Now what I suggest is that the Government should start a railway insurance fund, endowing it with perhaps £50,000 to begin with; and provide that to that fund every railway employe should contribute, every month, a certain percentage of his pay, so that when he leaves the service he will receive, in the shape of a retiring allowance, something which is not in the caprice of a Minister to give, but which the individual takes as a right. Such a system is better than compelling a man to go to an insurance office and insure his life for £200 or £300 with the probability that he may afterwards hypothecate his policy for £100 or £120.

Mr. GILLIES.—He cannot do that under this Bill.

Mr. WOODS.—I don't know how the Minister of Railways can control the action of an insurance society, and particularly if the society is also a money-lending institution. I don't know how the honorable member can prevent an understanding between the parties, that a man who insures his life for £300 shall have £100 for present necessities. But I do know that, if insurance money is retained in the hands of the Railway department, it can be parted with only to the employé on his retirement, or, in the event of his death, to his family. The work of managing the fund could be performed by a few capable officers, easily and cheaply—far more cheaply than an insurance office could be carried on for. And the fund would have this good incidental effect: every man would know that if he misbehaved himself he might lose not only his situation, but his insurance money as well. What an immense hold the Railway department, it can be parted with.
little attention had been paid to leasing that the question of leasing the lines was a matter altogether outside debate. I don't know that it is outside debate, or that it ought to be. However, I do know that, under a system of leasing, the public could be served as well as they are now, and that the State could get more money, and that the lines and the rolling-stock could be kept in as good order. I know further, that the Government could get security equal to anything which could reasonably be demanded—the security of two or three monetary institutions, if necessary. If the idea is one which the Government are at all disposed to entertain, I venture to say that, before a week is over, men fully competent to enter upon the undertaking would place themselves in communication with them. The leasing of the railways is a thing which has been talked about a good deal, but it has never been tried, and it has never been tried because everybody has thought that it never would be seriously entertained. But I don't know why it should not be entertained. The railways in the colony have been constructed by the State, instead of by private enterprise, because private enterprise could not keep pace with the demands of the people; but, inasmuch as defective management has arisen in connexion with those railways, why should not an opportunity be given to private enterprise to say—"We will manage the lines for you, and give you all you get now, and £70,000 or £80,000 per year more, and if you choose to construct additional lines, we will give you so much more per mile pro rata"? I think the matter worthy of consideration. If an opportunity were given for sending in tenders for leasing the lines, it would at any rate determine the question of whether satisfactory offers could be obtained. I am sorry to detain the House so long, but there are one or two other remarks which I desire to make. Honorable members are now aware of the course that I intend to take to make the Bill perfect, but there is a course which I will not take. I shall oppose with all the power I can—anything I can say and anything I can do—any attempt to place three free-traders in charge of the railways. I know exactly what may happen. An English manager, with his English prejudices, whenever he wants to send an order to a favorite firm in England, will be able to so manage things as to bring about a contingency which will compel the Minister of the day to say—"We are driven into a corner, and, for the safety of the public, we must send home for railway material." Such a manager would only need to have a couple of local free-traders acting with him, and the thing would be done. I am not prepared to assist in bringing about such an arrangement as that at any price. I referred a little while ago to the railway-wheel manufacture at the Langlands Foundry. Let me allude to some other instances of the manufacture in the colony of railway material. Take the Tyne Foundry, for example. I dare say that the enterprising proprietor of the Tyne Foundry has made some money. What has he done with it? He has invested it in additional plant, in order to place himself in a position to carry on still greater works. It should be remembered that the money which the proprietor of that establishment has made is not unearned increment, like the wealth which the Chirnsides and the class of which they are representatives have obtained from the increased value given to their land by the progress and enterprise of the colony, but it is earned increment. Again, take the case of the Phoenix Foundry at Ballarat. For the last ten years locomotive engines have been made at that foundry, and I dare say the proprietors of the establishment have made some money, but what have they done with it? They have re-invested it all in the purchase of additional machinery and plant. I want to know whether three free-trade commissioners are going to be allowed to throw local men out of employment, and tell the proprietors or shareholders of the Tyne Foundry, the Phoenix Foundry, and similar establishments that they can sell their machinery and plant in Belgium for old iron?

Mr. GILLIES.—This is an old yarn.

Mr. WOODS.—It may be an old yarn, but the honorable gentleman will hear it repeated with variations. I do not believe that this House will stultify itself by permitting any Government to put the railways into the hands of three free-trade commissioners.

Mr. SERVICE.—There is no proposal of that sort in the Bill.

Mr. WOODS.—It is between the lines, I am afraid. I am uncommonly innocent, but I am not quite so innocent as the Premier's statement would imply. If I have a strong forte, it is innocence, but the honorable gentleman's statement is a stretch beyond me; there is a touch of sublimity about it that I cannot reach. The three free-trade commissioners might suddenly discover that 50 engines were wanted at once, and they would say—"We cannot get
them in the colony, that is out of the question; if they were made here such a length of time would elapse, and there would be this, that, and the other to import." The result would be that the 50 engines would be ordered from England, just as engines were ordered last year, though there was no necessity whatever for sending the order out of the colony.

Mr. WALKER.—The commissioners could not send to England for engines; they would have to requisition the Minister.

Mr. WOODS.—More innocence! Over-powering innocence! If the commissioners choose to send home for 50 engines, are the colonial workshops to be closed, are the proprietors to sell their machinery for old iron, and are the artisans who are now employed in these establishments to be compelled to start in a new walk of life?

Mr. SERVICE.—No.

Mr. WOODS.—There is a possibility of this occurring; and I say that this House will not do its duty unless it takes excellent practical experience in connexion with railways and railway management as any member of this House—that there should be a board of management instead of three all-powerful directors, who may boil themselves down into one. There will be a danger of collision between the two Houses if the Bill passes in its present shape. Assuming, for instance, that an order for 50 engines was sent to England by the commissioners, or practically by the chairman, and that the Minister of Railways, acting in accord with the opinion of this House, dismissed the man who gave the order, and countermanded the order itself, what would be the result? The dismissed commissioner would then appeal to the Legislative Council, who might unanimously adopt an address to the Governor and obtain the man's reinstatement. There would then at once be a collision between the two Houses of Parliament, and it would be precipitated by a Chamber which has absolutely nothing to do with either administration or expenditure. The Bill, I say, contains the raw material for a collision between the two Houses. I shall certainly vote for the second reading in the hope that the Bill will be amended in committee. I am willing to give way on minor points so long as the main principles which I have indicated are carried into effect. On the understanding that it will be amended in committee, I desire to see the Bill passed as much as any member of the Government does. I am anxious that political patronage shall be absolutely a thing of the past—that every precaution shall be taken to prevent it cropping up in any shape or form. At the same time, I shall insist, as far as lies in my power, upon the policy of the country as it affects our manufactures being adhered to—the policy of making everything here which we can make, and keeping our money amongst ourselves, for the employment of our own people, instead of sending it away to other countries.

Mr. RICHARDSON.—Sir, the honorable member for Stawell always speaks with authority on the question of railway management, and supplies the House with a great deal of information about it. I, however, do not propose to follow him through all the numerous subjects to which he has referred, inasmuch as they are really not properly before the House at the present time. The honorable member always takes a vast and comprehensive view of every topic; his imagination goes far away into the future, and he builds up a perfect fabric of his own. Even on the annexation question his ideas stretch to all the islands of the South Seas, and the position of the civilized world in regard to those islands. The honorable member has certainly taken a very comprehensive view to-night of the subject of railways and their management; but I regret that he has introduced the question of protection versus free-trade in connexion with it. The honorable member may be enabled to read between the lines, but, as far as I can see, there is no tendency towards free-trade manifested in the Bill. There is certainly an opportunity given for it, but we have the assurance of the Government that what they attach importance to is the principle underlying the Bill, and that they will be prepared in committee to make any amendments which may be shown to be necessary to give effect to that principle. I intend to vote for the Bill, because I believe in the principle upon which it is founded—the lines upon which it is drawn. In the first instance, I thought that the provisions for the abolition of patronage called for amendment, but, on looking more fully into the matter, I am perfectly satisfied that they deal with patronage just as it should be dealt with. We have only to carry out the lines upon which the measure
State Railways  

[ASSEMBLY.]  

Management Bill.

is founded, and we will effectually destroy patronage. It will not exist either on the part of Members of Parliament, or on the part of the Minister of Railways, or of the proposed commissioners; but the whole community will have a fair field and no favour. I think that all honourable members ought to assist the Government in carrying out this object, and I do not anticipate any opposition to this feature of the measure. There are, however, some points in the Bill, principally matters of detail, to which I desire to direct attention before the second reading takes place. I don't concur with the statement of the honorable member for Boroondara as to the power and position of the Minister of Railways. I have never found a Minister of Railways such a puppet as that described by the honorable member; nor am I convinced that the patronage exercised by the Minister, or the mismanagement that has existed in the department, has been as great as represented by the honorable member for Stawell. No honourable member, however, can deny that there has been mismanagement in the department when he remembers the sums which have been spent without the sanction of Parliament at the Spencer-street railway station. There was mismanagement when the Kensington-hill job was perpetrated; there was mismanagement when the Geelong railway station was erected, pulled down again, and another built in its place. There was mismanagement with the Daylesford and Creswick stations; indeed there is scarcely a station on the whole of the lines in connexion with which there has not been mismanagement. The mismanagement has been so patent and self-evident that it is not necessary to adduce any facts in proof of it. In regard to the question of patronage, I have already stated that, in my opinion, the abolition of political patronage will be complete under the provisions of the Bill. In connexion with the officers of the department of the higher grades, the competitive examination will be all that is required except in the one matter alluded to by the honorable member for Boroondara, namely, where the commissioners are enabled to go outside the department to obtain the services of persons of "known ability." In my opinion, it will be necessary to have a regulation to define "known ability," and I do not think there can be any ability which should not be subjected to competitive examination in making appointments to the higher offices in the department. There is another defect which will have to be remedied, or otherwise it will allow certain patronage to remain with the heads of branches. After a candidate has passed his examination and undergone six months' probation, he will have to obtain a certificate of competency from the head of the branch in which he has been employed as a probationer in order to entitle him to be placed on the permanent staff. Now the certificates required from the head of each branch will inevitably become patronage in his hands, and that patronage, I am sure, will not be exercised in a way that will be beneficial to the service. I could mention several instances in which the heads of branches have not exercised their patronage in the public interests. Of my own knowledge I am aware of numerous cases of men applying for employment in the Railway department, and, though the Minister of the day was satisfied that they were men of special ability, the heads of branches would not give them the necessary certificates, and consequently they were not employed. I remember the case of one man who had been for some years an engine-driver on a railway in England. After he came to this country he applied for appointment in the Railway department, and the Minister of the day was satisfied with the testimonials he produced. The application was referred to the Locomotive Superintendent—not the officer who at present fills that position—but a vacancy was never found for that man. About three years afterwards the same man called my attention one day, while I was at an up-country station, to the driver of an engine, and said—"When I applied for employment in the Railway department that man was working as a tailor, but he is now promoted to be an engine-driver, while I with my testimonials and experience have been waiting for three years for a similar appointment." In another case, a young man, about 26 years of age, came to the colony with high testimonials from some leading English engineers, and asked for employment in the Railway department. He was a most suitable candidate, but did not succeed in obtaining employment in the department. He afterwards returned to England, and immediately after his arrival there he was engaged to fill a situation on a railway in India. In these cases the applicants were refused employment in our Railway department, not by the Minister of the day, but by the action of one of the permanent heads of the department. Though the Bill takes away patronage from politicians, and also prevents it from being vested in the proposed commissioners, it

Mr. Richardson,
will be necessary, I think, when the measure is in committee, to be careful to make such amendments as will not permit patronage to be exercised by the head of any of the branches of the department. With respect to the appointment of the commissioners, I cannot help thinking that the matter which I mentioned on the first reading of the Bill is of more significance than the Government appear to attach to it. I refer to the fact that there seems to be no provision in the Bill to prevent the commissioners being interested in any outside business.

Mr. DEAKIN.—Yes, in clause 9.

Mr. RICHARDSON.—That clause simply provides that no commissioner shall "be permitted to engage in any employment other than in connexion with the duties of his office," but will that prevent a commissioner having an interest in some carrying company antagonistic to the Railway department? If it will not do so, no doubt the Government will be prepared to amend the clause in committee. A difficulty also presents itself to my mind in connexion with the provisions relating to the suspension and reinstatement of a commissioner. It seems to me that those provisions have been drawn with a desire to prevent the commissioners being subjected to any political influence, but I think that the Government, in their excessive care to avoid that contingency, have left the door open to the possibility of a dead-lock occurring between the Legislative Council and the Legislative Assembly, because, if a commissioner is suspended, he may be restored to his office on an address to the Governor from either House. Supposing a commissioner was suspended by the Minister of Railways, and the Assembly refused to confirm the suspension—in fact, adopted an address to the Governor, praying for the commissioner's restoration to office—what would be the position of the Minister and of the Government?

Mr. ANDERSON.—They would have to go out.

Mr. RICHARDSON.—Yes, there would, no doubt, be a change of Government; and on this account serious importance attaches to the question of allowing a commissioner to be reinstated on an address from either House. I think that this House should maintain the administrative power in its own hands.

Mr. GILLIES.—This Chamber never exercises administrative power; the Government do.

Mr. RICHARDSON.—At all events this House can control the Government of the day; but if either one House or the other has the power to reverse the action of the Government in suspending a commissioner, the two Chambers will be liable to come into collision, in which case a deadlock will inevitably occur. It is not desirable, I submit, to have any provision in the measure which may bring about a dead-lock. With regard to importing a commissioner from England, I think that the Government will act wisely by getting the best man they can, no matter where he comes from. I am also of opinion that they would do well to consider the suggestion of the honorable member for Stawell, that this man should take the position of traffic manager. I understand the Premier has promised that a clause shall be inserted in the Bill giving Parliament complete control as to where the plant and material required by the department shall be obtained, and providing that none shall be imported without the sanction of this Chamber. At present, therefore, it is not necessary to say anything further on this point, but I desire to call attention to the fact that clauses 50 and 61 appear to be somewhat contradictory. Clause 50 provides that—

"The commissioners may apply in writing from time to time to the Minister for additional stores, plant, material, rolling-stock, stations, sheds, and other accommodation which, in the opinion of the commissioners, may be required to enable them to meet the traffic requirements and the working of the railways."

Clause 61, however, gives the commissioners power to order any material or plant which they like, and I presume it is this clause that the honorable member for Stawell thinks will enable them to import their material and plant. It is only necessary, I imagine, to call the attention of the Government to the discrepancy between the two clauses to induce them to remedy it. I would suggest that, instead of the commissioners memorializing the Minister of Railways, they should send in to him every year, shortly before the meeting of Parliament, a comprehensive estimate of their intended expenditure for the year, giving the exact particulars of the rolling-stock they would require, and so on. The Minister could then submit that estimate to Parliament, and thus the railway expenditure of the country would come completely within the control of the House. Another thing I would like to know is the policy the commissioners will pursue with respect to railway fares. As was pointed out to-night by the honorable member for Borooondara, the fares now charged on the suburban lines...
are too low to allow of their paying interest on the money they have cost. Are the commissioners to be expected to raise the fares until these lines do pay?

Mr. GILLIES.—They cannot alter the fares except with the consent of the Governor in Council.

Mr. RICHARDSON.—I know that the Governor in Council will always have control in that direction, but in exercising supervision over railway fares will they not, to a certain extent, dispense political patronage? My great desire in the matter is to know by what principle, with relation to fares, the commissioners will be guided? For instance, is the country to go on paying through the nose in order that the return fare between Brighton and Melbourne may be kept down to 1s.? With respect to the construction of new lines, it is not very clear whether the necessary information on the subject is to be collected by the commissioners or by other persons. For my part, I think the proper plan would be for the commissioners to first make every possible inquiry into the question of the probable traffic of each new line proposed, and that of the interests to be served by it, and then hand the results to the Minister for presentation to Parliament. Upon the whole the Government have surrounded the main propositions of their Bill with far fewer difficulties than I expected. Indeed, I consider that it fully meets the case of the patronage of the Railway department, and establishes on an intelligible basis the connexion that must always exist between that subject and railway management, and, consequently, I shall give it my support. I believe that honorable members generally have but one object on the present occasion, namely, to destroy patronage and place our railway system on such a basis that it can be carried on with less friction with the interests of the country at large than has hitherto been the case. At the same time, although I know that patronage has been exercised by honorable members, I do not think the practice has been indulged in to the extent generally supposed, nor do I imagine that honorable members will, in voting for the Bill, write themselves down as something which they are not. On the contrary, they will do something that will greatly benefit the country as well as free themselves from a very disagreeable duty. I am ready to face any duty I may be fairly required to fulfil; but there are duties and duties, and that I am now referring to is one from which we ought to be relieved.

Mr. NIMMO.—Mr. Speaker, I have been strikingly reminded during the debate of the old Scotch proverb, “Weans maun creep before they gang.” For example, the Municipal Act, which was adopted in the old days, at the instance of Captain (now Sir Andrew) Clarke, had to be amended six times before the municipal system could be got fairly to work; and, with that experience in view, may we not say to ourselves that, should all the defects with which the present measure is credited turn out to be real ones, it will still be possible for us, if we pass it into law as it stands, to thoroughly amend it on a future occasion? I take the Bill to be based on the assumption that a corporation of three commissioners will be able to manage our railways better than they can or have been managed by a Minister of the Crown, and I think facts prove the soundness of the proposition. While this is the case, how can I feel implicated by the statement of the honorable member for Collingwood (Mr. Mirams) that each honorable member who votes for the second reading of the Bill will write himself down a rogue? As for the way in which railway patronage has been exercised in the past, I wish to remark that in the list of railway officers blamed by the Hawthorn Accident Board I do not find the name of a single individual ever recommended by me for appointment or promotion, and, moreover, I don’t believe that any one of them owed his position in any way to political influence. I have very frequently applied for appointments for working men in the railway service, but I never thought that in doing so I was guilty of anything wrong. When a man whom I have known to be good, honest, sober, industrious, and skilful asks me to certify to his character, I would not be doing my duty if I did not bear testimony to the clear facts with regard to him. It is imposed on every one that he should do as much good to his fellow man as he possibly can. I feel, however, with respect to the Railway department that the time has come when we should make an experiment in the direction of thoroughly changing its whole system of management. It has become too big to be governed only by a Minister of the Crown, who is necessarily subject to political influences and political mutations. Do we not remember what occurred only a few months ago? The late Minister of Railways stated to the House that urgent demands were being made upon him for new rolling-stock and other material, and the House, after deliberation, decided that he
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might send to England for what was required. Well, of that permission he availed himself, taking the word of the House in good faith, and now he finds—what? That he is severely blamed. Nevertheless, who made the mistake in the matter? It seems that he simply acted according to the pressure brought to bear upon him. But a board of management, independent of all political influences, at the head of the Railway department would have acted in a very different fashion. It would have gone into the merits of the question in a way which it was not open to the Minister to follow.

Mr. Grant.—A free-trade board.

Mr. Nimmo.—The point is that a board would be entirely free from political influences, and able to look at everything in a sound business light. Commissioners charged with such heavy responsibilities would be bound, out of respect for their own character and position, to be completely above all temporary considerations. Under the existing arrangement, however, a Minister of Railways may be either a free-trader or a protectionist. There are two portions of the Bill to which I object, namely, clauses 13 and 61. I disapprove of the former on constitutional grounds. I have always held that this Chamber is the sole guardian of the public purse, and I have as yet seen no reason to depart from the doctrine.

Mr. Anderson.—What about the Harbour Trust?

Mr. Nimmo.—I don't understand how the case of the Harbour Trust can come in. The Harbour Trust is a corporate body, and so will be the railway commissioners. This Chamber can have nothing to do with any suspension in connexion with the Harbour Trust. What I am dealing with is that, under clause 13, if the Government suspend one of the railway commissioners it will be open to the Upper House to reinstate him. I think an arrangement of that sort will certainly result in a dead-lock. Clause 61 is objectionable, because it will empower the commissioners to send to England or anywhere else for railway plant, but I understand the Government will bring down an amendment altering that state of things. I have no other fault to find with the Bill. It embodies an experiment which I think ought to be made, and therefore I will support it being made. Allow me, however, to offer a remark or two concerning the relative positions of the general manager of the railways and the chairman of the board. My impression is that the general manager should be able to exercise every authority requisite for his post, and of course he will have to be, to a certain extent, an expert. For instance, he must know enough to be able to perceive when and where lines have become dangerous, where embankments are liable to give way, or culverts ought to be made, how different species of traffic ought to be provided for, and so on. He ought, moreover, to be a man capable of inspiring perfect confidence on the part of his officers, and to be clothed with full power to dispense with the services of any man he sees not doing his duty. Without such full power it would be useless to attempt to charge him with full responsibility. At the same time he must be a personage entirely distinct from the chairman of the board, whose business will be rather to receive reports from the general manager and, together with his colleagues, digest them. I would expect the board to regularly prepare quarterly, or even half-quarterly, reports, for presentation to this Chamber. With the understanding that clauses 13 and 61 will receive careful attention at a later stage, I support the second reading of the Bill.

Mr. Graves.—Sir, after reading the Bill with the greatest possible attention, I have come to regard it as a very carefully prepared measure, which will have my support if it may be relied upon to remove political patronage from the Railway department, and place the whole of our railway system under the management of a thoroughly competent and non-political board, the members of which will have their positions properly secured to them. Looking over our railway records, I have been struck with the number of Ministers of Railways we have had since our Government establishment began to include a Railway department. The first Minister of the kind was appointed 23 years ago, and since then there have been no less than sixteen changes in the occupancy of the office. Now it is my opinion that, under a system which involves such frequent mutations—one Minister coming into power simply to undo what his predecessor may have done—it is utterly impossible for the railway interests of the country to receive the attention they deserve. The Minister of Railways of the day may have the highest possible intellect, and be governed by the most honest motives, but how, under such circumstances, can he carry out any great design, or establish any thoroughly sound principle? In the first place, all Ministers of Railways are fallible; secondly, frequently changing the Ministerial head of the Railway department will not get rid of that
defect in any way; and, thirdly, it is well known that the heads of its various branches are often not in a state of agreement. Again, we have had a variety of Engineers-in-Chief, and, of course, the officers under them have had in turn to carry out a different policy. Well, if the Bill will change all that, it will receive every assistance I can give it. There are, however, one or two matters in connexion with the subject to which I may well call attention. A good deal has been said about the dishonest method of appointment adopted in the department, but it seems to me that, if a certain regulation made some ten years ago had been strictly observed, all might have been well. That regulation is as follows:—

"VICTORIAN RAILWAYS.

"Applicants for employment must be able to comply in all respects with the undermentioned requirements:—

"The candidate must be under 23 and over 16 years of age, but for certain work his age must be not less than 19. He must produce a testimonial of character from his last employer, and must stand 5ft. 6in. without shoes; read and write with facility; be generally intelligent; free from any bodily complaint and of a strong constitution, according to the judgment of the railway medical inspector, for whose certificate he must pay a fee of 10s. 6d."

And then follows a form indicating the various requirements to be complied with. Had those conditions been strictly followed, honorable members might have recommended candidates for railway employment without any fear of disorganizing the department. After all, they can only recommend a candidate for his character: I may mention that I have been told of an honorable member that within the last few months he made some 22 or 23 applications for railway appointments in accordance with the regulation I have just read, but that in the only case in which he was successful the man appointed did not come within the terms of the regulation, his physical fitness not being equal to what it prescribed. I agree with the honorable member for Creswick (Mr. Richardson) that clause 9, which provides that the commissioners must give their whole time to their duties, ought to be extended so as to provide that they should have no interest in any departmental contract.

Mr. GILLIES.—Surely the honorable member does not wish to imply that a commissioner could ever be mean enough to become personally interested in a contract he himself had made.

Mr. GRAVES.—He might be interested in many ways. For instance, he might have land, the value of which certain action of the board might double.

Mr. GILLIES.—He would be a dishonest man, and ought to leave the service.

Mr. GRAVES.—Well, it would do us no harm if a few words were inserted in the clause to protect the interests of the State in the matter. With the clause setting forth how appointments are to be made I agree, but I think the initial examination ought to be competitive. At present it would seem that competition is to come in at the wrong time, for I don’t coincide with promotion being subject to any such condition. When once a public servant is found to be competent, his promotion should go by seniority. Why should a man already in office, who ought to be engaged in working up knowledge of the details of his department, be compelled to turn his attention from them in order to prepare himself for a competitive examination which cannot touch those details? With regard to the proposition that a suspended commissioner should be capable of reinstatement at the instance of the Legislative Council, I quite agree with the honorable member for Emerald Hill (Mr. Nimmo) that the Assembly alone should have the power in question. Were the Council to interfere on any occasion of the kind, the Ministry of the day would be placed in an extremely awkward position, and there might be a dead-lock. The honorable member for North Melbourne (Dr. Rose) referred, the other night, to railway officers being entitled to pensions at the end of their service, but he ought to know that pensions are now abolished. That brings me to the provision of the Bill that every railway officer should effect an assurance on his life. It is an arrangement I quite concur in, for I feel that the Government ought to step in and insist on every one of its officers making some provision for himself. The premium to be paid by him need not be at all large. At the same time the Bill should contain a provision rendering the security of each assurance quite perfect. I would not have the Government establish its own assurance office as is done in New Zealand, but I think it ought to follow the Indian example, and create a general fund in the benefits derivable from which the whole public service could share. In fact, I regard the portion of the Bill relating to assurance as only an installment of the legislation on the subject which we ought to have. I repeat that the measure will have my cordial support, although I do not wish for a moment to reduce the responsibility of Ministers.

Mr. RUSSELL.—Mr. Speaker, I feel it my duty to offer a few reasons for the vote
I shall give with respect to this Bill. No one who has listened to the statements made in this Chamber with respect to the condition of the Railway department can have failed to come to the conclusion that a change with regard to it is absolutely necessary, and also that a change for the worse is almost impossible. That is my feeling in the matter. I find that there are three kinds of patronage in connexion with the department. First, there is Ministerial patronage; secondly, there is the patronage supposed to be exercised by honorable members, but in connexion with which they are, according to their own showing, perfectly innocent of any wrong-doing; and, thirdly, there is the patronage—apparently rather extensive—which comes from elsewhere. It seems to me that the latter is quite as detrimental to the public service as any political patronage could be. My view of the Bill is that it will utterly abolish patronage of every kind in the Railway department, and provide that in future every applicant for railway employment will have to stand on his own merits. There are two or three features in the Bill which especially commend it to my support. In the first place, the legislation in this Bill is based on principle, and not on party lines. For the last ten years legislation in Victoria has proceeded on party lines, and has, therefore, been defective; and now I am glad to see that we are to have legislation on principle. The second principle in the Bill which appears to me especially good is that it will give equal law and equal right. I do not know anything that so endears a country to a people as for them to feel that they are living under equal laws, and that their children have all equal rights. The Bill will give those equal rights, and, if there were no other principle in it, it would for that reason alone demand my support. The idea of equal rights—that there is not to be one law for the rich and another law for the poor—is a grand one, and I rejoice to see it carried out in this measure. One honorable member has stated that the provision in the Bill aboutballoting for appointments is likely to deprive the most suitable person of the appointment, because he would be balloted out of it. The most suitable persons, however, will have equal chances with every other individual. Moreover, I may express the opinion that if a young man has pre-eminent abilities he is far better out of the public service than in it, because his chances are better outside it. I know a gentleman in this country who, 15 or 16 years ago, asked a Member of Parliament to obtain a Government situation for him. He did not succeed in getting the situation, and now, owing to his own energy and ability, he is a man of great wealth. There is no doubt whatever that if a young man has ability and energy of purpose, and fortitude to persevere, he is fit for something else besides the civil service. We are not to believe that the only chance in the world is in the civil service. I am very glad to think that there are numbers of young men who have the feeling that the world is wide and that it is all before them, and I only regret that there are so many anxious to get into the public service. I have only been a short time in Parliament on this occasion, yet I have had some 80 applications already from persons wanting Government situations. Some honorable members have said that they have only obtained five or six appointments, but I may inform the Minister of Railways that I have not had my proportion of appointments yet given to me. While there is patronage going I intend to get some of it, but, if the House decides to do away with patronage, I will never bother or trouble the Government on the subject. There is just one other thing to which I wish to refer in connexion with the Bill, and that is the industrial interests of the country. If I could only feel that the industrial interests of the country are perfectly free from any danger under the measure, I could give my whole heart to the proposal. If the Government will only give an assurance that no order shall go home that will interfere with the industries of the colony, and will insert a clause in the Bill to give effect to that principle, I, for one, will do all I can by my votes to carry the measure into law.

On the motion of Mr. McLellAN, the debate was adjourned until the following Tuesday.

The House adjourned at nineteen minutes to eleven o'clock, until Tuesday, July 24.

LEGISLATIVE COUNCIL.

Tuesday, July 24, 1883.


The President took the chair at half-past four o'clock p.m., and read the prayer.
ABSENCE OF A MEMBER.

The PRESIDENT announced that he had received a telegram from Mr. Fitzgerald, stating that the illness of his brother prevented him from attending the House.

VISITOR.

The PRESIDENT mentioned that Sir Henry Wrenfordsley, the Chief Justice of Fiji, was within the precincts of the House.

The Hon. R. S. ANDERSON moved that Sir Henry Wrenfordsley be accommodated with a chair on the floor of the chamber.

The motion was agreed to.

PETITION.

A petition against the opening of the Public Library, National Gallery, or Museums on Sunday was presented by the Hon. J. BALFOUR, from Presbyterians of Skipton.

DEFENCE OF THE COLONY.

The Hon. W. A. ZEAL asked Mr. Sargood when the alterations and repairs to the Cerberus would be completed; when that vessel would resume her position (in a thoroughly efficient state) as a guard-ship in Hobson's Bay; and also what was the present state of the defences at the entrance to Port Phillip Bay?

The Hon. F. T. SARGOOD stated that the alterations and repairs to the Cerberus would be completed in five or six weeks, but her docking and painting would occupy about a fortnight longer. He was not sure how much information the honorable member required in answer to his last query, but, perhaps, if he wanted full details, he would be good enough to call at his (Mr. Sargood's) office, when they would be placed before him. Speaking generally, the defences at the Heads were in a forward state, and their construction was pushed on as fast as possible. The works at Queenscliff were already nearly finished, mounted, and armed, those at Swan Island were in very much the same condition, and a contract for the construction of the battery at Point Nepean had recently been let. In addition, Major-General Scratchley was at the present time busily engaged in England in procuring heavy guns, cupolas, &c., for the various batteries in Port Phillip Bay. Several honorable members having called his (Mr. Sargood's) attention to a public rumour to the effect that the Cerberus, which was now lying in the river, had on board a considerable quantity of explosive material, he would read the following telegram on the subject from Captain Mandeville:

"Discharged all powder into the Nelson before going up the river. No explosives on board the Cerberus except 13,000 rifle cartridges in small-arms magazine."

POSTAL LAW AMENDMENT BILL.

The Hon. F. T. SARGOOD moved for leave to introduce a Bill to consolidate and amend the law relating to the Post-office, and for other purposes.

The Hon. R. S. ANDERSON seconded the motion, which was agreed to.

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

PROPERTY LAW AMENDMENT BILL.

The Hon. W. E. HEARN moved for leave to introduce a Bill to amend the law relating to property.

The Hon. J. LORIMER seconded the motion, which was agreed to.

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

LOCAL GOVERNMENT ACT FURTHER AMENDMENT BILL.

The House went into committee for the consideration of this Bill—the Hon. James Lorimer in the chair.

The Hon. J. BELL expressed the hope that the Minister of Justice would consent to the consideration of the Bill in committee being further postponed for at least a fortnight. Many of the shire councils had not yet been able to meet and discuss the measure.

The Hon. D. C. STERRY stated that he had been asked by several local bodies to make the same request. The various municipal councils of the country had not, in fact, yet had time to consider the Bill in a proper manner.

The Hon. F. ROBERTSON said he had received a communication from a shire council in his district, requesting him to ask the Government to bring in a Bill to consolidate the present Bill with the existing Act if the proceeding would not involve too much delay. The council complained that they, being laymen, found it very difficult to understand legislation extended over several Acts.

The Hon. W. E. STANBRIDGE remarked that the various municipal bodies of the district in which he resided were extremely anxious for full time to consider
The Hon. F. E. BEAVER observed that he entirely concurred in the request made by Mr. Bell.

The Hon. R. S. ANDERSON stated that towards the end of last session the Government were strongly urged to initiate as much of their intended new legislation as they possibly could in the Council, and they had taken a great deal of trouble to comply with the request, the introduction of the present Bill being their first step in that direction. That Bill had now been before the country three weeks or a month, and surely each of the local bodies had had time enough to arrive at some conclusion on the subject? If their ordinary meetings took place at intervals too far apart for them to be able to meet in the regular way for the purpose, was not the matter important enough to justify the holding of special meetings? Nevertheless, he had no desire to press the Bill unduly forward, and he would therefore consent to postpone its further consideration for a week. If it was put off much longer, the fresh business that might be expected to come in soon from another place would create a block. As to Mr. Robertson’s request for a consolidating Bill, it would be impossible for the Government to comply with it and get through the legislative work they desired to accomplish before the session closed, because to consolidate as well as amend the legislation comprised in some 600 sections of Acts would occupy a very considerable period. He hoped honorable members who had amendments to propose would hand them in soon, so that they might be printed and circulated.

The Hon. G. F. BELCHER said the Bill had been already considered by the municipal bodies of the Grant district, and valuable suggestions on the subject had been forwarded to him from the shire of South Barwon; so that he thought the sooner the measure was got on with the better.

The Hon. W. A. ZEAL remarked that no advantage would be gained if the Bill was pressed on in a manner distasteful to the local bodies, who were deeply interested in making it the most practical measure possible. It should also be borne in mind that the shire councils usually met only once a month, and that, owing to the peculiar circumstances by which the residents of agricultural districts were surrounded, it always took them a long time to thoroughly grasp a subject of the present sort. The municipal bodies near Melbourne had already called meetings to deal with the measure.

The Hon. T. BROMELL mentioned that many shires were so large that members of the local councils had often to travel 40 or 50 miles in order to attend a council meeting.

The Hon. J. G. BEANEY stated that he had received many letters pressing him to urge that the further consideration of the Bill should be postponed for three or four weeks.

Mr. ANDERSON said that, in view of the statements just made, he would not ask honorable members to go on with the Bill for a fortnight to come. He begged to move that the Chairman report progress.

The motion was agreed to, and progress was reported.

CONSOLIDATED REVENUE (£958,260) BILL.

This Bill was received from the Legislative Assembly, and, on the motion of the Hon. R. S. ANDERSON, was read a first time.

Mr. ANDERSON moved, with the leave of the House, that the Bill be read a second time.

The Hon. P. RUSSELL said he strongly objected to the Government granting particular local bodies money for public works over and above their share of the regular endowment of municipalities. The practice was grossly unjust towards the municipal councils which refrained from eternally sending deputations to town to intrude their wants upon the Executive of the day.

The Hon. F. T. SARGOOD stated that the items of expenditure to which Mr. Russell objected were, without exception, either revotes or votes on account of works already in progress. It was incumbent on the present Government to carry out the promises of their predecessors.

The Hon. W. E. HEARN asked if the House would sit on the following day? (Mr. Anderson—"I think not.") Then the Bill might be allowed to pass through at once, but had the case been otherwise he would have objected to it being rushed through at one sitting.

The motion was agreed to.

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

DOG BILL.

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

Discussion took place on clause 4A, which was as follows:
"Every person registering a dog shall, at the time of such payment, deliver or send to the registration officer a description of such dog embracing the several particulars mentioned in the 2nd schedule hereto, with a declaration thereunder written of the truth thereof under the hand of the owner of such dog, or of some person authorized by such owner in that behalf. Every registration shall be deemed to be in force from the day upon which the same has been so made until the last day of the month of February then next ensuing and no longer. The registration officer shall in every municipal district be the municipal clerk thereof, or some other officer in that behalf appointed by the council thereof and shall in every place not within a municipal district be the clerk of the court of petty sessions held nearest to the place where such a dog is kept."

The Hon. W. A. Zeal observed that this clause had been much discussed in the country districts, and he knew of a distinguished public officer who had a strong objection to it. Of the exact nature of that objection he (Mr. Zeal) was not precisely aware, but he hoped that, under the circumstances, the Minister of Justice would allow the clause to be postponed.

The Hon. R. S. Anderson thought the request just made was a remarkably cool one. It was simply that, at the instance of some unknown person who wanted something, the honorable member did not know what, the business before the committee should be postponed. He (Mr. Anderson) would decline to accede to any proposition of the kind.

Mr. Zeal said he thanked the Minister of Justice for his courtesy, and would reply to it as it deserved. The honorable gentleman had been allowed twice that night to bring forward business against the standing orders of the Council, but he would not be able to do so any more.

The clause was agreed to.

Mr. Anderson stated that, if Mr. Zeal wished to propose any amendment to the clause just passed, and would let him see it before the Bill reached another stage, he would give it every consideration, and, if he possibly could, afford the honorable member an opportunity to bring it forward. At present, however, it appeared that the honorable member was not ready to stand sponsor for the objection he had referred to.

Mr. Zeal asked why the Minister of Justice could not have made a statement of the kind he had just uttered in the first instance, instead of attempting to browbeat him (Mr. Zeal) because, at the desire of a valuable constituent, he requested the postponement of the clause? He (Mr. Zeal) might have been a little irregular in his proposal, but honorable members, and especially young members, were entitled to consideration, instead of being bullied and browbeaten.

Discussion took place on clause 9, which was as follows:

"Every person who, after the 1st day of March in the year of our Lord 1884, and after the expiration of fifteen days from the 1st day of March in each and every year thereafter, is the owner of any unregistered dog above the age of three months, shall, on conviction thereof, forfeit and pay in respect of each such unregistered dog a fine of not less than 5s., nor more than 10s.; and on a second or subsequent conviction thereof before the last day of the month of February next following in respect of the same, or of any other dog, he shall forfeit and pay in respect of each such unregistered dog a fine of not less than 10s., nor more than 40s."

The Hon. J. Balfour remarked that the months of February and March were named in the clause because the municipal year ended in September. Inasmuch, however, as it was proposed in the Local Government Act Further Amendment Bill to make the municipal year correspond with the Government financial year, would it not be well to amend the clause accordingly?

Mr. Anderson said he did not see that anything would be gained by the alteration suggested. The penalties recovered under the measure would be a source of revenue to the municipalities, and money received by March could surely be brought into account before the end of June. It seemed very immaterial at what period of the year the revenue derived from the operation of the measure would be received by the local councils.

The Hon. D. C. Sterry expressed the opinion that persons should not be compelled to register dogs until they were six months old; instead of three months, as proposed in the clause. Six months was the period prescribed in the present Dog Act, and dogs could not do much harm before they reached that age. He begged to move the substitution of "six" for "three" (line 6).

The Hon. W. E. Stanbridge supported the amendment. There was a great mortality amongst dogs at about the age of three months, as at that age they were particularly liable to distemper. If dogs had to be registered when they were three months old, in many cases the cost of registration would be lost, as they would die soon afterwards.

Mr. Anderson remarked that, according to his observation, the period at which dogs were most liable to distemper was when they were between six and nine
months old. The adoption of the age fixed in the clause would cause a large number of useless puppies to be destroyed, which, if allowed to live, would run wild in the country districts and do a great deal of damage among sheep. The object of the Bill was to abate the dog nuisance, but it would not have this effect unless its provisions were made more stringent than those in the present Act.

The Hon. T. BROMELL observed that in his personal experience he found that the larger number of young dogs died between the ages of two and six months. It would be very hard to compel people to pay a registration fee for a dog three months old, when the chances were he would die before he reached the age of six months.

The amendment was agreed to.

On the motion of Mr. ANDERSON, the clause was further amended by the insertion of the words “in addition to the registration fee” after “10s.” (line 9), the omission of the words “the same, or of” (line 12), and the addition to the clause of the words “in addition to such fee.”

Discussion took place on clause 10, which was as follows:—

"Every registered dog, except a dog belonging to and being in a pack of not less than 24 dogs used solely for hunting purposes, shall have a collar round its neck, with the words ‘Registered at,’ specifying the place of its registration, and the name and address of its owner engraved legibly thereon. If a registered dog with a collar round its neck is found wandering at large, it may be seized by the police or by the officer of the municipality duly authorized in that behalf, and notice in writing of such seizure shall, within 48 hours next following such seizure, be by the person making the same delivered or sent by the post to the address on the said collar. If within 48 hours after the delivery of such notice, or the time at which the same would be delivered in the ordinary course of post, the registered owner do not reclaim such dog, and pay to the registration officer the sum of 2s. 6d. for the cost of keeping such dog, such dog may be destroyed by some speedy means. Provided, however, that nothing in this Act shall be held to alter or affect any law now or hereafter to be in force for the prevention of cruelty to animals.”

The Hon. T. F. CUMMING moved the omission of the words—

“Except a dog belonging to and being in a pack of not less than 24 dogs used solely for hunting purposes.” (Lines 1 to 5.)

Mr. ANDERSON remarked that fox-hounds and beagles were kept in a pack while hunting, and afterwards brought back to their kennels, so that they were not likely to go astray and do mischief. He had never heard of dogs of this class running wild and worrying sheep. He thought it would be unnecessarily severe to require that such dogs should wear collars, especially as their exemption from a similar provision in the existing Act had not been found to cause any public inconvenience. Besides, if packs of hounds were required to wear collars they might get caught in close fences when hunting.

Mr. CUMMING said that the clause as it stood would allow people in the country districts to keep packs of 24 mongrels for hunting rabbits, and this was what he wanted to prevent by his amendment. Such packs were kept now, and they were a frightful nuisance. He had no objection to real hunting dogs, which were harmless.

The Hon. C. J. HAM said he would support the amendment. Packs of hunting dogs were not so inoffensive as the Minister of Justice supposed. They often destroyed harmless little dogs, and caused danger by attacking people riding. It was, therefore, necessary to provide some means of identifying the owners of such dogs.

The Hon. W. McCULLOCH stated that the amendment would not press heavily on the owners of packs of hunting dogs. There were only 24 dogs in a pack, and collars would not cost more than 1s. each.

The Hon. P. RUSSELL considered that packs of fox-hounds might be exempted from the operation of the amendment. He agreed, however, with Mr. Cummimg that a great deal of annoyance and mischief was caused by persons in the country keeping large packs of lurchers or mongrels.

Mr. ANDERSON asked Mr. Cummimg if he would be willing to exempt fox-hounds from the operation of the amendment?

Mr. CUMMING observed that the exemption would be unnecessary. There were only a couple of packs of fox-hounds in the country.

The amendment was agreed to.

The Hon. J. G. BEANEY proposed the insertion, after the word “dog” (line 21), of the following words:—

“The municipal officer shall advertise and offer for sale by public auction.”

He remarked that the object of the amendment was to cause valuable dogs, which might be seized, to be offered for sale before they were destroyed. This would prevent the destruction of valuable dogs, and also bring in revenue to the local body.

The Hon. J. BELL pointed out that the owner of a registered dog had to be communicated with before it was destroyed.

The Hon. J. BUCHANAN expressed the opinion that it would be advisable to permit the municipal officer to offer seized
to bring news to him of their whereabouts.

Mr. ANDERSON said he had no objection to the amendment.

The amendment was agreed to.

On the motion of Dr. HEARN, the proviso to the clause was struck out.

On clause 11, providing, inter alia, that—

"Every dog found wandering at large without a collar round its neck, engraved as aforesaid, whether such dog is registered or not, shall be seized by the police, or by the officers of the municipal district, duly authorized in that behalf, in which such dog is so found,"

Mr. CUMMING moved the insertion of the following words after the word "behalf" (line 5):—

"Or may be seized by any person on whose land it is trespassing, and handed over to the police or the officers of the municipal district duly authorized in that behalf."

He observed that clause 14 empowered persons to shoot dogs trespassing on their land, but he wished to empower such persons, instead of destroying the dogs, to seize them, and hand them over to the municipal officers.

Mr. ANDERSON stated that, if it was the wish of the committee, he would introduce an amendment, at a subsequent stage, to effect the object which Mr. Cuming had in view.

The amendment was withdrawn.

Discussion took place on clause 12, which was as follows:—

"The council of every municipality shall carry out the provisions of this Act, and every such council shall appoint a proper officer whose duty it shall be to seize and destroy, subject to the provisions of this Act, any dog found wandering at large unaccompanied by its owner, or some other person, in any street, road, thoroughfare, or public place, within their municipality. Such officer may, on or after the 16th day of March in each or every year, enter upon any premises on which any dog is kept, and may seize and take away such dog, if unregistered, for the purpose of destroying it under the provisions of this Act; and such officer shall be entitled to receive for his own use from the funds of the municipality by which he is appointed, in addition to any other remuneration which he may receive in respect of such office, the sum of Is. for and in respect of every dog which he so seizes under and in accordance with the provisions of this Act, which amount such officer may sue for and recover before justices from the council whose officer he is."
officer appointed by a municipal council under the clause to enforce the provisions of the Act against the council itself. He presumed that was not intended, and therefore he would suggest that the amendment should be altered so as to read thus—"to enforce, under the direction of the council, the provisions of this Act, and." Mr. ZEAL accepted the suggestion.

The amendment, altered accordingly, was agreed to.

Mr. BELL proposed an amendment to provide that any police constable, as well as the officer appointed by the municipal council, should be empowered to enter upon premises and take away unregistered dogs.

Mr. ANDERSON said he intended to move the addition of words to the clause to entitle any police constable to be paid 1s. for every dog which he seized in accordance with the provisions of the Act; but he was of opinion that it would be unwise to give constables the power of entering upon any man's premises to look after unregistered dogs. He would, therefore, oppose the amendment.

Dr. HEARN remarked that it was not desirable to place the police in the position of being liable to come into collision with citizens more than was absolutely necessary. He did not think that a constable should be authorized to go upon any man's premises without a search-warrant. It would be quite sufficient to insist that the officers specially appointed to enforce the provisions of the measure did their duty.

The amendment was withdrawn.

The Hon. J. WILLIAMSON moved that the words "deal with" be substituted for "destroy" (line 4).

The amendment was agreed to.

Mr. BELL urged that the fee to be paid for each dog seized under the provisions of the measure should be 2s. 6d. In order to get the streets cleared of mongrel curs, the work should be fairly paid for, and, in his opinion, the sum of 1s. per head was manifestly too little. He would, therefore, move that "2s. 6d." be substituted for "1s." The municipal councils could not complain of having to pay a fee of 2s. 6d., inasmuch as the revenue they would derive from the dog tax would be much greater under the Bill than it was under the existing law.

Mr. ANDERSON observed that the clause made it compulsory on every municipal council to appoint a dog inspector, and it was the intention of Dr. Hearn to propose an addition to give any ratepayer the power of taking legal action against the local council if it neglected its duty in the matter. Honorable members might, therefore, rest assured that the provisions of the measure would be put in force; and, no doubt, a suitable salary would be paid to the dog inspectors, in addition to the fee of 1s. to which they were entitled by the clause for each dog that they seized for the purpose of being destroyed. He (Mr. Anderson), as he had already mentioned, intended to move an amendment to entitle police constables to the same fee for seizing dogs, but if the fee was increased to 2s. 6d. a great inducement would be held out to policemen to neglect their proper duties in order that they might make money by looking after unregistered dogs.

Mr. ZEAL considered that 1s. per head was not enough to pay a man to run the risk of being bitten by a wretched cur, which he would have to catch and remove to some distance, for the purpose of having it destroyed, in order to entitle him to any bonus. A fee of 2s. 6d. per head would be a very small sum to offer to try and get rid of the dog nuisance, which had become an intolerable one.

Mr. WILLIAMSON supported the amendment.

Mr. BUCHANAN considered the amendment a very desirable one. He knew of one municipality in which the payment of 75 per cent. of the registration fees to the dog inspector had not been sufficient to abate the nuisance. It was therefore necessary to hold out a good reward to constables to capture stray dogs. At all events, that ought to be done in country districts. A smaller sum might be given in Melbourne and its suburbs if there was a danger of the offer of 2s. 6d. per head inducing the metropolitan police to neglect their ordinary duties.

The Hon. D. COUTTS remarked that a fee of 2s. 6d. per head might cause dog inspectors to ask people who were about to destroy their unregistered dogs to let them do it, in order that the bonus might be claimed. He thought that it would be sufficient to offer a fee of 1s. per dog.

Mr. CAMPBELL thought that 2s. 6d. was not too large a "payment by results" for the work of seizing an unregistered dog, and carrying it to the proper place for the purpose of being destroyed.

Mr. ANDERSON intimated that he would not further oppose the amendment, on the understanding that the 2s. 6d. fee should be paid only to the officers appointed by the councils to carry out the provisions
of the measure, and that police constables should not be allowed more than 1s. per head for the dogs they seized.

The amendment was agreed to.

Mr. ANDERSON moved that the following be added to the clause:—

"And any constable shall be entitled to receive, for his own use, from the funds of the municipality in which such dog is seized, the sum of 1s. in respect of every dog that he seizes in accordance with the provisions of this Act, which amount such constable may sue for and recover before any two justices from the funds of such municipality."

The amendment was agreed to.

Dr. HEARN proposed the following as a new clause to be inserted after clause 12:—

"If the council of any municipality fail to perform any duty imposed upon it by this Act, any ratepayer of such municipality may complain in writing to the municipal clerk of such default. If within fourteen days from the service of such complaint on such municipal clerk the performance of such duty be not in good faith commenced, such council shall forfeit to such ratepayer, together with full costs of suit, the sum of £20 for each week, commencing from the date of the service of such complaint as aforesaid, during which such default has continued, and the same may be recovered by suit in a County Court; but no such suit shall be commenced without the written consent of a law officer or after the expiration of six months from the date of the service of such complaint as aforesaid."

The clause would enable any ratepayer to recover a penalty against the local council if it neglected to carry out the provisions of the Act, but two precautions were taken to prevent any vexatious or frivolous action being instituted against a council; one was that no suit could be commenced without the written consent of one of the law officers of the Crown—that was to say the Attorney-General, or the Solicitor-General—and the other was that no action could be commenced after the expiration of six months from the date of the service of the complaint by the ratepayer.

Mr. BROMELL asked if it would not be advisable to require any ratepayer who brought an action against a municipal council under the clause to deposit a certain sum as security for costs in the event of the verdict going against him?

Mr. ZEAL suggested that progress should be reported. The clause was a very important one, and the municipal councils ought to have the opportunity of considering it before it was adopted.

Dr. HEARN said he would not press the clause at present, but would bring it forward again at a subsequent stage.

The clause was withdrawn.

On clause 13, which provided, *inter alia*, that if a police constable or any other person seized or destroyed a dog otherwise than in accordance with the provisions of the measure, he would be liable to a penalty of not less than 20s., nor more than £5, and, in addition, have to pay to the owner the full value of the dog, if destroyed,

Dr. HEARN proposed the substitution, for the words "other person," of the words "officer of a municipality."

The amendment was agreed to.

Discussion took place on clause 14, which was as follows:—

"The owner or occupier, or the servant of such owner or occupier, of any field, paddock, yard, or other place enclosed by a fence, in which any sheep, cattle, or poultry are confined, may shoot or otherwise destroy any dog found at large therein, whether the owner of such dog be or be not known. Provided that it shall not be lawful to shoot or otherwise destroy as aforesaid any dog engaged in actual pursuit of game, or any dog accompanied by and under the control of its owner or other person."

Dr. HEARN proposed the omission of the words "or the servant of such owner or occupier" (lines 1 and 2), and the insertion after the word "confined" (line 4) of the words "or any person acting under the authority of such owner or occupier."

The amendment was agreed to.

Dr. HEARN moved the insertion, after "may" (line 5), of the words "without incurring any liability in respect thereof."

This amendment was also agreed to.

Mr. McCULLOCH expressed the opinion that the clause was very much too wide. Under it a dog, when travelling with its owner along a road, if it ventured into a paddock for a short time, even though it did not disturb cattle or sheep, would be liable to be shot.

Mr. RUSSELL considered that a dog in the circumstances mentioned by Mr. McCulloch would be a "dog found at large." Dogs ought to be liable to be shot when they ventured where they had no right to be. Sheep would not feed where an intruding dog appeared.

Dr. HEARN submitted that a dog proceeding with its owner along a road, although it might slip under a fence into a paddock, would still be "accompanied by its owner" in the sense provided for by the clause. A dog that trespassed went about without its owner.

Mr. BROMELL considered the clause a most arbitrary one. He believed it would be the means of creating great ill-feeling among neighbours—among people who lived immediately outside towns. "One man
might keep dogs, while probably his neighbour would not, and, if the dogs of the former went upon the premises of the latter, he would have liberty under this clause to shoot them forthwith. He would suggest that the clause should provide for the shooting only of dogs which were unregistered, or whose owners could not be found. It should be recollected that some dogs were as valuable as horses, cows, and sheep.

Mr. ZEAL remarked that the clause provided that it should not be lawful to destroy a dog which was in the actual pursuit of game; but he was of opinion that no dog should be allowed to go on any man's land, whether in the pursuit of game or not, without some permission.

Mr. McCULLOCH suggested that the clause should be postponed. He repeated that the clause was too wide altogether. Under it, some valuable dogs might be shot, and that would be a great hardship to the owner. For example, a man might be coursing in his own paddock, and the hare might run across a neighbour's land, and, although it would not be lawful for the neighbour to shoot a dog while engaged in coursing, there would be nothing to prevent him shooting it on its way home. (Mr. Anderson—"Not if accompanied by its owner.") A dog might run two miles after a hare, and, coming back, would be without its owner.

Mr. ANDERSON urged that the clause should be allowed to pass, on the understanding that it would be recommitted, if necessary.

Mr. BUCHANAN thought the clause would suit the country districts admirably. The only weakness in connexion with it that he detected was that under it a man would have power to shoot a neighbour's dog, even though the dog might be known to him. He would like to see the clause amended so that the power to shoot should be exercised only against dogs that were unknown to the individual.

Mr. STERRY moved the omission of the words "and under the control of." He considered that when a dog ran from its owner into a field it was no longer "under the control" of the owner. A dog was under control only when within hearing of the owner. Therefore, he thought that, in order to save misunderstanding, the words should be struck out. Besides, when a dog was "accompanying its owner or other person," the names of the parties could be ascertained, and they could be summoned in the event of the dog doing damage.

The Hon. D. MELVILLE remarked that there was frequently great difficulty in ascertaining the names of dog owners. He had seen dogs in charge of boys chase both sheep and cattle, but the boys could not be reached as they were soon a mile or two away. On Sundays and holidays, residents in the suburbs of Melbourne were greatly annoyed by the visits of dogs, which did any amount of mischief. Therefore it was important that no loop-hole, such as the amendment might create, should be allowed. He looked upon the clause as the pith of the whole Bill. The other day, some experiments were being made with some sheep in one of the suburbs, in order to test the merits of a curative agent, when a man came along the road with his dog. In a minute the dog was beyond control—the owner could not control it—and a sheep was worried. There were many dogs of that kind, and they were a curse to the suburbs of Melbourne. He took it that the whole object of the Bill was the enactment of such a law that the men who owned the "weeds" of kennels, for that was what these dogs were, should be made answerable for the damage which their dogs might cause; and he believed in a provision which rendered dogs that ventured into paddocks where they had no business, whether they chased sheep and poultry or not, liable to be shot.

Mr. ANDERSON considered the words "and under the control of" essential to the clause. Not a week ago he saw two dogs chase a cow, and continue to chase it, notwithstanding the exertions of the owner to call them off; and such dogs ought properly to be subjected to a penalty like that which the clause imposed. Dogs which were not under the control of the owner were just as injurious as if the owner were not present.

The amendment was negatived.

Mr. ZEAL moved the addition to the clause of the following words:—"if such owner or person has previously obtained leave to enter upon the said land." Dogs ought not to be allowed to trespass simply because they were in pursuit of game. He would thoroughly object to his own land being overrun by strange dogs for any purpose whatever.

Mr. ANDERSON remarked that the honorable member declared in fact that his desire was to prevent in future the sport of hunting. (Mr. Zeal—"I said nothing of the kind; you are misstating the fact.") He inferred from the honorable member's language that such was his object,
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(Mr. Zeal—"Then you were wrong and ought to withdraw the remark.") He (Mr. Anderson) was addressing the chair, and the honorable member ought to keep his seat. (Mr. Zeal—"I will not sit down until the remark is withdrawn.")

The CHAIRMAN.—The Minister of Justice is in possession of the chair.

Mr. ANDERSON observed that he found it difficult to keep his temper when he was attacked in such a way. He simply stated his impression of the meaning of Mr. Zeal's remark, and if that impression was incorrect surely it was open to the honorable member to say so—to say that he had been misunderstood—without imputing that he (Mr. Anderson) had told an untruth. No other member of the Council had hitherto allowed himself such a liberty, and it was to be hoped that conduct of the sort would not be persevered in. He (Mr. Anderson) thought, from the wording of the amendment, that its object was to prevent dogs following game across any man's land without his permission, and he wished to point out that, it being impossible to know the direction which game would take when hunted, and also for the sportsmen concerned to get permission from the owners to follow game over all land within a certain enormously wide radius, the effect of carrying the proposition would be to at once wipe out hunting. For himself he did not care for hunting, but he knew that other persons did, and inasmuch as it was practically allowed in every other country, people believing that certain advantages were derivable from the pursuit of game, he did not want to see it put an end to in Victoria by a side-wind.

Mr. CAMPBELL suggested that the consideration of the clause should be postponed. He did not precisely wish to do away with hunting, but he knew that other persons did, and inasmuch as it was practically allowed in every other country, people believing that certain advantages were derivable from the pursuit of game, he did not want to see it put an end to in Victoria by a side-wind.

Mr. STERRY thought the amendment having been amended, cannot be postponed.

Mr. STERRY thought the amendment ought to be withdrawn, because to adopt it would make the clause altogether too stringent. It was stringent enough already in all conscience. Let honorable members recollect that to be too strict with respect to dogs would probably lead to a great increase in the hare nuisance.

Mr. ZEAL said he was not disposed to withdraw his amendment. In reply to what had just fallen from the Minister of Justice, he begged to challenge the honorable gentleman to show that he (Mr. Zeal) made a single remark conveying the meaning attributed to him. The honorable gentleman's assumption was simply and purely gratuitous. As to the question of courtesy, he (Mr. Zeal) had to recollect that the first to attack him in that Chamber since he was elected to a seat there was one of its very oldest members. For his own part, he would be the last to be discourteous to any one who was courteous to him, but if he was discourteously treated he would protect himself. He had yet to learn that it became the Minister of Justice to display the insolence of office he had shown towards himself more than towards any other honorable member.

The CHAIRMAN.—I hope this line of remark will not be continued.

Mr. ANDERSON asked if Mr. Zeal was in order in imputing "insolence of office" to him? He was not conscious of having ever given ground for such an accusation.

Mr. CAMPBELL expressed the opinion that no Minister ever showed more courtesy towards his fellow members than the Minister of Justice had done. Scenes like that just brought about were always matter for deep regret, and it was to be hoped, for the sake of the reputation of the Council, that they would be avoided in the future—that provocation like that afforded by Mr. Zeal that evening would never be given again.

The CHAIRMAN.—I must ask Mr. Zeal to withdraw the remark complained of by the Minister of Justice.

Mr. ZEAL said he begged to withdraw the expression referred to.

The amendment was negatived.

On clause 15, which was as follows:—

"If any dog rush at, attack, worry, or chase any person or any horse, cattle, or sheep, the owner of such dog shall, on proof thereof before two justices, forfeit and pay any sum not less than £1 nor more than £5, and such justices may, in addition to such fine, order such owner to pay to such person, or to the owner of such horse, cattle, or sheep, if he or she be the complainant, any actual damage occasioned by such dog. The fact that such dog was immediately before such rushing at, attacking, worrying, or chasing in company with or closely following the person complained of, or issued from the premises occupied by such person, shall be prima facie evidence that the person so complained of is the owner of such dog. It shall not be necessary to prove a previous mischievous propensity in such dog, or the owner's knowledge of such previous mischievous propensity, or that such attacking, worrying, or chasing, or any damage occasioned thereby, was attributable to neglect on the part of such owner."

Mr. STERRY suggested that the words "or chase" (line 1) should be omitted. It was well known that a dog would often run after a horse or vehicle, without any
evil propensity whatever, and, if the clause was allowed to remain as it stood, it might be made an improper use of.

Dr. HEARN said he had a prior amendment to propose. He begged to move the insertion, after the first word of the clause, of the words "in any public place," his intention being to subsequently move the insertion of words to prevent any penalty accruing unless an injury was done to person or property. He saw no great harm in retaining the words "worry, or chase," but he objected to terms which might be held to make it a criminal act, punishable by the penalty of a fine of not less than £1, to own a poodle that barked in a drawing-room.

Mr. STERRY said he would withdraw his own proposition if the Minister of Justice would accept Dr. Hearn's amendment.

Mr. ANDERSON said he could not do so. The Bill was brought forward in order to make the existing law more stringent, and, consequently, more effectual; for, at present, it was little more than a dead letter, and it would be absurd for him to accept an amendment which would rob the provisions immediately under consideration of fully half their value. Besides, there was hardly a more difficult question in law than how to define a "public place." Ought a man, attacked by a dog in a private right-of-way, to be deprived of his natural remedy? Again, it would be a burlesque on legislation to enact that a dog might rush at a person without meaning to do, or doing, any harm, and it was time enough for the law to interfere when a dog rushed at a person or animal in such a way as to endanger life or injure property. The clause as it stood proposed to do something that was far in excess of what was required, and was, in fact, burlesque legislation.

Mr. ANDERSON remarked that if the amendment was carried proceedings could only be taken in cases where actual injury had been done, because, in cases where no actual damage had been done, it would be very difficult to prove that a dog rushed in such a manner as to endanger life or limb of a person. Nevertheless, in many such cases injury might only have been avoided by good horsemanship, and it was necessary to stop the nuisance and danger now occasioned by persons out riding being pursued by a number of yelping curs. Persons must be made to train their dogs to abstain from such attacks or else tie them up. While a good rider might escape accident when his horse was thus attacked, an unskilful rider might be seriously injured, or perhaps killed. It was not at all likely that any person would go to the trouble of taking proceedings under the clause against the owner of a dog unless he had a substantial grievance.

The committee divided on the amendment—

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Dr. HEARN moved the insertion, after the word "sheep," of the words "whereby the life or limb of any person is endangered, or any property is injured." He observed that a dog might rush at a person without meaning to do, or doing, any harm, and it was time enough for the law to interfere when a dog rushed at a person or animal in such a way as to endanger life or injure property. The clause as it stood proposed to do something that was far in excess of what was required, and was, in fact, burlesque legislation.

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On clause 16, prohibiting the exercising or training of greyhounds, unless properly muzzled, except on private property,

Mr. MELVILLE suggested that the clause should be made more comprehensive, so as to prohibit the keeping of dog-kennels within the limits of any city, town, or borough. Great annoyance was occasioned at Essendon, Brunswick, and other suburbs by the midnight concerts of the large numbers of dogs sent there to be trained by rich men living at St. Kilda. He was not sure that there was not power under the Local Government Act to abate this nuisance, but he thought a provision should be inserted in this clause, making it absolutely impossible for persons to keep kennels, containing sometimes 50 or 100 dogs, in populous places. Perhaps it would be better to postpone the clause to enable the municipalities to take action on the subject.

Mr. BROMELL considered that the clause was unnecessary in view of the protection afforded to persons by the preceding clause. At all events the owners of dogs with muzzles on them should not be made liable under the previous clause, as such dogs could do no harm.

Mr. ANDERSON remarked that he had himself seen other animals killed by greyhounds taken out for exercise without being muzzled, and this clause was very necessary. Not ten days ago a valuable horse at Flemington, in trying to escape from a number of greyhounds, broke his neck in attempting to make a leap which he could not accomplish. This clause was introduced into the Bill after it was printed, in consequence of the numerous complaints which had been sent to him by various persons of the injury caused by greyhounds when being taken out for exercise.

On clause 17, providing that any person wilfully urging a dog to attack a person, or any horse, sheep, or cattle, should be liable to a fine "not exceeding £20,"

Dr. HEARN said he considered that, as this was a very serious offence, it was treated too lightly in the clause. He begged to move the addition of the words "or to be imprisoned for any term not exceeding three months."

Mr. ANDERSON said he would willingly accept the amendment.

The amendment was agreed to.

On clause 18, providing that all proceedings under the measure should be heard before "at least two justices, one of whom must be a police magistrate,"

Mr. BELL moved the omission of the words "one of whom must be a police magistrate." He observed that Dr. Beaney had requested him to propose the amendment, as that gentleman was unavoidably absent.

Dr. HEARN said he desired to propose an amendment which would come in prior to that proposed by Mr. Bell. He begged to move the omission of the words "at least two justices, one of whom must be," so that all offences under the measure would be heard before a police magistrate. In view of the extraordinary large powers given by this measure, it should only be administered by a responsible officer like a police magistrate.

Mr. BELL stated that the carrying of Dr. Hearns amendment would cause inconvenience in the country districts, as, since a memorable Wednesday, there were very few police magistrates.

Mr. ANDERSON remarked that it was felt that the presence of a police magistrate would be necessary in cases arising under this measure, as many such cases would affect local feelings and interests. A great number of the honorary magistrates could be depended upon to do justice whatever might be the consequences, still the judgments of others might be influenced by the fact of their being sporting men, sheep-owners, or keepers of dogs. What chance, for instance, would the owner of a dog that was alleged to have destroyed sheep have if the two justices on the bench were sheep-owners? It was evident that cases under the measure would be best adjudicated on by a responsible officer, who would have no interest in the matter, and who would have such a knowledge of law as would ensure justice being done. It would be very easy to make arrangements by which cases under the measure would be brought on only on the days on which a police magistrate sat on the local bench.

Mr. BELL explained that personally he was quite prepared to adopt the clause as it stood.

Mr. BUCHANAN observed that shire councils, in cases for the recovery of rates, &c., arranged that they should come on on
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the days on which a police magistrate was on the bench. That could be done also with regard to this measure, without casting a stigma on the justices by adopting the proposal in the clause.

Dr. Hearn's amendment was negatived without a division.

Mr. Bell's amendment was withdrawn.

Discussion took place on the 1st schedule, prescribing the registration fees chargeable on dogs, as follows:

For every greyhound, kangaroo dog, or lurcher ... ... ... 21 0 0
For every pointer, setter, or retriever 1 0 0
For every sheep or cattle dog, bona fide used for shepherding or driving sheep or cattle ... ... ... 0 2 6
For every dog kept bona fide as a watch dog, and kept habitually on the chain, such dog being the only one so kept ... 0 5 0
For every hound, being one of a pack of not less than 24, kept confined, and exclusively for hunting ... 0 5 0
For every other dog ... ... ... 0 10 0

Mr. Zeal moved the insertion of the word "hound" after "every" in the 1st item of the schedule.

Mr. Anderson remarked that the honorable member had given no reason for the amendment. Greyhounds notoriously did a great deal of damage, especially if they ran wild, whereas other hounds were comparatively harmless. When bassets or fox-hounds came to a certain age they were destroyed, and previously to that they were carefully kept for hunting purposes.

Mr. Zeal observed that he did not think 5s. each a sufficient fee to charge for hounds kept purely for pleasure, when it was proposed to put a tax of 5s. on a watch-dog, and to charge 10s. each if more than one was kept. A sum of £24 per annum would not be too large an amount for a gentleman who kept a pack of 24 hounds to pay to the municipality.

Mr. McCulloch stated that hounds were worse than greyhounds in doing damage when they got away in the country districts. They often did very great mischief.

Mr. Anderson said that, in view of the statement made by Mr. McCulloch, he would not object to the amendment.

The amendment was agreed to.

Mr. Sterling moved that 10s. be substituted for 20s., as the registration fee for pointers, setters, and retrievers. Dogs of this class were not malicious, and he thought a fee of 20s. was too much to charge for them.

Mr. Anderson stated that he had received a large number of communications from shire secretaries, and secretaries of agricultural societies, stating that it was dogs of this description which did the most damage. When they ran wild, their superior sagacity and cunning rendered them a greater nuisance and danger than any other dogs.

The amendment was negatived.

Mr. Zeal moved the addition of the words "on the road to market" to the 3rd item of the schedule, and also the substitution of "5s." for "2s. 6d." He considered that a sheep dog, unless it was kept under proper control, was as dangerous as any other dog.

Mr. Anderson remarked that a sheep dog was regarded as really a tool of trade, and therefore it was considered that it should not be subject to so high a fee as other dogs. Besides, it was well known that much greater pains were taken to train sheep dogs than ordinary dogs, so that they would not injure sheep.

Mr. Bell opposed the amendment. He considered that a dog was a necessity for every farmer, and he would go the length of suggesting that farmers should not pay any tax for their sheep or cattle dogs.

Mr. Bromell said that no dogs in the colony did so much mischief as sheep dogs. He had had 300 sheep worried and killed by two sheep dogs and a small terrier. In his opinion, sheep dogs ought to be included in the item of "every other dog," and be subjected to a tax of 10s. per head.

Mr. Williamson expressed the opinion that there was no dog so bad as the so-called sheep dog. There were very few well-trained sheep dogs in the colony. Three-fourths of the animals called sheep dogs were only half-bred, and, if they were not kept under proper control, they did more harm than any other kind of dog. The tax for sheep dogs had hitherto been 5s. per head, and it would be a mistake to reduce it. It was not the shepherds who paid the tax, but the squatters.

Mr. Buchanan remarked that the schedule proposed that the fee payable for a sheep or cattle dog should be 2s. 6d., only in cases in which the dog was "bona fide used for shepherding or driving sheep or cattle." When so employed these dogs were tools of trade, and really should not be taxed. If any man chose to keep a sheep dog as a watch dog, it would then come under the category of "every other dog," and he would have to pay a fee of 10s.

Mr. Melville approved of the amendment, as he believed it would tend to simplify the measure. He did not think
that anybody should object to pay a tax of 5s. per annum for a dog under any circumstances.

Mr. COUTTS said he was in favour of the tax on sheep dogs being no more than 2s. 6d. per head, because he regarded a sheep dog as a shepherd's tool of trade. He did not see any necessity for the amendment.

Dr. HEARN stated that he had listened with great pleasure to this discussion, from which he had learnt several things. One was that a greyhound was bad, that a kangaroo dog was worse, and that there were other dogs worse still; and now he learned that a sheep or cattle dog was such a wretched animal that it could only be described in aesthetic language as "too utterly too too" bad. It appeared to him, however, that, considering a sheep or cattle dog to be a tool of trade, the proposal that the tax upon it should be only 2s. 6d. was a reasonable one, and he thought that it would be better not to adopt either portion of the amendment.

Mr. RUSSELL observed that the tax on sheep dogs was paid by the shepherds, and not by the sheep-farmers. A charge of 2s. 6d. was quite sufficient for sheep dogs.

The amendment was withdrawn.

Mr. STERRY moved that the 4th item of the schedule be amended by substituting the words "on the owner's premises" for "on the chain." He thought that any man who desired to have a watch dog for the protection of his own premises should be allowed to keep it chained, or to let it loose, whenever he liked, without having to pay a greater tax than 5s. per annum. Many dogs from being kept continually on the chain became great curs—in fact perfectly useless—as soon as they were let off.

Mr. ANDERSON said the adoption of the amendment would render the measure almost useless. The effect of it would be that the owners of all registered dogs would say that the animals were kept on their premises, and the revenue derived from the tax would not be sufficient to enable the municipal councils to pay the expense of enforcing the provisions of the Act.

The amendment was negatived.

Mr. ZEAL moved the omission from the same item of the words "such dog being the only one so kept." In exposed situations in the city of Melbourne and the suburbs it was impossible for a man to keep poultry and other kinds of property on his premises if he had only one watch dog. Watch dogs were quite as much a necessity for the premises of many working men as a sheep dog was a shepherd's tool of trade.

The amendment was agreed to.

The 5th item, imposing a tax of 5s. "for every hound, being one of a pack of not less than 24, kept confined, and exclusively for hunting," was struck out.

Mr. McCulloch moved that "£1" be substituted for "10s.," as the tax "for every other dog." The animals which would come under this item were the very worst of all dogs. They included all the mongrels in the country.

Mr. STERRY remarked that poodle dogs would come under this item. He thought that a tax of 5s. each should be paid for those dogs, instead of 10s. He did not think Mr. McCulloch could be in earnest in proposing the amendment.

Mr. STANBRIDGE regarded the amendment as a monstrous proposition. No working man could afford the gratification of keeping a dog if he had to pay 20s. per annum for it, and it would also be unjust to impose such a tax on a lady if she desired to keep a poodle or other fancy dog.

The amendment was negatived.

The Bill, having been gone through, was reported with amendments.

The House adjourned at ten minutes past ten o'clock, until Tuesday, July 31.

LEGISLATIVE ASSEMBLY.
Tuesday, July 24, 1883.

Railway Construction Bill—Traralgon and Heyfield Railway—Challengers Trial: Mears, Clifford, Love, and Co. —Railway Expenditure—Railways Management Bill:
Second Reading: Third Night's Debate—Supreme Court Judicature Bill.

The Speaker took the chair at half-past four o'clock p.m.

PETITIONS.

Petitions against the opening of the Public Library, National Gallery, or Museums on Sunday were presented by Mr. McLean, from Wesleyans and other residents of Clydebank, from Wesleyans of Maffra, Sale, and Stratford, and from Sunday-school teachers of Sale and Clydebank; by Mr. McLellan, from Wesleyans of Crowlands and the vicinity; and by Mr. Rees, from residents at Ballan.
RAILWAY CONSTRUCTION BILL.

Mr. McLEAN asked the Minister of Railways if he would inform the House when he expected to be in a position to introduce the promised Railway Construction Bill? Many of the lines included in the Railway Construction Bill of the late Government received the sanction of both Houses, and the result was that the value of property in the districts those lines would traverse increased considerably—in several instances from 20 to 50 per cent. In consequence of the measure being lost by the sudden dissolution of Parliament, matters relating to property in those districts were in an unsettled condition, and he, therefore, hoped that the present Minister of Railways would see the necessity for bringing in his Railway Construction Bill at an early date, in order that the public might know what lines it was intended to construct.

Mr. GILLIES said it was impossible to fix a date for the introduction of the Bill. The time would depend very much on the progress made with the business before the House. He was, however, anxiously to bring the measure forward as soon as possible—as soon as some of the important Bills already on the notice-paper were disposed of.

Mr. GRANT inquired if the Railways Management Bill would in any way interfere with the introduction of the Railway Construction Bill?

Mr. GILLIES stated that the one Bill would not at all interfere with the other. The Government intended to go on with both measures.

TRARALGON AND HEYFIELD RAILWAY.

Mr. A. HARRIS asked the Minister of Railways if he would open for traffic, on its completion, the section of the line from Traralgon to Toongabbie before the extension to Cowwar and Heyfield was available for public use? Great anxiety prevailed in the district on this subject, and there would be a large quantity of produce to send on a date for the introduction of the Railway Construction Bill.

Mr. GILLIES said the Engineer-in-Chief was rather opposed to opening the section between Traralgon and Toongabbie, because it was believed that the opening of a portion of the line would delay the completion of the whole of it. The department, however, was at present scarcely in a position to determine whether the first section should be opened before the whole line was completed, but it would decide the matter in a little while, when the construction of the line was further advanced.

TEA.

Mr. LANGRIDGE mentioned that last session his honorable colleague in the representation of Collingwood asked that the papers and correspondence in connexion with certain teas, imported by Messrs. Clifford, Love, and Co., should be laid on the table of the House, and that they were now placed in the Library.

RAILWAY EXPENDITURE.

Mr. MIRAMS asked the Minister of Railways whether he would lay on the table of the House a statement of the amounts expended under the Railway Loan Temporary Advances Acts, No. 701 and No. 729, between the time the present Ministry took office and the delivery of the Budget statement by the Treasurer?

Mr. GILLIES said he would supply the information asked for.

Major SMITH inquired if the Minister of Railways would furnish a statement showing the total expenditure incurred on account of claims arising out of the late railway accident at Hawthorn, and also the expenses of the board appointed to investigate the cause of that accident?

Mr. GILLIES intimated that he had no objection to supply such information.

GAOLS.

Mr. BERRY, in compliance with an order of the House (dated July 17), laid on the table a return relating to the gaols of the colony.

PUBLIC SERVICE.

Mr. BERRY, pursuant to order of the House (dated April 5), laid on the table a return as to appointments between the 6th July, 1882, and the 8th March, 1883.

RAILWAYS MANAGEMENT BILL.

Third Night's Debate.

The debate on the motion for the second reading of the Railways Management Bill (adjourned from July 10) was resumed.
will tell the Government at once that I am perfectly prepared to give the measure a trial, merely as an experiment. I am ready to do so on the ground that I believe the Bill is a step in the right direction, but I do not think that the new state of things which the Government are about to introduce will work very well in behalf of the best interests of the colony. I come to this conclusion from my experience in the past. I believe that the Government propose to create a board of commissioners to manage what is one of the largest and most important departments of the State, but that, in fact, they intend to manage that department through the instrumentality of a man who must necessarily be an entire stranger to the colony, to its people, and to their idiosyncrasies. I do not think that past experience will warrant anything of the sort. If we are going to intrust the management of the Railway department to any body of men at all, we ought to intrust it to gentlemen who have been in the department for years, and who have proved themselves to be competent for the task. Let me remind honorable members of what occurred in connexion with the first great engineering work which was undertaken in Victoria. We had at that time two or three competent engineers in the colony, but we set them aside for a gentleman who, it was discovered after he left the colony, came here with false credentials, with papers bearing the forged signatures of engineers at home, and, in fact, with every document forged by which he secured his appointment. I don't think that such a thing is likely to happen again, but it did occur at the time I speak of, and, moreover, it took place under the control of a commission composed of independent gentlemen, citizens of Melbourne, who were thought to be competent in every respect to conduct the works intrusted to their care. Now what was the result? The gentleman who came out here made a moonlight flitting after his true character was discovered, and carried with him £70,000 belonging to the people of Victoria, which he had kept in various ways from contractors and others who were connected with the work of which he had charge.

Mr. McCOLL.—Name.

Mr. McLELLAN.—It is not necessary to mention the name. Every honorable member who was in the colony at the time knows what I state is the fact, and I merely refer to the matter with the view of preventing such a state of things in the future. Since then several other gentlemen have come out to the colony to take positions in the public service. As a matter of course some of them proved to be incompetent officers, but as a matter of fact the colony lost by the whole of them. A gentleman named Moriarty came from a neighbouring-colony to report on our Coliban water supply scheme, at an expense to the Government of Victoria of £700 or £800; and he went away again after refusing to give a committee of this House, which was then sitting, any information whatever with respect to the works which he was paid for inspecting and reporting upon. Afterwards, another gentleman, named Mackenzie, I believe, came from the same colony that Mr. Moriarty came from, the duty for which he was engaged being to report on our coal-fields, and for which he was paid a large sum of money. In that case, we were again taken in in the same way as in Mr. Moriarty's case. I do not wish to say anything with respect to any public servant who may be in the colony at present, but I could instance many who have not given entire satisfaction. While I disclaim any intention to reflect on any one now in the colony, I cannot allow this debate to pass over without giving another instance in which the colony paid a large amount of money for a gentleman who did nothing whatever for it—who was wholly incompetent to discharge the duties which he was engaged to perform. That gentleman cost the colony £3,000 or £4,000 altogether. He spent his time between the office of which an honorable member now in this House was the head and the Melbourne Club, and he got some of the civil servants of the colony—officers receiving from £300 a year upwards—to draw up a large and voluminous report, to which he attached his name, and obtained all the credit of the preparation of the document. I have not previously been in a position in which I felt called upon to make this statement, and I doubt whether I would have made it now but for the circumstance that this House is about to cast a slight upon our civil servants. I trust, however, with such facts before us, that, before we obtain anybody from England, we will at all events see whether there are not within ourselves competent men who will undertake the work of managing our railways. I believe that the Government have made up their minds to send to England for a gentleman, but I hope they will bear in mind that any gentleman who is brought here an entire stranger to the colony, with no knowledge whatever of the political leanings of the people, will
have a difficult task to please all parties. In fact, it will be impossible for him to do so, and he will get himself into hot water very soon after he enters upon his office. Honorable members know that new chums have a contempt for anything in the colony, and old chums have a contempt for new ones; and hence difficulties are sure to arise from importing a man to manage the railways. The people will not tolerate anything from such a quarter which they do not think will be for the public benefit. Supposing that a gentleman is brought from England, and supposing that two gentlemen in the colony are appointed as commissioners along with him, one of the first difficulties he will meet with will be that of having to please two sections of the community—the free-traders and the protectionists. Another difficulty which he will encounter is the Sunday question. No sooner will he enter upon his office than deputations will wait upon him and ask him to run additional Sunday trains, and other deputations will request him not to run trains on that day. The consequence of being beset by so many difficulties will be that he will get into trouble, for it will be impossible for him to discharge his duties to the satisfaction of either himself or any one else.

Mr. McCOLL.—The running of trains on Sunday will be a question of policy.

Mr. McLELLAN.—Of course it will be a question of policy, and it will also be a question of railway management. It will be one of those questions which will have to be fought out on the floor of this House. It is impossible for honorable members to divest themselves of the power given them under the Constitution to review such questions from time to time, and to have them dealt with by Parliament. Honorable members may think that, by passing this Bill, they will place the whole trouble connected with the management of the railways in the hands of the commissioners, but it will be impossible for them to do so. Matters will arise from time to time with respect to the carriage of mining materials, agricultural produce, pastoral produce, and other things, and members of this House will ask questions and propose motions about them. It will be impossible to debar members of the opportunity of exercising that privilege, and indeed it would be a pity to do so, inasmuch as this power will be a check, and a very salutary one, on the commissioners. As far as I am concerned, although I am willing that the proposed board of commissioners should be appointed, I will not give up one iota of the powers, rights, and privileges which I possess as a Member of Parliament to bring those gentlemen before the bar of public opinion. In fact, if there are any abuses in connexion with the railways under their management, I will take steps to have the commissioners brought to the bar of this House, if necessary, to answer for their conduct; or, if deemed more expedient, I will support the appointment of a select committee to inquire into any malpractices that are alleged to exist. With this statement, I think I may safely leave the question of the appointment of the commissioners in the hands of the Government, trusting that they will do the best they can. I would suggest, however, that, instead of sending to England for a chairman of the board, they should see if they cannot select some one from amongst our own railway employees—or, at all events, some one in the colony—to fill the position. I believe that they would be much better served by obtaining a competent man in the colony than by sending to England for a stranger. I am perfectly aware that in this House, and particularly in the press, it is a common practice to run down our own institutions, our own men, our own civil service. I have, however, come into contact with civil servants and with public men in adjoining colonies, and I have found that our own public men are superior to them in every respect. Why, then, should those who are amongst us be slighted? The task which the commissioners will have to perform will, no doubt, as I have already said, be a very difficult one indeed; in fact, too much is expected of them. We may depend upon it that, whoever the commissioners may be, it will be impossible for them to divest themselves of their human nature; and whatever Members of Parliament may have been in the past, we may be sure that the members of this board will be in the future. They will be human beings, subject to all outside influences, and subject to the natural emotions that govern all public men in their actions. If we expect to get purity, I am afraid we shall find that it is something not to be attained. Although we Members of Parliament may be made virtuous by Act of Parliament, there are plenty of us who will act in times to come just as we have done in times past. I wish the Government had given us more information with respect to the proposed examination of applicants for employment in the Railway department, because I am not satisfied that the system contemplated by the Bill will be fair and equitable. It appears to me, indeed, that
boys and men in the country districts will have no chance of obtaining employment under the system proposed in the Bill. What is the fact at the present time? A labourer in the country, who wants employment in the Railway department, comes to Melbourne. He loses a week's work, and, consequently, a week's wages. It costs him at least £2 or £3 to come up to be examined by a doctor, and, if he passes the examination satisfactorily, his name is put on a list of applicants for employment. He then goes home again, after incurring a loss of, perhaps, altogether £5 or £6, and never receives an appointment at all. He has thus really been made a fool of. The same thing that has taken place in the past in this regard will happen in the future if the provisions of the Bill are not altered. Boys and men from the country districts will come to Melbourne to submit themselves to an examination for certificates that they are qualified for certain employment in the Railway department, but they will be as units amongst the hundreds of Melbourne lads and men, and consequently, when the ballot takes place, they will have little or no chance of securing an appointment. It will be found that all the appointments will fall to those who reside in Melbourne, they being in a majority. This will be very unfair to candidates residing in country districts, who will get such a lesson when they go up to be balloted for amongst 300 or 400 residents in Melbourne, that after they return to their homes they will stop there, feeling that it will be useless for them to try again to obtain employment in the Railway department. The proposed examination system is, in fact, an injustice to the country districts, and it ought to be remedied. I shall insist on the Government remedying it to the extent of providing that persons who reside in the country may be examined in their own districts, either by the local State schoolmasters, or by examiners sent from Melbourne. I don't care what method is adopted so long as country lads and country labourers are placed on the same footing as those in the metropolis. If that is done no one can cavil at the arrangement, but to inflict a fine of £5 upon a country labourer by compelling him to come to town in order to run a bare chance, amongst a large number of his fellow labourers in Melbourne, of being fished out of the ballot-box will be most unfair. With respect to the examiners, let me tell the Government that, if the rumours which are flying about are true, there are two gentlemen likely to be appointed examiners of whom I will only say that I regard them as totally unfit for the office. It would be a great mistake to appoint any such gentlemen while there are officers that have been in the civil service for about 20 years who are qualified to discharge the duties of examiners, and who, if tried and made responsible, would no doubt perform those duties to the satisfaction of the public. I trust that the Government will not place any political nonentities in the position of examiners.

Mr. SERVICE.—Hear, hear.

Mr. McLellan.—I am perfectly satisfied with the Premier's statement, and therefore I will curtail my remarks on this point. I must, however, say that I was utterly appalled the other day when some one pointed out to me, in Collins-street, one of the creatures who it was said was going to be one of the examiners. I now desire to call attention to the fact that, under the provisions of the Bill, the Minister of Railways for the time being will find himself in a very false position in regard to the commissioners. It is true that, if he commands a majority in this House, the Minister of Railways may claim to exercise certain power over the commissioners, but the commissioners, with the Upper House at their back, and with a majority, or even a strong party, in this House at their back, may snap their fingers at the Minister. This would be very undesirable, because it would bring a high officer of the State into contempt. Honorable members may say that such a thing is impossible, but such things have occurred in the past. I recollect when there was a great turmoil in this House many years ago. The then Minister of Railways was a gentleman of average ability, who discharged his functions, I believe, to the satisfaction of the public; but unfortunately one afternoon he happened to go to the races. When he returned he found something wrong in connexion with the department, and he remonstrated with the Traffic Manager. That officer, knowing that political parties were broken up at the time, seized the Minister of Railways by the head, rapped it against the door of his own office, and left the honorable gentleman there. Such a thing may occur again if this Bill is carried into law in its present shape. (Laughter.) What I have stated is an historical fact, and I believe that the present Premier was a member of the Legislative Assembly at the time. The then Minister of Railways had no redress for the assault which was perpetrated upon him. If he had come down to
this House to make any complaint he would have been laughed out of it, and if any future Minister were to complain of similar treatment, he would be laughed at. I don't want any such incident as the one I have referred to to occur again. There is another matter which I think ought to receive a little attention. As far as I can see, there is nothing in the Bill to compel the commissioners, when they are appointed, to attend their offices at any particular time. They may go away for a fortnight, and there will be no power to call them to account, unless both Houses of Parliament take action. The Minister of the department may rail at them and warn them, but, if political parties are in a state of transition at the time or broken up, the commissioners will be able to treat him with contempt. We ought to take care, I think, that we secure the services of these gentlemen in the same way that the services of the heads of other departments of the State are secured. There ought to be a clause in the Bill compelling the commissioners to attend at their office at any rate from ten o'clock a.m. until four o'clock p.m., every day, as the heads of other departments do. Such a provision, I believe, would be satisfactory to the public. There will be no use in appointing these commissioners if they are going to be like Sir John Falstaff—given to taverns, given to wine and sack, given to fribbles and frabbles and all that sort of thing. There ought to be an enactment to compel them to attend their office regularly or to give a good account of themselves when absent. There ought to be a book kept in which they should be required to record their attendances in the same way as other civil servants. Honorable members ought not to allow the commissioners to be appointed with the idea that they are going to be their own masters. I will not tolerate that under any circumstances whatever. The commissioners ought to be the servants of Parliament. To bring a gentleman from England to be the chairman of the commissioners under any other notion than that he is to be the servant of Parliament will be leading him astray, and the consequence will be that he will find himself in a false position after he comes here. There are several other things in the Bill which, in my opinion, require amendment, besides those to which I have drawn particular attention. For instance, I think that the minutes of the commissioners and all their proceedings ought to be open to the press from day to day. The gentlemen of the press ought to be allowed to attend the meetings of the board, and hear all the business transacted there, just as they are allowed to attend the meetings of Parliament and of the Board of Land and Works and similar bodies. The presence of the representatives of the press would be a check upon the actions of the commissioners. I think that the clause which gives every station-master throughout the colony the power to dismiss all the officials under him is a great mistake. At the present time the porters at each station are a check on the station-master, and the station-master is a check upon the porters. If the porters are placed altogether in subjection to the station-master, they will, of course, be afraid of him—in fact, they will be merely his tools—and things will occur which will be no credit to the management of the railways. I don't think it right to give a station-master this power. I find that, under one clause, railway employés who have to deal with the public money, if they are found short in their accounts, will be allowed five days to replace the money. I call that provision a mistake. What is the practice in the Treasury at the present time? Why a Treasury inspector leaves Melbourne by a night train, and goes to a country place where public moneys are received, and, the next morning, without having given notice, requires the officer in charge of the sub-treasury to produce his books and accounts, which are examined there and then. And it is necessary that such a practice should be in force. If the local officer were to have five days in which to make things square, he would have time to destroy documents which might be necessary afterwards to secure his conviction in a criminal court. I say that it is necessary for the public safety that the present Treasury practice should be observed in connexion with the railway management under this Bill. A Government employé who, when he leaves duty at night, is uncertain whether he will or will not be visited next morning, by an inspector of accounts, will be very careful not to touch any of the public money in his charge, but he will be less particular if he knows that, if anything is wrong, he will be allowed five days to put it right. In fact the provision I refer to is calculated to encourage evil practices which this House ought to set its face against. If the Government will consent to amend the Bill in the directions I have indicated, I shall be perfectly willing to give a silent vote on every clause of the measure. I have no wish at all to interfere with the Government
Mr. McLellan.

in the passing of the Bill. In fact I am disposed to sit here this session in comparative silence, in order that measures of great utility to the country may be carried into law. Honorable members may rest satisfied that, if the Bill passes, this House will not thereby give up one iota of its power. There may be difficulty in calling the proposed commissioners to account, but the constitutional right of Members of Parliament to do so will not be interfered with. No enactment short of an alteration of the Constitution can do that. For that reason, I think we may leave the Government to do the best they can under the circumstances. One thing I would suggest is that the Government, instead of bringing gentlemen from England at serious cost, to undertake what after all is an experiment, should appoint three of our best civil servants as the commissioners under the Bill, and thus give them a chance to demonstrate to the public at large that they can conduct our Victorian railways, not only with profit to the State, but with credit to themselves. Before I sit down, let me say I think it a mistake to allow people in England to suppose that we are conducting our railways at a great loss. It should be recollected that the Mount Alexander, the Melbourne and Geelong, and some other lines were constructed at an enormous cost—something like £35,000 per mile—and if the difference between what was paid for those lines and what they could be constructed for now were written off, I believe it would be found that our railway system is yielding a good return. I have always thought it a pity that that difference was not written off, if only to show that we could construct railways and work them at a profit. We know what happened after that enormous expenditure. One gentleman connected with the Railway department found his position no sinecure. He was perfectly fit for the duties of his office, but he was not allowed to discharge them; everybody was at him—the press tore him to pieces. Such a thing may happen again. I recollect one gentleman under whom there was for some time superior traffic management in connexion with our railways. If we gave that man £1,500 a year as chief commissioner, and made two of our best civil servants the other commissioners at a salary of £1,200 a year each, I have no doubt that our business would be well conducted, and therefore I think that course preferable to incurring the risk of bringing from England somebody who may try to upset everything and find himself in a false position.

Mr. Laurens.—Mr. Speaker, I have read every clause of this Bill; and I must say that I see evidence, almost at every point, that the present Government have thoroughly and truly apprehended the temper of the people on the question of our State railways. Every clause seems to indicate an honest desire on the part of the Government to meet the difficulties which surround us in connexion with the Railway department. I do not at all share in the view expressed by the honorable member for Collingwood (Mr. Mirams), the other evening, that the question of reform in the management of our railway system is but a mere cry. Sir, it is more than a cry. The necessity for reform has been felt by no one more than myself. The system now in force is demoralizing to the officers in the service and the employes generally, to the Government of the day, and to Members of Parliament. Everything is acting and reacting in a direction to cause the State railways to be carried on well only by a mere accident. If nothing damaging or detrimental to the best interests of the country occurs, it is more a matter of accident than due to proper arrangements or proper management. In saying this, I reflect upon no one particular Minister of Railways. The faults are inherent to the system itself. Although the honorable member for Collingwood told his constituents that he was not in favour of any change in the management of the railways, I plainly told my constituents that I thought a great change was required, and that, if elected, I would go in for a very different system of management from that which had obtained in the past. I was elected by a considerable majority. My constituency, which is largely composed of people connected with the railways, gave me support because it considered the time had arrived when some material change should take place in the management of our railway system. Sir, a great deal has been said about the patronage which has been exercised by a certain party in politics, but, when an attempt is made to lay that charge against the liberal party exclusively, I say that no charge could be more unfounded. Why every member of this Chamber is importuned to secure promotion for men who are employed in the Railway department, and appointments for men who desire to be employed. No party in politics is free from the charge, if charge it be. And, speaking of political patronage generally—in all
departments of the State—I believe that if the truth could be ascertained it would be found that there are far more persons in the employment of the State placed there by the influence, power, and patronage of what has been called the conservative party than have been placed there at the instance of the liberal party. Therefore, the insinuation comes with a bad grace from conservatives, that those who are called liberals in this country go in for the perpetuation of a system which is acknowledged on all sides to be bad. And, while speaking of patronage, I may mention that my good fortune with respect to it has not been quite so great as that of some honorable members who have taken part in this debate. I have heard honorable members say that since the last general election they have managed to get three, four, or five of their appointees into the Railway department; but I have managed to get in none. My luck has been nothing like so great as that of those honorable members who seem to think they have had a very small share of the offices at the disposal of the department. But while I say this, and while I bear testimony to the honest efforts of the Government with regard to this very complex and difficult question, I wish to say that I regard this Railways Management Bill as not perfect in all its phases. It indicates a very honest disposition on the part of the Government to grapple with the difficulty, but it contains many provisions which certainly demand the attention of this Chamber as the measure passes through committee. For instance, clause 8 provides for the appointment of a chairman of the proposed commissioners; and it appears to me to be presumed by the promoters of the Bill that this chairman will have considerable control over his colleagues. But the office of chairman does not necessarily give the power which some honorable members assume will be exercised by the chairman of the railways management commission. The chairman of a bench of magistrates has no particular power over his brother magistrates who adjudicate with him. Supposing I were sitting on the bench with a police magistrate, as I am sometimes, no other magistrate being present, if I had one opinion on a case, and he had another, no order could be made in the case, notwithstanding the fact that the police magistrate is usually chairman of the bench, and is presumed to have a great deal of knowledge and authority. According to the Bill, the three commissioners will have equal power and jurisdiction; but, if we are going to spend a large amount of money to induce a man of great ability to come and serve us in the management of our railway system, the clause ought to be amended, so that the commissioners who may be selected in Victoria will not be able to override the decisions of the great man we expect to obtain from England. Then, again, I don't find in the Bill any provision to check the construction of what are called political railways. It appears to me that if the Bill, as it stands, were law to-morrow—and if commissioners, having been appointed, were exercising the functions conferred on them by the measure—another "octopus Bill," providing for the construction of some 50 or 60 railways, political in their character, might be submitted to this Chamber without any information as to whether the lines would pay or not. The Bill contains no provision directing the commissioners to collect all possible data with the view of informing Parliament whether a projected line ought to be constructed. This is a very important consideration, because political influence is more capable of being intensified in connexion with Bills to authorize the construction of railways which can never pay than by any other means; and therein lies, in my estimation, a very large amount of demoralization, and possibly corruption. Therefore I think that when dealing with a Bill which professes to have for its object the putting aside of this evil influence, we should take care to make provision that no Bill to authorize the construction of new lines should be submitted to this House until the Minister of Railways is in possession of the clearest of data capable of being obtained, in order that Parliament may be able to judge whether the lines which may be proposed are likely to pay or not. Clauses 50 and 57 appear to me to give the commissioners power to disregard the accepted policy of this country. Clause 50 relates to what the commissioners may do in regard to requisitions for stores, plant, material, and rolling-stock; but, as far as I can see, there is nothing to prevent the commissioners sending abroad for rolling-stock or any other commodity which can fairly be manufactured and provided in this colony. I do not think there can be any disposition on either side of the House, or among either party out-of-doors, to disregard the various industries which now exist in our midst. I don't suppose there is any disposition on the part of the Government to ignore the fact that hitherto we have insisted, more or less practically, that as far as our railways
could be supplied by local manufacture they should be. Not only has this been the case in Victoria, but it has been also in the so-called free-trade colony of New South Wales. The people of that colony insist, even more than we do here, that the plant they are capable of manufacturing for the purposes of their own State railways shall be manufactured there. That being so, I think it behoves honorable members to see that, when the Bill is in committee, the clause I refer to is amended so as to secure us against a material change from the policy which has been adopted by the country. I don't wish to appear to make out a very extreme case, but I wish to point out that should the commissioners be left with the power which it appears to me the Bill places in their hands, and should they depart from or ignore the policy of the country, it is evident that under clause 13, even supposing the Ministry suspended one or all of the commissioners, the Legislative Council alone could restore them to so supervise the administration of railway matters as to cause this Chamber to be completely ignored. More than that, I say it is very undesirable, just when we are fresh from legislation in the direction of preventing possible conflicts between the two Houses, that the door should be again kept open to bring about such conflicts. We have recently inaugurated a term of peace and progress, and therefore we should be very careful not to allow anything to creep into an Act of Parliament calculated to mar that peace and progress. I speak thus because I shall be very firm in insisting that clause 13 shall be so shaped that an event of the kind I refer to will not be possible. However right the Attorney-General, as a lawyer, may be in his explanation, the other night, that clause 13 is only the sequence of the previous clause, I don't think that affords any safeguard against the danger which has been pointed out already by other honorable members, and which I have also pointed out. I now desire to direct attention to clause 25, which provides that no person shall be employed in the railway service as a supernumerary for more than six months in any one year. This appears to be a very plausible mode of doing away with the very damaging system which has obtained in various departments, of appointing persons alleged to be of known ability over the heads of officers who have the right to expect promotion. To a certain extent it appears to do away with the system; but the remedy is nearly as bad as the disease, because if supernumeraries are to be discharged every six months—unless they have been doing nothing, in which case they would be mere excrecences—the effect will be to create the occasion, in the hands of the Government, for an almost unlimited number of new appointments. Then there is a clause which provides that the commissioners may pay any employed for overtime. In a former session, the late Minister of Railways declared that no one should work more than eight hours per day in his department. But if that determination has been acted upon, if the eight hours system has been carried out in the Railway department, I don't think it should be left to the option of a commissioner to say that A, whenever he works nine hours, should be paid for his overtime, and that B, when he does the same thing, should not. The question of passenger fares has been alluded to by the honorable member for Borroodara; and it appears, by clause 42, that the commissioners will have the power to fix the scale of passenger fares. The other day, I was riding to North Melbourne, and a person who lives at Emerald Hill was in the cab with me. In the course of conversation he told me that he lived at Emerald Hill because, under his periodical ticket, he could travel between that place and Melbourne for one halfpenny the journey, while if he had to travel from Melbourne to Hobart he had to pay 3d. Now I ask whether it is right that on a branch of our railways which yields interest at the rate of only 1½ per cent., on the capital involved in the purchase, these low rates should be charged? Is it fair that the people of the northern suburbs should be taxed in order that people who reside in the southern suburbs may be carried for one halfpenny the journey? I could understand the lowness of the rates if the people who enjoyed the benefit were prepared to free the Government and the country from the liability of having to pay for any accident to life and limb which might happen to them while travelling. As it is, we have to pay through the nose when there is a railway accident attended by destruction to life or injury to limb, and the payment so made has to be reckoned as part and parcel of the cost of conveying passengers. In the absence of
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competition, there is not the slightest reason for these low fares; and it is sheer folly, and downright injustice to other portions of the colony, to maintain them. People who think of building, or of selecting a place of residence, will naturally prefer a place of residence, will naturally prefer the southern suburbs to the northern suburbs when they can be transported so cheaply, and thus the northern suburbs are placed at a great disadvantage. In conclusion, I desire to say that I shall watch the Bill closely as it goes through committee, and I hope honorable members all round will give honest assistance to the Government to make the Bill as perfect as possible, so that the change in the management of our railways may be for the better and not for the worse.

Mr. Harper.—Sir, this Bill is one which has been called for by all sections of the country, and therefore I think it unnecessary to discuss the question of the need for such a measure. The question that the patronage of the railways shall be removed from the influence of party politicians has been settled by the country; and I apprehend that we are here merely to carry out the wish which the country has so earnestly and clearly expressed. However, I think we may consider for a moment how it comes about that the Legislature finds it necessary that there should be a Railways Management Bill. The earliest railways constructed in the colony were constructed by private enterprise, after which it became the opinion of the country, as expressed through Parliament, that, in the public interest, all railways should thenceforward be made by the State. That policy has been pursued up to the present time. The result is that not only has the State constructed an enormous number of miles of railway, but the lines built by private enterprise have become State property. The object of making the State the sole railway proprietor, I presume, was to secure for the people, through their representatives in Parliament, the control of the public policy which is involved in railway construction and management. The securing of that object involved the securing of the administrative management, and also the administrative management; but I don't think it is desired by the country that, while Parliament parts with patronage and political management, it should also part with the control of the public policy involved in the management of the railways. The Bill before us, whether we altogether agree with its provisions or not, shows that the Ministry have given the matter their most serious and full consideration. It seems to deal with the main points of the case, and I believe it is in the power of this House, acting in the spirit which I am glad to say has characterized the debate hitherto, to aid the Ministry in making it a perfect measure—a measure which will answer all the purposes we have in view. In fact it is within the power of Parliament to make the Bill so perfect as to settle the question of railway management for many years to come. I have no wish to criticise or carp at the provisions of the Bill; but I desire, to communicate to the House the impression those provisions have created upon my mind, after a careful perusal of the measure. There is no doubt that the Bill gets rid of political patronage, and, in my opinion, in a very satisfactory way. The great practical difficulty hitherto has been how to remove patronage from politicians without placing it in the hands of some other body that might be less desirable than politicians. But the Bill, while certainly doing that, also gets rid of a very large portion of the existing parliamentary control of railway matters which I hold it to be absolutely necessary we should retain. In the first place, the office of the Minister of Railways is practically done away with. There will be such a Minister in name but not in solemn fact. I find that only three or four clauses of the Bill make any reference whatever to the Minister. Clause 3 states that the word "Minister" shall mean a responsible Minister of the Crown administering the Act; clause 50 enacts that the commissioners may from time to time apply to the Minister for additional stores, &c., although we are not told how he will be enabled to deal with such applications, and another part of the Bill empowers the commissioners themselves to call for tenders for the supplies they require; and clauses 67 and 68 provide that the commissioners shall report to the Minister in case of an accident, and that the Minister may order an inquiry into the affair. But this is about all. So I think that when the Bill is law we shall scarcely need any Ministerial
railway head of any sort. Then the measure provides for the appointment of three commissioners. Several honorable members object to that number, but I see great wisdom in the arrangement, because we want a body of this kind to work both in continuity and with uniformity, and neither end would be absolutely secured if there was no provision that, whenever any commissioner was absent from duty from any cause, his business could be carried on without interruption. I think the objections offered to the chairman of the board having more authority than his fellow members have no weight. In fact, the plan laid down in the Bill on the subject is one that commends itself to my mind. If the gentleman to act as chairman of the board is, as I believe is intended, got from another country, it stands to reason that he should have a right to set him down on equal terms with two colleagues, whom he never saw before, and whose views of railway management may be very different from his, would provoke considerable danger from collision. My opinion is that, if by any means the Government are successful in obtaining the services of a man pre-eminently able to manage our railways, he ought to be allowed a preponderating and controlling influence, and at the same time rendered responsible to Parliament and the country for his railway administration. It has also occurred to me that if the Government were to appoint one commissioner and two assistant commissioners—the position of the former being rendered undoubtedly superior to that of the latter—the end I believe they have in view would be most effectually gained. Such a plan would, to my thinking, be a far better one than the appointment of directors suggested by the honorable member for Stawell. It cannot, in fact, be out of place to look upon the directors of the railway companies as comparing with the shareholders of a railway company, and upon Parliament, and the Government as the executive committee of Parliament, as comparing with the board of directors who direct the policy of a great railway corporation. If that is so, we don't require another board of directors. Regarding things in that aspect, we might be said to follow out under the Bill—especially if my idea of assistant commissioners is carried out—a system on all fours with that adopted in connexion with the great railway systems of Europe and America. Then as to the position of the intended commissioners. They are to be appointed by the Governor in Council, and the chairman is, we are led to believe, to be imported from Great Britain or the United States: I attach a great deal of importance to the latter proposal, which I am sorry to see glanced at by many honorable members in what I consider to be a rather narrow-minded way. In the first place, I don't look upon it as involving any underrating of the ability obtainable in the colonies. There is in the colonies no doubt a fair percentage of men of the abest kind in connexion with railways, but they have not, owing to circumstances, been as yet able to understand railway management as it is understood at home. In fact, our railway system being of the simplest kind and comparatively easy to work, they have been unable to gain under it the experience which is gained by railway managers in older countries. Why are we sending home for men to manage our land and naval forces? Because we want the services of those who are possessed of the very latest knowledge on the subject, in order that they may teach our own men and bring them up to the proper mark. Precisely the same thing may be said of our railways, and therefore I think the plan now laid down by the Government is worthy of our support. Next as to the way in which the commissioners are to be appointed. It is laid down that they are to hold office during good behaviour. Well, my opinion is that, if we take good care to keep the railway policy of the country strictly in the hands of Parliament, we cannot do better than make the position of the commissioners as strong as is possible. The stronger it is the better will it be for the public and for the Railway department. Have not a number of honorable members, including the honorable member for Stawell, argued that our railway system should be governed very much as an army is—that is to say, that its head should have almost autocratic power, and feel the utmost freedom from outside influence?

Mr. MACKAY.—But how can Parliament get and keep the proper control the honorable member speaks of?

Mr. HARPER.—I will come to that presently. The Bill provides that the commissioners will be removable by the vote of both Houses, and that, while any or all of them may be suspended by the Governor in Council, that suspension can be superseded by a vote of one House. Of course, in view of the relations between the Government and this Chamber, the latter provision must be held as specially relating to the Legislative Council. Such an arrangement is strongly objected to in several quarters, but let me
remind honorable members that it is the plan adopted under the Audit Act towards the Commissioners of Audit. Surely the intended railway commissioners ought to feel as secure in their places as the Audit Commissioners are enabled to feel in theirs. Nevertheless, I think the Government have overlooked one thing in not providing that, if the office of the Railway Commissioners was ever abolished, they should each of them become entitled to compensation. No idea of any abolition of the kind may be entertained at the present time, but every precaution against contingencies ought to be adopted. I hope the Government will take notice of my suggestion. It is quite possible that, after five or ten years' experience of the system embodied in the Bill, we may desire to resort to some other plan—to the leasing system, for instance—and then, if we had no provision already made for the case of the commissioners whose services were to be dispensed with, the position might become an awkward one. I know the Attorney-General said, the other night, that before the commissioners could be removed a vote of the House would have to be taken, and that the whole case would then come under consideration, but it seems to me that it would be far better to settle the question I refer to now than to leave it to be fought out at a time when the attention of Parliament might be more properly devoted to other things, such as the reasons of State upon which it was called upon to act. I think our past experience clearly shows the truth of this statement. Another point worth notice is the way in which the commissioners, and, indeed, the whole body of railway employes, are to be debarred from connexion with persons holding contracts with the Railway department. My idea is that this stringent condition ought to be made even more stringent. If we are going to install highly-paid officials in a department where there will be peculiar facilities for such improprieties as taking a bribe for giving special information and so on, it will be only fair to place them under special disabilities. Therefore, I think the clause should provide that no commissioner or other railway employé should be a member of, or connected with, or interested with regard to profit in any public or private company contracting with the Railway department, or conducting any carrying or other operations in conjunction with it. I think that all these matters ought to be clearly understood from the start. If those at present in the Railway service, or who may hereafter enter it, are to have the advantages it is now proposed to give them, they ought not to complain if they are subjected to a few necessary restrictions with respect to their private business proceedings. Then the commissioners are to appoint officers, but, except with respect to those whose services may be required on account of their "known ability," there is to be only one mode of entering the Railway department, namely, by first passing an examination and then commencing in the lowest grade. I fancy that that plan commends itself to most of us. Possibly it may be the means, here and there, of excluding a desirable man, but, in building up what we hope will become a department of great efficiency as well as extent, I think it will be only right to make all the railway servants of the future enter at only one door—begin at the lowest rung of the ladder. It seems that the first examination candidates for railway employment will have to undergo will be a pass examination. The honorable member for Portland contends that it ought to be competitive, but I think the plan proposed a wise one, because all that is wanted in the first instance is a physical test, and evidence that the candidate has received a fair rudimentary education. As to the means by which the number of candidates of what I may call the first class is to be reduced, so as to correspond more or less with the number of vacancies, I will not now refer to it. It is a matter to be touched upon in committee. The second class of appointments will be those relating to promotion within a particular grade of the service, which will go by seniority, unless there is reason to the contrary, while the third class are those relating to promotion from one grade to a higher one, which are to go by competition. Upon this arrangement I have something to say. It appears to me that the right course to adopt would be to allow the men who wish to go from a lower grade to a higher one, or perhaps to the very top of all, to pass a competitive examination while they are still young, leaving their actual promotion to future years, when a long period of service may be held to have shown their capability for higher employment. To impose on them the necessity of passing such an examination after they had served a considerable length of time in the department would be entirely out of place. I think no competitive examination whatever could so effectively prove the capability of a railway employé for a higher class of duties as the knowledge obtained by the commissioners or his other superior officers of the way in which he has
done his work for years—of his readiness of resource, quickness of decision, and ability to deal with men and organize them. To put a man who has successfully exhibited qualities of that kind, and shown his soundness and steadiness, to the trouble of competing with respect to matters of quite a different sort would be, in fact, to take an utterly wrong line, and the result would unquestionably be the promotion of inferior men to the appointments to which others who had proved their capacity in a more practical way were entitled. That is something which I hope the Government will be prepared to consider very deeply when the Bill is in committee. One peculiarity in the provision made for the management of the service I cannot quite understand. Railway officers are to be appointed in a certain manner by the commissioners, they are to be exclusively governed by the commissioners, but the commissioners are to have nothing to do with their payment in any shape or way. They will enter the service by regulation, they will be promoted by regulation, but, notwithstanding, all their salaries will be fixed by Parliament. Now no one, as I have already tried to show, could be more strongly desirous than I am for Parliament to keep its proper and rightful control over the Railway department, but in the plan I am now referring to I see danger. It seems to me that it will open the door to improper and direct kind very wide indeed. Supposing when we come to examine the railway estimates periodically presented to Parliament by the board—I apprehend that such estimates will not be regarded or adopted as a matter of form—we find that the commissioners have in their wisdom given a particular officer an increase of £100 a year which they think he well deserves, what may we expect will follow? Unquestionably that some half-a-dozen or so of the other officials in the same grade of the service will imagine that they are wronged because they are not to have a similar increase, and will apply to as many Members of Parliament as they can, in order to get either their salaries raised or the promoted officer’s salary put back to its old amount. My argument is that, inasmuch as we have no means of knowing the ability of particular officers save through the information afforded us by the commissioners, we ought to leave the matter of salaries entirely with them, judging their action in the matter by general results. If we do not take that course we shall not, I contend, get rid of political influence altogether, and Members of Parliament will find themselves, after the Bill has become law, still beset by the usual applications from or on behalf of individual officers, that they should have what they call justice done to them. With regard to another important part of the measure, I am sure every honorable member is glad to find that those extraordinary beings designated supernumeraries are to be done away with. We all know how there has grown up, outside the ranks of the civil service proper, a perfect army of supernumeraries, whose sole aim in life seems to be to more Members of Parliament to get them placed on the permanent list, and I am rejoiced that the anomaly will be got rid of by a limitation which will prevent the employment of any such officer for a longer period than six months in any given year. Next, as to the commissioners’ duties in relation to railway administration. In the first place, in addition to managing the existing railways they will have to make all the new ones the construction of which is ordered by Parliament. Some honorable members seem to think that the board will have the right of saying what new railways shall be made, but that is not the case. Then—I propose now to reply to the query of the honorable member for Sandhurst (Mr. Mackay)—they are to make, alter, or repeal the departmental regulations and by-laws, which, when adopted and gazetted, will have the force of law. But at this stage there seems to me to be something lacking. The regulations and by-laws passed by the board will have to be submitted to the Governor in Council for their approval or rejection as the case may be, but, except through its control over the Ministry of the day, Parliament will have no voice whatever in the affair. I know very well that, constitutionally speaking, Ministers are responsible to Parliament, but I ask honorable members to imagine the case of a moribund Ministry—a Government going out of office just when a very peculiar state of things exists in the Railway department—having put before them for their approval a set of railway by-laws, which they might pass without any real responsibility, but which, being passed, would come into force without Parliament having the power to interfere, for, as far as I can judge, there is no provision in the Bill under which the Legislature will be able, by rescinding any regulation or by-law, to compel the commissioners to conform to its wish. I may be told that the commissioners will always be found to listen to the voice of Parliament. Sir, until

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within the last few months I was of the same opinion myself, but that is the case no longer. When I observed the line of action recently taken by the trustees of the Melbourne Public Library, I had my eyes opened to the very serious and grave objections that exist to giving the intended railway commissioners, or any similar body, the unlimited powers that will be conferred under this Bill. What did I see on that occasion? I saw those trustees meeting together and deciding to take a certain line of action, and that when remonstrated with on the subject—or, rather, when it was delicately pointed out to them by the Premier that Parliament had formerly decided against their intended proceeding, and they were asked to hold their hands until Parliament was in session—what was their reply? The carrying by them of a resolution to the effect that Parliament had nothing whatever to do with the affair, and that the portion of the institution under their charge which they wanted to have open on Sunday should be opened on that day. ("No.") Well, I am stating my view of the case, and other honorable members can, if they choose, express their ideas on the subject. At all events, what I have just described led me to determine that, as far as I had any influence as a Member of Parliament, I would be careful in future not to give any corporation the right to act in a similar fashion, and I apprehend it will be our bounden duty to see that a clause is inserted in this Bill that will show the commissioners beyond all possibility of doubt that their duties are to be limited to the entire administration of the Railway department, the appointment, promotion, and dismissal of its officers, and the framing of by-laws and regulations, the great question of the policy to be involved in them—the general public railway policy of the country—being left to Parliament alone in its wisdom to decide. I care not what the question of policy arising in connexion with our railways may be, I contend that it should be dealt with strictly according to the will of the majority in Parliament. For instance, I believe that those in this country who entertain protectionist views are mistaken with regard to them, but, nevertheless, I hold that they, being in a majority, have the best right possible to see that the policy they advocate is carried out in its integrity in every way and shape, in the department of Railways as well as in every other. Again, we have for years had a system under which differential rates of railway carriage are charged on goods coming from beyond the borders. The arrangement is made in the interests of trade and commerce, and I believe the provision to be a wise one. But how would it do if we had—as we might have under the Bill if due care is not taken to prevent anything of the kind—a board of railway commissioners saying, "Our business is to make the railways pay, therefore we will abolish these differential rates"? There is also the Sunday question. Parliament having decided over and over again that the railways shall be worked as little as possible on Sunday, with the view of limiting Sunday labour to the smallest possible dimensions, how would it answer for railway commissioners to be able to alter that policy at their will? I sincerely trust that the Government will see their way to include in the Bill a provision of the kind I am indicating, namely, one that will keep the power of settling every question of public railway policy in the hands of Parliament, and of Parliament alone. If that is done, there will be, to my thinking, very little chance of a collision between the railway commissioners and either House. As long as I am a member of the Legislature, I will never be a party to surrendering any portion of its just rights to a railway commission or any other body, but, at the same time, I will do all I can to confine Parliament to the exercise of its rightful jurisdiction—that is to say, to the legislative settlement of all questions of public policy. I am asked—"What is the use of changing our system of railway management if after all the whole power is to remain with us?" But the reply is easy. We wish to get rid of political railway patronage and political railway administration, and it is quite easy to do so and yet keep all matters of general public policy still in our grasp. I see that the commissioners are to periodically send in reports to the Minister of Railways for presentation to this Chamber, but I think the terms of the clause making that provision should be enlarged so as to require the commissioners to send in a report upon any special subject respecting which Parliament might require information. I am of opinion that taking in the Bill the precautions I have described as advisable will prevent the possibility of disputes between the Legislature and the board, and that we shall then have the Railway department managed by a body of independent commissioners who will conduct affairs on lines of which the House will approve. I also believe that the entire abolition of political railway patronage and administration will effect a huge
improvement in our railway system, and cause it to be more pecuniarily profitable, as well as convenient and satisfactory to the people of the country, than it has ever been hitherto.

Mr. D. M. DAVIES.—Mr. Speaker, a great deal has been said in the course of this debate with regard to the inconvenience, trouble, and annoyance given to honorable members in connexion with the system of political patronage, and undoubtedly, if I were to consider merely my own personal convenience, I would without hesitation or consideration give my support to this Bill. I am quite sure that we all must feel that we have an irksome duty to perform in connexion with seeking to get employment for persons who are our constituents, but, contrary to the statement of a certain section of the press which represents this work to be an advantage to us in securing the permanency of our positions, my experience is that it is just the reverse. Not only is political patronage no advantage to honorable members, but it is one of the greatest disadvantages they have to contend with. A certain section of the press has represented that there are a number of members in this House who have neither brains nor respectability, and have consequently to do this sort of thing in order to secure their re-election. My experience has been that nothing is more troublesome to a member or more likely to injure his position, by giving rise to jealousies amongst friends and leading to a large amount of dissension, than the present system. For instance, if I succeed in securing the appointment of one friend’s son on the railways, I find that at the same time offend, because I do not secure appointments also for their sons, a dozen other fathers, who think they have as much right to secure appointments, and even more right on the ground that they have rendered me more assistance at elections. Again, whenever a vacancy occurs in a State school, a member may have a deputation from half-a-dozen mothers, each asking that her daughter may be appointed to the vacancy; and, so sure as the member succeeds in getting the appointment for one of the daughters, he is certain to make enemies of the mothers of all the others. It is true that they cannot revenge themselves by voting against him, inasmuch as they have no vote, but honorable members know by experience how much influence mothers can exercise at an election, even though they cannot vote themselves. Consequently, as I have said, if I were to consider my personal convenience only, I would certainly go in for the Bill wholesale. I mention this matter merely in order to show that, whether honorable members support the Bill or whether they criticise it adversely, it cannot be justly said that their action results from the fact that political patronage is of any advantage whatever to them. But we have others as well as ourselves to consider in matters of this kind—we have to consider the convenience and interests of those who sent us here. If political patronage should be done away with merely on the ground of the inconvenience and trouble it causes honorable members, there are a large number of other inconveniences connected with their position which might also be dispensed with on the same ground—for instance, the troubles and annoyances in connexion with having to go through an election. The fact is, however, what we have principally to consider on this question is the interests of our constituents, and this is especially the case with honorable members representing country districts. We have to consider whether this Bill gives as much fair play to the son of the miner or the farmer, in a country district, as it does to the son of a merchant or business man in Melbourne. In fact, I have to see that the Bill does not deprive the sons of those I represent of having the same privilege exactly as if they lived nearer to the centre of government. Now I believe that, as has been pointed out by the honorable member for Ararat, if it is intended that vacancies in the Railway department shall be advertised in the Melbourne papers only, people in the country will frequently be deprived of the chance of competing for them, for many persons in the country districts do not see a Melbourne paper once in six months. Moreover, even if they do see these advertisements, and come down to Melbourne to take part in the proposed balloting, they may be unsuccessful on several occasions, and before they succeed they may be above the age of eligibility for the particular position they aspire to. There are a large number of considerations of this kind which must be taken into account. Again, why has all this agitation arisen recently on the subject of political patronage? Did not the same state of things exist years ago that exists now, and why is it that no particular complaint has been heard of appointments being made in the Railway department on the recommendation of Members of Parliament until recently? I believe the reason is very simple. Up to a few years ago, nearly all the country
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Electorates were represented by men living in Melbourne, and therefore the interests of the Melbourne people were particularly well cared for, while the local interests of the country constituencies were correspondingly neglected. As soon, however, as the country districts were enabled to return members from their midst who knew their local wants and attended to them, probably succeeding in getting some share, though a very small one, of patronage, the cry was got up that patronage must be abolished. Just in the same way, when there is a liberal Government in power we see a great deal in the press, and hear a great deal in this House, about special trains and free passes on the railways; but nothing is ever heard of such things when a conservative Government is in office. But does any one believe that there are no free passes or special trains when a conservative Government is in power? Exactly the same state of things exists then, but it is only when a liberal Government is at the head of affairs that a cry is raised. It is quite possible that we may be led away by the present cry about political patronage to do a very rash thing, and in getting rid of one difficulty to fall into another. I am quite sure that all we country members should do everything in our power to prevent a larger amount of centralization than exists at present. There is already quite sufficient centralization. We know how easy it is for any metropolitan constituency to obtain a large sum of money—£60,000 for a bridge over the Yarra, or enormous sums for colossal public buildings—whereas country members have to bow and scrape to Ministers in order to get £40 for a bridge over an impassable road, or to obtain the erection of some miserable shanty of a post-office. We have to stoop to what is considered very low work indeed, and to go "department trotting," as it is called, in order to secure, not our fair share of the public expenditure, but an infinitesimal part of what we ought to receive as our right. We cannot possibly foresee all the effects of this Bill, and we ought at all events to guard against making it permanent, and thereby surrounding the commissioners with such barriers that it would be impossible to remove them. We should profit by past experience. This colony is, to a large extent, governed either by excitement or by reaction, and one is just as bad as the other. Sometimes under great excitement measures are passed which it would be wise probably to delay, and when the reaction comes we are likely to do exactly the same thing—

for the sake of ease and comfort to allow large measures to pass which are equally dangerous to the welfare of the country. We should guard against the one state of feeling as much as the other, and should be very careful not to make a measure like the present, which is merely an experiment, a permanent Statute. We have already passed measures in a hurry which we have repented at leisure. For instance, because a cry was got up against tolls, the House abolished them, and it has regretted doing so ever since. No Government has ever been able since then to make any provision for the maintenance of the public roads, and the consequence is that a large number of them are becoming almost impassable. Again, the same political party which seeks to make this measure a permanent one has refused to make permanent other measures which the country has expressed its opinion decidedly upon—a thing which it has not done with regard to the present Bill. For instance, payment of members has practically been the law for the last ten years, yet on every occasion—even on the last occasion—it was only passed as a temporary measure, on the ground that it was still only an experiment. If it is right to keep a measure still a temporary one on which the country has over and over again expressed its opinion, there is still greater reason for making only temporary the present measure, on which the country has had no opportunity of expressing its opinion. Although approving of the measure generally, unless it is made temporary I shall have to consider very carefully indeed whether I shall support it on the third reading. It would be an extremely hazardous step to make such a radical change as is proposed by the Bill in a permanent manner, and to surround the proposed commissioners with such barriers that we would be prevented from retracing our steps if we found we had made a mistake. Honorable members all know how very difficult it is to get the two Houses to agree on any topic that is extremely debatable, and in all probability these commissioners would form associations with gentlemen in another place which would render it very difficult to get rid of them if the Assembly wished to do so. With regard to the power given to the commissioners to enter into contracts, it is all very well to say that Parliament could prevent them from sending to England for material. The same thing could have been said with regard to the late Government. Parliament could have stopped them from sending to England for rolling-stock, but
on the representation of the late Minister of Railways that more rolling-stock was immediately required, the existing state of things being absolutely dangerous to life and limb, Parliament was induced to empower the Government to send to England for rolling-stock which is now lying idle. If that could be done on the recommendation of a Minister, how much greater would be the force of a recommendation from the commissioners to the same effect! Suppose we had a commissioner from England receiving a high salary and two other commission-ers of influential position, and that these three gentlemen represented to the House that it was absolutely necessary for the safety of the public and so forth that additional rolling-stock should be got before it could be made in the colony, would it not be said—"What is the use of our engaging a gentleman of high position at a salary of some £5,000 a year to give us his advice if we are going to ignore it?" That argument would be used with great force, and probably the House would consent, as it did on the last occasion, to a large amount of rolling-stock being obtained from England and elsewhere, whereas, by the exercise of a little patience, we could have everything we required made by our own people. Moreover, I do not believe that the colony would be likely to obtain the services of the best man procurable in England. Any gentleman who could command a salary of £5,000 or £7,000 a year in England would not be likely to come to this country, and the probability is that we would get some one who was sheltered in England, or who could not reach the high position there which he would obtain here. Besides, a gentleman from England would bring with him his prejudices in favour of home productions, and it would be a very long time before he could adapt himself to the circumstances of this country. He would consider that everything that was good came from England, whereas we know that a large number of our improvements in connexion with railways have come from America and other countries. The English commissioner, when he arrived here, would also have to be educated in matters colonial by his inferior officers. In view of all these difficulties and the great innovation the Bill will introduce, I certainly think we should be very careful not to make it a permanent measure. If it is only passed for a number of years and is found to be a mistake, it need not be continued at the expiration of the term, but we know that, when a measure is made permanent, it is extremely difficult to obtain its repeal. Again, I consider that the proposed plan of examinations is very imperfect, as under it a man already in the department would have to pass a competitive examination in order to obtain his promotion. It does not at all follow, however, that the gentleman who would pass the highest scholastic examination would be the most capable officer. A master of arts might not be nearly so capable of performing the work required of an officer in the Railway department as a man with not half his scholastic attainments. Many circumstances have to be taken into consideration in such cases besides the scholastic attainments of a person, and it would be impossible by a competitive examination to obtain the best man for a particular position. I have no doubt that in a large measure of this kind the Government will be prepared to make certain modifications in committee, and if the improvements suggested by various honorable members are carried out and the measure is also made a temporary one, no doubt it will meet the difficulty very well, and will relieve honorable members of a great deal of unpleasantness. If these conditions are complied with, I shall be very glad to give the Bill my support, but if it is made a permanent measure, and some of the present blots are allowed to remain, I shall have to consider carefully how I shall vote on the third reading.

Mr. COOPER.—Sir, I think most honorable members will agree with the honorable member for Ararat that it is a very undesirable thing that the head of a Minister of Railways should be placed "in chancery," and if it is to be the practice in the future, as the honorable member says it has been in the past, for managers of railways to punch the heads of Ministers of Railways, it may be necessary to provide that the Minister shall take a few lessons from Professor Miller, in order to be able to protect himself. The honorable member for Collingwood (Mr. Mirams) has told us that the members of this House by passing the present Bill would be practically writing themselves down as incompetent, or something worse. In that opinion I do not at all agree with the honorable member. If the doctrine is to be laid down that once Parliament passes a measure it is to remain for all time without amendment, then Parliament might meet to pass a number of Bills, and immediately it had done so go out of session for an indefinite period. In fact, if the doctrine of the honorable member for Collingwood were carried
out to very rigid—and perhaps logical—conclusions there would be no change at all. I take it, however, that one of the functions of Parliament is to try to understand the wishes and demands of the time, and, as far as possible, to comply with those demands if they be fair and reasonable. Most honorable members will admit that there has been a very general demand for a change in our system of railway management. Whether this demand has arisen from an inherent badness in the system, or from an imperfect knowledge of the system as it exists, I am not going to say, but, at all events, the complaints about the working of the system have been so loud, and so continuous, that I have no doubt both the Government and honorable members felt that it was time to do something to meet what they might very fairly regard as a very general and a very popular demand for a change in the management of our railways. The change seems to have been demanded particularly on account of what is called political patronage. This seems to have been the one great sin that has had so detrimental an effect upon the working of the Railway department that there now seems to be a very general consensus of opinion that the practice shall cease. I fully believe that the doctrine of political patronage is a bad one, and that the sooner we get rid of it the better, but at the same time I am not prepared to admit that all the evils existing in the Railway department are attributable to that system. I am not prepared to say that the accidents which have occurred, that the mismanagement that has been exhibited, and that the numberless evils that exist in that department are all to be traced to political influence and department trotting. What proof can be furnished that it is political patronage that has demoralized the railways and ruined the system? Has it been proved that our railways cost more to manage than other railways, or that there are more accidents on the Victorian railways than on other railways? While I am determinedly opposed to political patronage, and prepared to support the Government Bill, I am free to confess that no proofs have been submitted which convince my judgment that political patronage has done all the evils with which it is charged. If we examine the past management of our railways, we shall find that up to a certain time it compared very favorably with the management of railways in any other part of the world, and that the direct cause of the vast increase in the expenditure on our railways during the past few years has been the Jolimont accident and the Hawthorn accident. Now I think that, if honorable members trace up the causes of those accidents, they will find that they cannot possibly be regarded as resulting from political patronage. Surely political patronage had nothing to do with the breaking of the wheel which caused the Jolimont accident? It was not political patronage that put that wheel there or ground it down to its thin proportions. It was not political patronage which insisted on the carriage with that particular wheel being employed. On the contrary, the carriage did not belong to the ordinary Victorian railway system, but was a portion of the purchase from the Hobson's Bay Railway Company. Moreover, the gentleman who was then superintending the whole system did not owe his position to political patronage. He had been the principal officer of the Hobson's Bay Company, and was placed in charge of the entire system of the Victorian railways, not by virtue of the influence of members of this House, but because he was supposed to be the person most eminently qualified for the position. Again, the persons primarily concerned in the Hawthorn accident were not appointed through political patronage. The station-master at Hawthorn, who admitted himself to be the chief cause of the accident, had been in the service of the company for about twenty years, and neither as regards the driver nor the guard have we had any evidence that either was at all affected by political influence. We have had nothing to show that they were not placed in their respective positions simply because they were eminently qualified for them. If that be so, it follows that these accidents occurred altogether apart from political patronage, and, consequently, the case for a change in the system of management on the ground that political patronage has ruined the railways has not been made out so clearly as it might have been, or ought to have been. Then we might ask—Why is this Bill, dealing only with the Railway department, introduced? Is that the only department that is partially demoralized? Is political patronage found in no other of the departments? Is there none of it in the Education department, the Public Works department, or the Water Supply department? If we are to believe the evidence submitted to us, it would appear that there are greater indications of wrong-doing in some of the other departments than have ever been brought to
light in connexion with the Railway department.

Mr. DUFFY.—The others do not sacrifice human lives.

Mr. COOPER.—I suppose the honorable member will admit that water supply is a very important element to the welfare of the community. Now I hold in my hand a newspaper, the Kyneton Guardian, of the 11th inst., which in a leading article makes certain statements which I regard as very important. It shows that there are two very important water supply schemes going on within a comparatively short radius of that town, and that those schemes are under the control of Mr. Gordon, this gentleman being an importation from India, supposed to have been brought here regardless of expense, and with the view of placing at the disposal of the Government the best available talent on the subject of water supply. The article also states that Mr. Gordon was the designer, engineer, and carrier-out of the water supply for Daylesford, that he made an embankment in connexion with that supply, and that he provided so small a by-wash that the very first freshet overran the by-wash and carried away a large portion of the embankment. This is a very important matter bearing upon the importation of foreign talent. The article goes on to show that there is another water supply at Maryborough, under the control of Mr. Gordon, he being also the designer, engineer, and carrier-out of that work. Mr. Gordon, the article states, directed that the face of the dam should be composed of certain materials, and the work was carried out under his supervision, the result being that the very first rains that came so percolated through the entire face of the dam that more water escaped than would supply the whole town of Kyneton. In the Daylesford case Mr. Gordon offers to make good the damage without charging any commission, and in the Maryborough case it is estimated that the damage may be repaired at a cost of from £500 to £1,000. But underlying all this a still more important principle is involved. The article goes on to reveal a state of things in the Water Supply department which, if it existed in the Railway department, would have been fished out and held up to reprobation by 19 out of 20 papers in the colony, instead of being left the property of the Kyneton Guardian. The article states that while Mr. Gordon is the engineer of the Daylesford water supply, and also the engineer of the Maryborough water supply, the same Mr. Gordon certifies to certain accounts for the contracts at both places.

Mr. DEAKIN.—That is not correct.

Mr. COOPER.—I hope the Minister of Water Supply is well assured of what he says, because, intending to bring this case before the House, I telephoned last Thursday to Major Couchman, the permanent head of the department—

"Please inform me who certifies to the accounts of the Daylesford water supply, and who certifies to the accounts of the Maryborough water supply."

The reply I received was—

"Some of the accounts were certified to by Mr. Gordon, and some by Mr. Lutz."

Now I say that, if it is possible for Mr. Gordon, the engineer of the Daylesford and the Maryborough water supplies, to come down to Melbourne and to certify to his own accounts in his own office in the Water Supply department, that fact reveals a state of things infinitely worse than anything which has been elicited in connexion with the Railway department.

Mr. DEAKIN.—That is not the state of things.

Mr. COOPER.—My authority for the statement I have made is the permanent head of the department. I took the trouble to ascertain the truth of the statement before I brought it before the House, and I would ask the Minister to look into the facts of the case, because if the facts be as I have stated them, on the authority of the permanent head of the department, Mr. Gordon ought not to remain in the service of the State one hour longer. If this be the kind of gentleman we are going to import to manage our railway system, I think that surely we ought to have some guarantee of his fitness before we pay a high price for what may turn out an inferior article. I would also remind the House that we have had some very able and valuable servants in our Railway department, and while a debate of this kind is going on it is only right that we should look fair and square at the work of the past and see whether that work has been reasonably good or bad. I do not profess to know more about railway matters than any ordinary member of the House, but, as this is a change which may affect our entire railway policy for many years, it is only right that the House should try to get the most perfect Bill possible. I do not suppose that the Government have any desire to be unjust or ungenerous to the railway servants of the past, and I may say that, in my humble judgment, the officials of the Railway department have done remarkably well in the past.
On looking through the report of the Board of Trade, lately laid on the table of the House of Commons, showing the expenditure, &c., of the railway companies of the United Kingdom for 1881—which is the latest report I could procure—I find that, taking the earnings of the companies in England and Wales, the cost of working the railways in 1869 was 49½ per cent., and in 1881, 52 per cent. It is not necessary to weary honorable members by going through the figures for the intervening years. Now what do we find in connexion with the Railway department of this colony? According to the honorable member for Stawell, the entire railway system of Victoria in 1878 was worked at a cost of 51¼ per cent.—a result which compares very favorably indeed with the cost of working the railways of England and Wales as a whole. I would remind honorable members that the managers of our railways have to pay twice or three times as much for coal as is paid in England, that the price of labour is much higher here than in England, and that, in addition to all this, we have had this terrible thing called "political patronage," which honorable members have been told is such a bugbear to contend with. If, notwithstanding all these drawbacks, we were able to work our railways at a cost of 51½ per cent. in 1878 as against a cost of 52 per cent. in England, the fact affords some proof, at any rate, of capacity for railway management on the part of those who have managed our railways. The entire cost of the working of the railways of the United Kingdom—England, Ireland, Scotland, and Wales—in the year 1869 was 49½ per cent. of the receipts, and in 1881, when their income amounted to nearly £64,500,000, it was 52½ per cent. I ask this House, in dealing with the Bill, to look fairly and squarely at all the facts, to contrast the circumstances surrounding the working of railways in the old country with those surrounding their working in Victoria, and to say whether they find such a discrepancy as to warrant the Government in sending to England, and paying a very large salary, for a man to manage our railways when they may bring out one who may be no better than an engineer who would construct a by-wash that was too small or a dam that would be full of holes. If the Government do send to England for a man, they should take all the guarantees they possibly can that they will get a man of such a stamp that a failure of this kind will be altogether impossible. I have already informed the House that I am thoroughly with the Government in their desire to get rid of the system of political patronage, and, as I take the abolition of that system to be one of the primary principles of the Bill, the measure has my hearty support; but I think, if all the truth were told, and the secrets of the Railway department were laid bare, the reason why this change in the system of management is sought would, perhaps, be found to be different from the one that is alleged. I don't know that it is political patronage that has killed our railways. I don't think it is the incompetency of our men which has made our railway system defective; but I believe that the complex character of the system itself has encouraged a number of independent chiefs in the Railway department to fight against each other, and that consequently there has been a want of the harmony and co-operation necessary to complete success. If the Bill, by placing the department in the hands of commissioners, will bring those rival chiefs into harmony, and will secure their active and earnest co-operation in endeavouring to attain the best possible results from the railway system, a great deal of good will accrue to the country from the measure, and the Government will deserve much credit for introducing it. We have been told by the Chief Secretary that the Bill entirely abolishes patronage. I am afraid that statement is hardly correct. There are some very convenient clauses in the Bill. There is one, providing for the appointment of supernumeraries, which is really a very dangerous clause. I believe that the Attorney-General knows as well as any member of this House that if the existing Civil Service Act was administered according to its letter and its spirit it would be a very useful measure, but Ministers, I suppose like some lawyers, have found out the weak places in the Act, and they have been able to exercise patronage despite the Act, or outside of it. They have done so with impunity, and to such an extent that practically the present civil service does not exist under the Act but outside the Act. If supernumeraries are to be appointed in the Railway department after the Bill becomes law, I hope that a clause will be introduced into the measure to provide that the supernumeraries shall be chosen from the men who are eligible for permanent appointment, so that neither the commissioners on the one hand nor the Government of the day on the other will be able to select any man they please, from the Murray to the sea, and put him into
any position they think fit. If provision is made that the supernumeraries shall be taken from men who have passed the examination, and that, as vacancies occur, the supernumeraries shall be drafted into the permanent staff, I think that the objection to the power to appoint supernumeraries will be to some extent got rid of. We have also been told that there will be no appointments to be made by the Government in connexion with the Railway department after the Bill comes into operation. If we refer to clause 28, we shall find that some very nice little appointments are possible under that clause. It provides that the Governor in Council may appoint examiners for each branch of the railway service. It does not say how many examiners are to be appointed. There may, perhaps, be 10 or 20, or even 100. They are to be appointed for three years, and at the end of that time are to be eligible for re-appointment. If the commissioners are qualified to appoint the secretary and all the other officers of the department, surely they ought to be competent to appoint the examiners. I will ask the Attorney-General to make a note of this point, because when we are proposing to abolish political patronage it is just as well that we should do so completely and perfectly as possible—in fact, sweep it away thoroughly and entirely. One honorable member has spoken of the 61st clause as an exceedingly dangerous one, but I don’t apprehend any danger from it. If clause 50 is read in conjunction with clause 61, I think it will be found that it places in the hands of this House all the power that is necessary to direct and restrain the commissioners. The commissioners have to apply in writing to the Minister for such additional stores, plant, and material as they require from time to time; and the Minister must come down and ask this House for the supply of the necessary funds. The House will then determine in what way the funds shall be granted, and it may attach such conditions to the vote as will prevent the commissioners from sending to England, or any place outside Victoria, to get any materials which can be made in the colony. In conclusion, I beg to state that I am thoroughly with the Government in their desire to terminate political patronage and to improve the working of the railway system, and I am also thoroughly with them in trying to place the management on such a basis as will secure the best possible results to the country, in the best way, and, as far as possible, outside all political influence. As the House is aware, I shall not have the opportunity of speaking in committee, but I ask honorable members to bear these points in mind when the Bill is passing through committee; and I ask them to note those clauses which affect the appointment of employees in the Railway department, so that country men and country boys may have a fair show of getting employment under the new system as well as those who reside in Melbourne and its vicinity.

Mr. Hall.—Mr. Speaker, I am very glad to notice the fair way in which this Bill has been debated all round. The House evidently looks upon it in a reasonable light, as each member who has spoken has expressed his willingness to support the measure with a few alterations. The brevity of the speeches is another gratifying circumstance, as it also proves that there is not any very serious objection to the Bill as a whole. All honorable members, I think, admit the great necessity for some change in our system of railway management, although they do not all agree with the change proposed by the Government in every detail. The objections which have been raised to the Bill may, however, be narrowed down to about three. One of them is that the power proposed to be given under the measure to the Legislative Council will virtually nullify the action of the Legislative Assembly. In common with other honorable members, I certainly think that there is some force in this, but the Government, from the statements they have made, appear perfectly willing to accept any reasonable amendment which will remove the danger apprehended by honorable members, and therefore we may be satisfied that the objection will be removed. Another objection which has been taken is that it will be in the power of the commissioners to order rolling-stock from England. I think that has been satisfactorily answered—in fact, completely swept away—by the Government. A third ground of complaint which I will notice is with reference to the permanency of the appointment of commissioners. I think we shall find that, in committee, this, as well as the other principal objections which have been raised to the Bill, will be wholly removed. The Government do not want to force the Bill through in spite of the members of the House, but they are anxious to deal with the question of railway management in a way that the House has often expressed a desire to have it dealt with. The country, too, has frequently said that some change must be made in the railway
management. The Government bring this Bill forward in good faith, and they are willing to take the House into their confidence, so that the measure may be improved in such a way that it will be acceptable to all. Some honorable members have urged that if the chairman of the commissioners is a stranger imported from the old country he will have to gain all his information from the officers of the Railway department. There may be some little force on that ground in the objection to sending to England for a man, but, on the other hand, look at the advantages of adopting that course. The gentleman will come here without any local prejudices, and without a set of cousins, uncles, and aunts to provide for. He will also come with the very latest information in regard to the working of railways, assuming, of course, that the Government select a suitable and capable man. No doubt the Government intend finding a man who will fill the position creditably and satisfactorily. As they will pay him a good salary, we must expect that they will find a man of that stamp. It has been said that the question of Sunday trains will be a very difficult matter for the commissioners to deal with; but I am under the impression that the commissioners will have nothing to do with that sort of thing. The running of Sunday trains is a question of policy, which is entirely in the hands of this House, and I feel quite satisfied that the Government are as jealous of the honour and power of this House as any honorable member. They are not going to throw all the responsibility on the commissioners. I do not believe that they will do anything to take away from this House the power and responsibility which belong to it; but if there is any provision in the Bill which might have the effect of depriving the House of any of the trust and responsibility reposed in it, the matter can easily be remedied when the measure is considered in committee. A very great deal of the success of the new system of railway management will depend upon the selection of commissioners. If honest capable men are chosen, we have nothing to fear as to the result. With respect to the appointment of employés in the Railway department, I certainly trust that applicants residing in the country districts shall be in any worse position for securing employment in the department than persons living in the metropolis. I look upon the Bill as a liberal measure. It will be liberal for all of us. I see many advantages in it, taking it as a whole. Some honorable members say that the Bill does not do away with political patronage—that, while it abolishes patronage in connexion with the higher grades of the department, Members of Parliament will still have the same trouble that they have now in recommending applicants for employment in the lower grades. I don't think it is possible that this will be the case; but if honorable members are sincere in wishing to get rid of political patronage—if they want to prevent the existence of any loop-hole for the continuance of patronage—I will ask them, when the Bill is in committee, to support me in introducing a clause into the measure to the effect that if an applicant makes use of a Member of Parliament to get him employment, or receives a recommendation from a Member of Parliament in any form whatever, he shall be disqualified from receiving any appointment. If a provision of this kind was adopted, honorable members, I think, would be troubled very little by applicants for employment in the Railway department.

Major SMITH.—Will you disqualify the member also?

Mr. HALL.—Oh, no. I do not see any reason why I should be disqualified from being a Member of Parliament because a person applies to me to try and get him some appointment in the Government service. The late Ministry made a great mistake—they went too far—when in their Railways Management Bill they proposed that a Member of Parliament should forfeit his seat if he applied for a billet for any one. The amendment which I suggest is a medium course, and I have no doubt that it would meet the circumstances of the case. I was rather astonished to hear the honorable member for Collingwood (Mr. Mirams) say that the liberal members of this House would degrade themselves if they voted for the Bill. I cannot see where the degradation will be, but I do see a degradation in an honorable member trotting round the departments, making himself a perambulating register-office, and trying to get billets for persons who apply to him. So far from the provisions of the Bill being degrading to Members of Parliament, I see a great deal of independence in an honorable member being able to say to any candidate for employment in the
Railway department who asks his aid in the matter—"If your abilities are good, if you are qualified, you will stand an excellent chance of getting an appointment; my assistance will not help you." I also agree with the remark made by one honorable member that really competent and clever men will find quite as good chances of success in life outside the Government service as in it. We are told that the liberals will lose something by the abolition of patronage, but I don't see how that will be the case; on the contrary, I think that they will gain by it. Under the present system many vacancies occur of which scarcely anybody knows until they are filled up; but under the new system vacancies will be advertised and made known publicly. As far as I am concerned, I could count on the fingers of one hand the number of appointments which I have obtained for applicants since I have been in Parliament, and, according to the statements of other honorable members, the number of appointments which they have obtained scarcely exceeds a dozen altogether. Nevertheless, a return was laid on the table of the House some time ago which, it has been stated, shows that 2,000 Government appointments were made within a very short period. If that is the case, where does political patronage rest? It evidently does not rest with Members of Parliament. The different districts of the country will, in my opinion, gain far more than they will lose in the matter of appointments in the Railway department after the Bill becomes law. If the Bill abolishes political patronage—and it will undoubtedly do so if the addition which I have suggested is made to it—a very great work will have been accomplished. I believe that my constituents will gain by it, and that I shall benefit very materially from it in not being troubled with letters asking me to obtain employment for persons in the Railway department. Reference has been made to the medical examination of candidates for employment in the department, and also to the tests as to colour-blindness and the strength and range of sight. Such tests are no doubt very useful, but there is one species of examination to which candidates for employment in the Railway department are at present subjected, which I think is unfair. I refer to what is called "the lung test." When the candidates go before the Government doctor, they have to blow through a tube attached to a certain instrument in order to test the strength of their lungs, but in many cases they have failed to attain the necessary standard either through nervousness or want of practice with the machine. I have known young men with lungs as strong as those of any member of this House fail to pass the test, though they have afterwards gone to a similar machine in Bourke-street and blown it wonderfully. If they had had a little practice beforehand, they would have been able to almost blow the top off the machine placed before them by the Government medical officer. One honorable member has suggested that the railways should be leased, but the same honorable member mentioned that, if the present railway employees were dispensed with, a sum of £380,000 would be required to compensate them for loss of office at the ordinary rate of compensation given to civil servants on their retirement. The necessity for providing this sum of money before the railways could be leased seems to me to be an objection to the leasing of the lines which cannot easily be got over. Another objection to it is that if the lines were leased the lessees would in all probability go in for pounds, shillings, and pence—for making as much money as they could—regardless of the comfort and convenience of the travelling public. That was the case under the régime of the Melbourne and Hobson's Bay Company, and the same thing would, no doubt, occur again on the suburban lines if the railways were leased. And how would the country districts fare? In all probability the lessees would not see the force of making a line in a country district unless they could get an almost immediate return of about 8 per cent. on the outlay. That would be very unjust to the country districts. For my part, I would prefer the Government continuing to hold the railways as they do at present rather than lease them. While we give much power to the commissioners who are to be appointed under the Bill, and while they are to endeavour to make the railways pay—to work them on true commercial principles—there must not be cheeseparing; we must not deprive the country districts of the railway facilities they require, simply because an immediate return cannot be obtained from them in the shape of revenue. I think that, with a few alterations, which I believe the Government will agree to, to meet the reasonable objections which have been raised by honorable members, the Bill will be found to give great satisfaction to the country, and to be a credit to the Ministry and to the Legislature.

Mr. Hall.
Major SMITH.—Sir, the honorable member for Moira (Mr. Hall), so long as he is content to hold his present position, will get his share of patronage under any circumstances, and therefore the wonderful eloquence which he has displayed in expatiating on the beauties of this Bill may be measured exactly at its true value. Because I thought proper, in the interests of the working classes of this country, to ask a few simple questions after hearing the speech of the Minister of Railways in moving for leave to introduce the Bill, I was taken to task, as a matter of course, not only by most of the conservative newspapers, but also by one or two of those that are supposed to be somewhat liberal. I think, however, that I will be able to justify the course I have adopted in regard to the Bill. I feel thoroughly persuaded that the measure is an attempt—and only one amongst others which will be seen before long—to deprive the working classes and their sons of a fair opportunity of competing in any way for the purpose of getting positions in the Government service. The Minister of Railways, in reply to questions which I put to him on the first reading, admitted that the Ministry of the day will be able to suspend one or all of the commissioners to be appointed under the Bill, and that the Legislative Council will be able to reinstate one or all of them after they have been suspended. This state of things makes it possible for a continual conflict to go on between these large and mighty men, who, when he is supposed to act—I may state that, before I sit down, I will give an instance in my own experience of one of the honorable member for Moira and the member for East Bourke—under whom he is supposed to act—I may state that, before I sit down, I will give an instance in my own experience of one of them fight together against the third. Therefore, the most likely thing to happen with these commissioners is that the great man will get one of the others to combine with him in rendering the third man a mere dummy, or the two subordinates will join together in making a dummy of their head. I certainly do not think that the method of managing the railways proposed by the Government is the best that could be adopted. There are other plans which would be better for the railways and better in the interests of the good government of the country. The Minister of Railways, for instance, without even coming to the House, might have tried a plan that would be better than the one proposed. I could name three or four officers of the Railway department who are men of superior capacity, against whom a fault has never been found—men who are notably thoroughly competent and efficient. The Minister of Railways, following the system which is in successful operation in New Zealand, might have appointed one of these men to take charge of one of the main trunk lines, and others to take charge of the other trunk lines, thus placing each section of the railways under the control of a competent officer. If that plan was tried, I believe it would be found that the lines would be worked with greater economy and efficiency than they are now, and managed infinitely better than they can be by any three commissioners appointed under the Bill. Another plan which might be tried is that of leasing the railways, which has already been suggested by the honorable member for Stawell. If the Government would offer to lease three of the main lines, I have no doubt that there would be three syndicates formed who would guarantee the State.
against all loss arising from accidents, who would keep the lines and rolling-stock in thorough repair, and who would pay at least 1 per cent. more for the lines than we are getting for them at the present time. Honorable members are asked by the Bill to take a leap in the dark, and to adopt a plan which is not in operation in any part of the globe. When I was in England, in 1869, I was introduced to one of these great men—the men who get enormous salaries for managing railways—and I found that he knew nothing whatever about the railway which he was supposed to manage. After some trouble, I got referred to the real man—the man who did all the work, though he did not get the salary. The man who drew the large salary was the man who was in constant attendance on the board of directors, but the real man was an officer who had been 25 years in the service of the company, and knew all about the working of the line from beginning to end. I venture to say that no man who is valued at home as a railway manager, and who thoroughly understands his work, will come out here. Moreover, I assert that we have ability to work any oracle except to bring the Bill to a temporary measure, which can be tried for a short time. When I was in England, in 1869, I was introduced to one of these great men, who was sent to the colonies to manage railways, and who did not get the salary. The man who did all the work, though he did not get the salary, will come out here. I am not that I am opposed to the Bill; but on the motion for leave to introduce the measure, will never rest satisfied until it is repealed. It is under these circumstances I feel, as one of the liberals in this House, that the liberals have been sold. There are several reasons which ought to make liberals pause before giving their assent to the measure. The fact of conservatives of the truest blue getting up one after another and declaring the Bill to be in the right direction is alone sufficient to arouse suspicion. No doubt the Minister of Railways is an exceedingly able and astute politician. He adopts the plan which I have objected to before, and which I object to now, of making his speech explanatory of the Bill not on the motion for second reading, but on the motion for leave to introduce. I regard that course as not altogether parliamentary or constitutional, because the speech is made before the Bill is distributed; and, in the interval which must elapse prior to the second reading being brought on, little slips and pieces of information are picked up by the press, and newspaper articles are written about the Bill, and thus the whole country is almost committed to it before honorable members.
have the opportunity of reading a line of the measure. I don't think that fair parliamentary dealing with members of this House who have been elected to discuss public measures on their merits. At the same time I have no desire in any way unfairly to impede the progress of the Bill. The second reading will be accepted as a matter of course, and we shall then see how far Ministers are sincere in their desire to have the measure fairly amended. I intend to propose, in committee, that the Bill shall have operation only for a reasonable time, so that, in the event of the experiment not proving successful, Parliament will have less difficulty in retrace its steps. It is purely and wholly an experiment, because the system proposed has never been tried anywhere else in the world. For my part, I don't like the Bill. I don't think the system it provides is the best we could adopt for the management of our railways. I don't think it will work well. But the proposal is the result of an outcry which has been raised out-of-doors—an absurd outcry as I think, because I don't believe it can truly be said that political patronage in this colony has been in any way unfairly distributed. In conclusion, I may say that I have very great doubts about the satisfactory working of the measure. I shall be surprised if, in a short time after the Bill has been in operation, the men and the newspapers who now laud it so much will not be the first to denounce it.

Mr. BURROWES.—Sir, I do not wish to give a silent vote on the question. I differ somewhat from most of the honorable members who have taken part in the debate. We had one speech from the Minister of Railways in introducing the Bill, and one from the Attorney-General on the second reading, but since then we have had criticisms upon the measure which no Minister has yet thought fit to reply to. A great deal has been said about political patronage, but, so far as I have been able to gather, not one-fourth of the mismanagement in connexion with the Railway department has arisen through the exercise of political patronage. It appears to me that political patronage is a mere bugbear. During the term of office of a former Minister of Railways, a certain gentleman was appointed head of the department, and upon him was imposed more work than two or three ordinary men could perform; and other officers were relieved of their proper duties. The result was that our rolling-stock was not properly looked after, and other mismanagement occurred, and then a certain accident took place. Then it was that this cry about political patronage arose. But I would ask honorable members to consider whether any, of the accidents or cases of neglect which have occurred in the Railway department can be traced to any political appointments which have been made during the last five or six years? I say they cannot. I have some little knowledge of railway management, and I say that, on the whole, we had for years exceptional immunity from accident. But since the appointment I have referred to was made, and the disorganization consequent upon it arose, we have had nothing but turmoil and trouble in the Railway department. I suppose that in no other public department has so much disorganization prevailed, and I say that until it is put down, the railways, even if fifty commissioners be appointed, cannot be worked properly. There is no man in this House who would sooner see political patronage abolished than myself, provided that appointments are fairly distributed among the people; but I fear that this Bill will be the means of creating a worse kind of patronage than exists at the present time.

Mr. SERVICE.—How do you come to that conclusion?

Mr. BURROWES.—Vacancies will have to be filled up, and the men who are best known and have the greatest influence will receive the appointments. I believe that, as soon as the commission contemplated by the Bill is constituted, the whole of the country districts will be wiped out so far as appointments in the Railway department are concerned. I don't say this with any offence or ill-will towards the Government. I have no doubt they mean well, but I believe that what I say will come to pass. I am satisfied that patronage in connexion with the Railway department will not be abolished until the railways are leased. I was surprised at the remarks of the honorable member for Moira (Mr. Hall) on the question of leasing. They only show that the honorable member knows very little of the subject. Why there are people in this city who are prepared to lease the railways and give the Government a much higher percentage of revenue than they now receive, and at the same time to guarantee the safety of the public, and the keeping in proper order of the rolling-stock, and to comply with any other reasonable conditions which the Government may think fit to impose. I have no doubt that under such a system the State would obtain more revenue than
does now, because the traffic must necessarily increase, and the public would be better served. But the passing of this Bill means the management of the railways by an iron hand. I believe the system contemplated by the measure will be in force no more than six months before the country will be glad to see it superseded. I regard the Bill as ignoring the Government, the Parliament, and the country. Under it, the commission will be everything. Supposing the Government or the members for a particular district think that certain stations or sidings are desirable, they will not have the slightest say in the matter; the commission will be all powerful. The whole railway management will be handed over to a body of gentlemen who will be able to snap their fingers at this House. Under these circumstances, I cannot see my way to support the Bill.

Mr. MclEAN.—Mr. Speaker, it is my intention to give the Bill my most cordial support. Indeed, I have rarely recorded my vote with so much pleasure as I shall feel when I vote for the second reading of this measure. I do not mean to say that the Bill is perfect in every respect; the commission will be all powerful. The whole railway management will be handed over to a body of gentlemen who will be able to snap their fingers at this House. Under these circumstances, I cannot see my way to support the Bill.

The honorable member for Collingwood (Mr. Mirams) told us, the other night, that any member of the House who voted for the abolition of political patronage would, by that act, record his opinion that patronage had been dishonestly exercised by ourselves and all our predecessors in Parliament; but I think there is not an intelligent person, inside or outside this House, who is in favour of the abolition of political patronage on account of the abuse of the system. What we object to is the system itself, not the manner in which it has been worked. Honorable members must know that a man may be an excellent legislator, and yet be a very poor labour agent. The duties of the two offices are entirely distinct. Moreover, even if we admitted that every Member of Parliament had the capacity to decide between the respective merits of different applicants for an appointment, it would be unfair or unreasonable to expect that he could decide dispassionately upon the rival claims of political supporters and political opponents. But the greatest objection to a system of political patronage is that it has a demoralizing influence on those who seek for appointments. They are led to believe that they are more likely to succeed if they spend their time in securing the support of Members of Parliament than in qualifying themselves for the proper discharge of the duties of the office for which they are applicants. I repeat that I don't think any persons support the abolition of a system which they believe to be demoralizing in its effects on account of the dishonest manner in which it has been exercised. On the contrary, I think it highly creditable to Members of Parliament and to past Ministers of Railways that a system which we believe to be in itself demoralizing—to be rotten in the very core—should have worked so successfully. I think one of the principal reasons it has been successful is the limited extent to which it has been exercised. We know that a Member of Parliament may recommend 500 persons for appointment without one being successful; but I think it wrong to keep up any longer the delusion that only the recommendation of a Member of Parliament is required to secure employment in the public service. The honorable member for Ballarat West (Major Smith) has laid great stress on the probability that the appointment of commissioners, as proposed by the Bill, will be subversive of the settled policy of the country. The honorable member says the commissioners may send to England for material, and he follows up that statement by the declaration that
colonial-manufactured material is very much superior to the imported article. Surely, if that is the case, it is a sufficient answer to the honorable member’s first objection. If the colonial-manufactured material is better than the imported, surely it is only reasonable to expect that practical men, knowing their duty, would buy the best article. I venture to say no intelligent free-trader would send money out of the colony if he could invest it to equal advantage within the colony. But, apart from this, honorable members must see that while this House retains the control of the public finances, while it has to vote Supplies for the purchase of this material, it will hold a sufficient check upon the commissioners. It will be impossible for the commissioners to exercise their functions to any large extent in opposition to the wishes of the majority of the House that has to vote Supplies for the purchase of material. The honorable member also states, as other honorable members have stated during the debate, that it would be much more advantageous to the country if the railways were leased; but I think it is altogether premature to talk of any such proposal at the present time. The honorable member must surely know that it would be utterly impossible to lease many lines in sparsely-populated country districts. Would it be reasonable to expect any man or body of men to lease lines unless the direct traffic receipts would pay the interest on the working expenses, and yield a profit? The State is in a very different position. The State has to take into consideration not only the direct advantages which result from the construction and working of railways, but also whether such works are likely to induce population—permanent taxpayers—to settle on the land in the districts to be served, and to give a stimulus to trade and commerce. These indirect advantages would not enter into the consideration of a syndicate of private men. Therefore, I say that the suggestion to lease the railways is altogether premature. With regard to the danger which seems to be apprehended by some honorable members of the chairman of the commission—who, it is supposed, will be a first-class officer, thoroughly conversant with the duties he has to perform—being out-voted by two men of inferior capacity, probably that is a matter worthy of more serious consideration, but all these questions of detail, I think, will be much better dealt with in committee. I have only to say, in conclusion, that if, in committee, proposals are made which, in my opinion, are calculated to improve the Bill, they shall have my hearty support.

Mr. BAKER.—Sir, I had not intended to address myself to this question, particularly after the exhaustive debate which has taken place, but, in order to put myself right with my constituents, I feel compelled to rise and say just a few words. When before my constituents at the last general election, I made one point-blank promise, and one conditional promise. I was asked, in the first place, whether I would support Mr. Service and Mr. Berry. I said that if Mr. Berry and the liberal party did not go back to Parliament in sufficient force to carry on the business of the country, I would support a coalition between Mr. Service and Mr. Berry. The other question was whether I would support the appointment of a railway commission, and to that question I replied—“No, I will not,” and that answer went down with the whole of my constituents. The reason was that my constituents were afraid that if the railways were placed in the hands of commissioners the freights would be increased; and an increase in railway freights simply means ruin to the farming community. A more effectual plan of ridding the country of selectors could not possibly be adopted than that of increasing the freight on their grain and general produce. But a syndicate to manage our railway system would be ten times worse than a commission.

Mr. McINTYRE.—It would be subject to conditions.

Mr. BAKER.—I care not what conditions might be imposed, the question with a syndicate would be how much money could be made out of the railways, and, if any one line did not yield a dividend, it would be cut off from the system. My constituents have been living upon the hope that railways will be put through their district, and if that is done, I am satisfied that, in the course of a few years, sufficient wheat will be produced in the Wimmera to pay for the whole of the railways constructed in this country.

Mr. McCOLL.—Without water.

Mr. BAKER.—We have the water; we only want to do a little in the way of conserving it. I am glad to say there is every promise that we shall have a good season; and we shall want railways, and we shall want them managed well. Under these circumstances I intend to vote for the second reading of the Bill, but I wish the Ministry to understand that I cannot possibly vote for the measure becoming permanent. Its operation must be limited say to three, or
at most five, years. The honorable member for Collingwood (Mr. Mirams), when speaking to the Bill the other night, exhibited great warmth of feeling. Notwithstanding this, the honorable member for Portland, who followed him in debate, expressed the hope that the time would come when the honorable member for Collingwood would have a seat on the Treasury bench. But if the road to the Treasury bench is as rough as the honorable member for Collingwood represents, save me from the Treasury bench. I have no objection to endure roughness when I am on the Treasury bench, but I have no inclination to stoop to anything like billingsgate to get there. As a Member of Parliament, I feel that my lines have been cast in very pleasant places. It has been a pleasure to me, since I occupied a seat here, to listen to the eloquent addresses and fervid speeches, containing a large amount of information, which have been delivered, and which have gone home to my convictions, and I believe to the convictions of most persons who have heard them. But there is one point I desire to impress upon the Ministry. Addressing them through you, Mr. Speaker, I would say—"I believe you intend real honest work; I don't think you are up to any dodging; and, so far as the pressing forward of measures for the benefit of the country is concerned, I intend to support you." I have been actively engaged in politics ever since this country has had a Constitution—it is no fault of mine that I was not a member of the House before—and I will endeavour to show by work that I have at heart the good of my constituents and of the colony generally. I will repeat, in conclusion, that, if you only give the farmers of the Wimmera fair play, that portion of the country will be able to return, in the course of ten or fifteen years, more than the whole £20,000,000 which has already been expended on railway construction.

Mr. REID.—Sir, I understand from the last speaker that he promised his constituents that he would not support any Bill which provided for the handing over of the management of our railways to commissioners.

Mr. BAKER.—Not in perpetuity.

Mr. REID.—It appears that the reason of the honorable member for giving that undertaking was that the railway traffic charges would be much higher under commissioners than they are at present.

Mr. BAKER.—I did not intend to convey that impression. What was in my mind was that the commissioners would fix the charges, as by the Bill they are empowered to do, and that there would be no opportunity of questioning their action on the floor of this House.

Mr. REID.—That amounts pretty well to the same thing; but, as a matter of fact, the commissioners will not have power to alter fares without the approval of the Governor in Council. That is provided for by clause 43. I must say that there are one or two clauses of the measure to which I entertain objection. I refer particularly to clause 13, which authorizes the reinstatement, on the vote of the Legislative Council, of a commissioner suspended by the Executive. Having once had a seat in the other branch of the Legislature, and knowing the proclivities of its members, I am decidedly opposed to giving that House more power than it has at present. I hope clause 13 will be amended so as to provide that a suspended commissioner shall be reinstated only on the vote of both Houses. I will never be party to give the Legislative Council power to do that of themselves which the Ministry of the day have not the power to do. If the clause were to pass as it stands, and the Legislative Council thought proper, at any time, to carry a vote in favour of reinstating a suspended commissioner, what would be the consequence? It would be a vote of censure, not only upon the Ministry of the day but upon this House also. Therefore I hold that the clause in question ought to be struck out, or at all events amended so as to provide that reinstatement should only take place when both Houses join in praying for it. I do not think the people of the country would allow the Upper Chamber to have the power the Bill as it stands will give them. As to the appointment of three commissioners, I regard the arrangement as a very proper one, and I am of opinion that their position should be altogether different and apart from that of the general manager, who ought to carry on the business of the Railway department just as the manager of a bank carries on the business of the establishment under his control. Two or three times a week he should attend a meeting of the Legislative Council power to do that of themselves which the Ministry of the day have not the power to do. If the clause were to pass as it stands, and the Legislative Council thought proper, at any time, to carry a vote in favour of reinstating a suspended commissioner, what would be the consequence? It would be a vote of censure, not only upon the Ministry of the day but upon this House also. Therefore I hold that the clause in question ought to be struck out, or at all events amended so as to provide that reinstatement should only take place when both Houses join in praying for it. I do not think the people of the country would allow the Upper Chamber to have the power the Bill as it stands will give them. As to the appointment of three commissioners, I regard the arrangement as a very proper one, and I am of opinion that their position should be altogether different and apart from that of the general manager, who ought to carry on the business of the Railway department just as the manager of a bank carries on the business of the establishment under his control. Two or three times a week he should attend a meeting of the board of commissioners, and state to them what he had done and what he proposed to do, and it would then be for them to carry out, as they thought proper, any recommendations he might have made. Several honorable members have complained that protection will be endangered under the Bill, but I am satisfied that it will be easy, when
the measure is in committee, to insert a clause to something like the following effect:—

“No railway plant shall be imported by the commissioners that can be made or manufactured in the colony.”

No doubt the Attorney-General will propose the adoption of a provision of that kind. I am not afraid that anything of a non-protectionist character would ever be permitted under the Bill, but still it will be best to make sure. With regard to what has been said about leasing our railways, I am astonished that any system of the kind is thought of. Why, with the railways leased to a syndicate, where would be the protection we now afford to our manufacturers of railway plant? Of course, the lessees would import everything they could; and this House would be powerless to check them. One part of the remarks made by the honorable member for Collingwood (Mr. Mirams), the other night, I was very sorry to hear. I allude to his unprovoked attack on the Chief Secretary. For myself, I may say that I have looked upon that honorable gentleman for some years as my liberal leader, and while he continues to carry out liberal principles, so long I will remain by his side, even to the death. Also he might have added to the arguments that should come from mere financial considerations, would be how the system in their hands could be made to pay for its working at a rate that would lead to a satisfactory balance-sheet at the end of the year. I believe that in order to achieve an end of that kind lines would go unrepaired, trains would be reduced in number, non-paying stations would be closed, and, in fact, the interests of the public, apart from mere financial considerations, would be wholly disregarded. I am glad, therefore, that the Bill proposes the constitution of no body of the sort. If it did, I would oppose it in every possible way. Although clause 42 confers on the intended board of commissioners every power they could possibly require, clause 43 provides that that authority cannot be set up under any by-law or regulation without the consent of the Governor in Council. I own that I regard the last-mentioned provision as the most important of any in the Bill, for it practically retains in the hands of this Chamber the control over the State railways, which it is absolutely necessary we should always keep in our grasp. I am very glad to find also that the Bill provides for the abolition of railway patronage, and the establishment of a system of appointments to the railway service that will act mechanically. Nevertheless, I think that the first examination to which candidates for railway employment are to be subjected ought to be competitive. There seems to me to be no disputing that, if two individuals apply for one vacancy, we ought to strive to secure the best man, which can only be done by bringing them both into competition. On the other hand, I regard competitive examination as a very bad test with respect to making promotions, because if officers have to depend upon such means for their advancement, they will...
devote their best energies, not to the performance of their duties, but to working themselves up for a trial of strength with respect to matters quite different; so that it may happen, when a particular piece of promotion has to be disposed of, that it will go to A, who has spent all his time in coaching himself, instead of to B, who, being less ambitious, has devoted himself to the strict fulfilment of his official obligations, and therefore rendered himself the best officer of the two. However, these are points for consideration in committee. What I desire to say now is that I will support the second reading of the Bill, reserving to myself the right of voting afterwards in favour of amendments of the kind I have indicated.

Mr. BELL.—Sir, one thing in connexion with this debate pleases me very much, namely, the circumstance that it has hitherto been conducted in a calm and sensible manner, that is to say, in a style entirely different from that to which we have been so long accustomed. The speeches have been short, to the point, and practical, and I have enjoyed them. Formerly, as the Chief Secretary well knows, I was decidedly opposed to working the railways by means of a commission, but the statements that have been made lately on the subject in the newspapers, and in the House, have caused me to very greatly modify my views on that head. At the same time, I think that if the lines were placed under the management of one man, of the type delineated by the Minister of Railways when he introduced the Bill, and that man had the full control of everything, including the appointment of officers who would be as responsible to him as he would be to Parliament through the Ministers who form its executive committee, better results would be obtained than will be possible under the proposed board of three commissioners. I own, nevertheless, that I may be mistaken on this point. I will also say that the plan recommended by the honorable member for Stawell, whom I regard as a great authority on railway management, commends itself to me, because I am impressed with the notion that the board of commissioners and their general manager will not get on very well together. Upon the whole, however, I shall vote for the second reading of the Bill, with the hope that when it is in committee certain little alterations in it will be made. I am glad the Government have promised to alter clauses 61 so as to leave no doubt that whenever new railway plant is required it will be obtained, if possible, from local manufacturers. I was going to dwell on that topic, but, in face of what has fallen respecting it from the Premier and the Minister of Railways, I feel that it would be useless to do so. Some honorable members recommend leasing the lines, but I would be opposed to any proposal of the kind. In fact, I am astonished to find any protectionist member saying a word in favour of such a system. Would we not expect, if our railways got into the hands of lessees, that they would order every particle of plant they required from England or America, or any place where they could get it cheapest? One observation of the honorable member for North Gippsland (Mr. McLean) weighs very favorably with me, for I quite agree with him that in a new country railways ought not to be calculated upon as a means of yielding a direct profit. Indeed, it is that feeling which makes me fear that the intended commissioners will be so anxious to make the lines pay that they will lose sight of other matters which are of even greater importance, inasmuch as they involve profit to the community of an invaluable although indirect kind. How can the sparsely populated districts of the colony be opened up, and population be led to them, if we are to have no railways but such as are certain to pay well directly they are constructed? I repeat that I will vote for the second reading of the Bill, but when it is in committee I will take my own course, and upon the alterations in the measure that are then made will depend my vote on the third reading.

Mr. McCOLL.—Mr. Speaker, I think the Ministry are to be congratulated on the consensus of opinion that exists all round the House in favour of the ability and industry displayed in the framework of this Bill, but we must not forget that the case at present is very similar to what it was upon a former occasion, when the present Premier was in office with some of his present colleagues and brought down a certain measure the second reading of which a great many honorable members said they would support, but with the details of which only three of them did not find fault in one way or another. Of course I am alluding to the historical Service Reform Bill. In the same way, scarcely a single honorable member has spoken approvingly of the present Bill without expressing a desire to make some amendment or other in it. Consequently, I have fears that it will come out of committee in much the condition in which Donald brought
back his gun, and we all remember that that luckless individual came home with only the flint, leaving stock, lock, and barrel behind. I am astonished to hear that the Government intend to get from England some one to act as chairman of the intended board of commissioners, because what is the practice with the great railway companies at home? They each have a general manager who is above everybody, and a board of directors is associated with him. Well, under that general manager is a goods manager and a passenger manager, and what is the usual thing with them? That once every year all the goods managers and traffic managers respectively meet together and discuss the prospects of trade, how it will probably develop, and the scales of charges, &c., it will be best for them each to adopt, and what they all agree upon is reported to the general managers and laid by them before their directors, the result generally being that the arrangements that have been adopted at the meetings in question become law with every company concerned, for the space of twelve months. Why should we not have one supreme practical man, with sub-managers under him, in connexion with our railways? Would not a plan of that sort truly carry out the idea that the head of a railway system should be like the head of an army? This Bill has come in very softly, like the purr of a cat; but I am afraid that we shall see sharp claws before we have done with it. It is essentially a conservative measure, because it tends towards an oligarchy, and also towards that centralization which the liberal party have always opposed. It is what I see in that direction that rouses my fears. The scope of the thing appears to my mind to be dead against the free democratic spirit of the age and country. No doubt it has come before us accompanied with all sorts of professions of good; but I am reminded of the similar professions made by the Roman Emperor who established the pretorian guard. I tremble lest the measure should be, after all, only one of the dodges of the conservative party. I know and respect the Premier as a man of common sense and practical Scotch experience— I have for thirty-two years entertained a warm regard for him— but I cannot forget the history of his Reform Bill. I felt with regard to that measure that there was a power behind the throne, and I have the same feeling now.

An Honorable Member.—Why then do you sit behind the Ministry?

Mr. McColl.—Because I pledged myself to my constituents that if the liberals were not strong enough to form a Government, and a coalition Ministry was possible, I would support one as long as they were agreed. There is danger in the proposition of the Government to get a great man from home. I am no logician, but I have a little experience. I know what sending home for men has often led to. I remember the case of a gentleman in Melbourne, occupying a trade position second to none of the kind in the colonies, who, wanting to get the best possible manager he could for his works, went home to London and engaged a man in a great West End establishment to come out to Melbourne. He was greatly pleased with him, and indeed the man was well spoken of. But when he arrived here and looked over his employer's workshops, what did he say? "Oh!" he cried, "I know nothing of this kind of work; we never did it where I was, but always got it from Clerkenwell." The employer at once saw how things stood. "I am my own Clerkenwell," said he; and the end was that he sent his importation home again with a considerable sum in his pocket as damages for breach of contract. When I think of what has been done for the improvement of the navigation of the Clyde and the Tyne, I ask myself—"Why should not our railways be under a trust?" That is the plan I now recommend to Parliament for its adoption. What I believe to be required is that the railway system of Victoria should be placed under six different trusts as follows:—1st, an Eastern Trust, having jurisdiction over the trunk line from Melbourne to Sale; 2nd, a Northern Trust, having jurisdiction over all the trunk lines running from Melbourne via Seymour; 3rd, a Central Trust, having jurisdiction over the trunk lines from Melbourne via Castlemaine; 4th, a Western Trust, having jurisdiction over the trunk lines from Melbourne via Geelong; 5th, a North Yarra Trust, having jurisdiction over the metropolitan lines north of the Yarra; and, 6th, a South Yarra Trust, having a similar jurisdiction with respect to the metropolitan lines south of the river. All the lines would then be brought into the intended central railway station, and there would be no chance of a collision. Would not the adoption of such a plan give our talented young railway men a splendid show for advancement? Why, with such trusts properly managed, our rising railway officials would develop facilities that would render them a credit to the colony, and fit
them for the first railway positions in any country of the world. What do we do in that way now? The other day a young man trained in our Water Supply department, and who got from it a salary of £120 a year, took it into his head to go to India. Well, he was not there six months before he was receiving £750 a year. Another instance of the uselessness of going abroad for skilled men is that of Colonel Sankey, who, because an action was brought against him for maligning a better engineer than ever he or any of his colleagues was, had to flee from this country under the shield of privilege, which was wrongly afforded him. He managed to escape through Adelaide to India, and in that way the matter eventually fell through. That man was brought here at a vast expense; but what he did here has been ever since the laughing-stock of every engineer in Victoria worthy the name. He was subsequently asked to supply us with a hydraulic engineer from India, and whom did he send? One who was then practically a discarded servant—simply locum tenens for an officer on his way from Leith to take his place.

Mr. MACKAY.—Colonel Sankey did not send him at all.

Mr. McCOLL.—He was recommended by Colonel Sankey, and when he arrived here what did he do? Although he came only on trial, not a pencil would he touch, not a theodolite would he look through, until he was placed on the civil service list. I would like to know whether it is true, as reported, that he went to the Minister of Water Supply of the day, and said—"This is a democratic country; and changes of any kind may take place, so I don't want to settle down unless I am granted a pension in case I am thrown out of employment?"

Mr. McLELLAN.—It is not true.

Mr. McCOLL.—I regard the first Indian engineer who came here as the greatest curse in the shape of a human being this colony has ever known. At the time he appeared, tens of thousands of men had been tempted on to the Plains by the promise, never yet fulfilled, that water would be supplied to them. Land was granted them, a water company was formed, and tenders for surveys were called for, and would have been accepted but for Colonel Sankey.

Mr. MACKAY.—It is stating fiction to state that Colonel Sankey is responsible for the condition of the selectors on the Plains. He never promised them water.

Mr. McCOLL.—I distinctly assert that the tenders I speak of were being advertised for when Colonel Sankey made his report on the Coliban scheme, and turned into ridicule another water scheme which he was not called upon to touch in any way, because the particulars of the project were not made public at the time he got his commission, which was, I believe, given to him by the honorable member for Sandhurst (Mr. Mackay), the then Minister of Mines and Water Supply. But I know why the water scheme I allude to was dragged into his report. It was through the influence of a certain class, represented by the Melbourne Club, that the ridicule was cast. So, in consequence of importing an engineer from India, the tens of thousands of selectors who had gone on the Plains were sacrificed. As to Mr. Gordon, I have nothing to say about him. I have been taunted with speaking against him in his absence, but what could I do? What other way had I of protecting myself and the engineer who designed the works involved in that water scheme? Has he not in almost every report he has sent in to the Government warned the public against the project? Yet what do we read in the last letter published in the Australasian and the Argus, from Mr. T. K. Dow, their special correspondent in California? That in the short space of thirteen years, mainly through a water supply by means of surface canals, the annual produce of California has been raised to 40,000,000 bushels of wheat and 14,000,000 gallons of wine, while in no year in Victoria have we produced more than 600,000 gallons. Oh! shame on us that we do not apply water to the Plains as it is applied in the valley of the Sacramento. Again, why have the Melbourne Harbour Trust not gone on with their proper work? Because of the advice given by another imported engineer. Because they are bent on following Sir John Coode's idea of a canal, although every Victorian engineer has advised a straight one. I hope they will soon have better sense, and also that my plan of railway trusts will be adopted. Under such an arrangement each trust would act in a spirit of rivalry, and capable men would be brought forward. How is it that such efforts are made to check the spirit of enterprise among our citizens? As for the Bill, I shall allow its second reading to go by default, relying on the sagacity of honorable members to lick it, in committee, into a shape that will be creditable to Victoria.

Mr. MACKAY moved the adjournment of the debate. He wished to refute some of the statements of the last speaker against
Colonel Sankey and Mr. Gordon, but before he did so he would like to refer to documents which he had not just now by him.

Mr. SERVICE expressed the hope that the motion for adjourning the debate would be withdrawn. He did not desire to press the discussion on the Bill to a conclusion if many honorable members still wished to join in it, but the measure had now been before the House some time, and the Government were anxious to take up the Budget debate on the following evening.

Mr. ORKNEY contended that the debate ought by no means to be adjourned. Even the talk on the Bill in the House that evening might very well have been spared. At all events, it would have been more appropriate had the Bill been in committee. He considered that the sitting had been entirely lost. Why not pass the second reading of the Bill, and allow the House to get on with the business? He hoped there was not going to be a repetition of the endless and meaningless talk of the session of last year.

The motion for the adjournment of the debate was put and negatived.

Mr. A. HARRIS.—Mr. Speaker, I desire to say that I intend to vote for the second reading of this Bill. I consider that the Ministry are entitled to great credit for having produced so comprehensive a measure, and the Minister of Railways also deserves credit for the very able speech in which he explained its provisions to the House. I promised my constituents, when I was before them at the last election, that I would support any measure which would benefit the agricultural and pastoral resources of the colony. The other provision I object to is the power given to the Legislative Council by clause 13 to restore a commissioner suspended by the Government. If, instead of the power being given to the Legislative Council "or" the Legislative Assembly, it was given to the Legislative Council "and" the Legislative Assembly, I would support the clause. The honorable member for Creswick (Mr. Richardson) remarked on the inconsistency of honorable members who criticise the Bill, and express disapproval of some of its provisions, indicating their intention of voting for its second reading. I fail to see wherein the inconsistency lies. I suppose we have a right to criticise any clauses we disapprove of, and, inasmuch as the Government have stated that they are willing to listen to objections urged to clauses in committee, I think honorable members who criticise the measure are perfectly justified in voting for its second reading if they approve of it generally. I also thought very uncalled for the remark of the honorable member for Collingwood (Mr. Mirams) that honorable members stigmatised themselves as rogues because they desired to abolish political patronage. The honorable member for Portland, I think, disposed of that objection when he showed that the prominent politicians of England and America have agreed to measures for the abolition of political patronage in those countries. Because measures have to be altered and amended from time to time, the honorable member for Collingwood might just as well say that the Parliaments which originally passed those measures consisted of fools. I very much regret the tone which the honorable member for Collingwood adopted towards the Chief Secretary and the honorable member's own colleague in the representation of Collingwood, the Minister of Customs. The honorable member occupied a great portion of his speech in making a direct personal attack on those gentlemen. As far as I am concerned, I desire to say that I will not be a party to anything of that kind. I came
into the House with the desire to expedite business as much as I possibly could, and intending to be as "lamb-like" as possible—to use the phrase of the honorable member for Ballarat West (Major Smith). It seems to me that the honorable member for Collingwood is suffering from the political disease known as "blighted hopes." We know very well that, if the honorable member (who I am sorry to see is not in his place) had been sitting on the Treasury bench, he would not have made the personal attack on the Chief Secretary that he uttered the other evening. The honorable member also cavilled at the coalition, but I must say that remarks on that subject came with a very bad grace from the honorable member, because, to my own personal knowledge, he was a party to the coalition himself. I told my constituents that I was a member of the straight liberal party, and that if that party was returned sufficiently strong I would support it alone, but if parties were evenly divided, rather than see business stopped and hampered as it had been in the past, I would support a combination Government, so that business might be proceeded with; and that I intend to do as long as the Government bring in good measures. The honorable member for Collingwood, in the course of his speech, introduced some lines with regard to the Chief Secretary, and I will conclude with the following lines, which I think are somewhat appropriate to the honorable member himself:

"Poor little Mirams now has gone to rest;
He tried to climb the tree top, did his best.
D.T. political has oft before
Laid mightier men than him upon the floor.
With blighted hopes he struggled on for years,
And leaves us mourning in this vale of tears.
His great admirers should a warning take;
Drink lots of water, do, for Mirams' sake!"

The motion for the second reading of the Bill was agreed to.
The Bill was then read a second time, and committed pro forma.

SUPREME COURT JUDICATURE BILL.

On the order of the day for the consideration of the report on this Bill, Dr. QUICK expressed the hope that the Attorney-General did not intend to push this measure any further through the House at present. In its previous stages, he thought the measure, which was a very important one, had been pushed rather too rapidly. He regretted that he was unavoidably absent on the occasion of the second reading of the Bill, as there were a few suggestions and observations he desired to offer to the House in connexion with it. Some advantage, however, had been gained by the motion which he made for the adjournment of the debate, as he believed that but for his action the Bill would have been rushed through the House. Since then the measure had been engaging the attention of the press, and almost every day valuable suggestions were being made. He thought the Attorney-General should either consent to the recommittal of the Bill, or else, in view of the lateness of the hour, postpone its further consideration at the present stage until next day.

Mr. KERFERD stated that he only proposed that evening to embody in the measure some valuable amendments which had been suggested by members of the House. The third reading would not be taken until next day or Thursday, and the honorable member for Sandhurst (Dr. Quick) would then have an opportunity of addressing himself to the measure. If necessary, further amendments could be made on the third reading.

The amendment made in the Bill, in committee, was agreed to.

Mr. KERFERD moved the addition of the following rule to order 58 in the 2nd schedule:

"13. If upon the hearing of an appeal or a motion for a new trial a question arise as to the ruling or direction of the judge to a jury or assessors, the court shall have regard to verified notes or other evidence, and to such other materials as the court may deem expedient."

The amendment was agreed to.

Mr. M. H. DAVIES called attention to the 3rd rule of order 63, which was as follows:

"Notwithstanding these rules, the court or judge may in any case direct the fees set forth in either of the said two columns to be allowed to all or either or any of the parties, and as to all or any part of the costs."

He begged to move the insertion of the words "as between party and party" after the word "case." The effect of the amendment was to allow the judge power to interfere as between party and party, but not as between solicitor and client.

The amendment was agreed to.

On the motion of Mr. KERFERD, formal amendments were made in order 66.

Mr. M. H. DAVIES drew attention to the following items in appendix K, setting forth the scale of costs allowed to attorneys:
"JOURNEYS FROM HOME.

"In ordinary cases for any day of not less than seven hours employed on business or in travelling, £5 8s. Where a less time than seven hours is so employed, per hour 15s."

He begged to propose the addition of the following item:—

"Where a greater time than seven hours is so employed, per hour 15s."

The scale as it present stood made no provision for a day of more than seven hours, so that, if an attorney were employed for ten or fifteen hours, he would get no more than he would receive if only employed for seven hours.

Mr. RICHARDSON expressed the hope that the Attorney-General would not consent to the amendment. It appeared to increase the costs of clients very materially.

Mr. KERFERD stated that the amendment was intended to meet a case in which an attorney came, say, from Sandhurst or Ballarat to Melbourne by the early train and returned the same night, reaching home at eleven o'clock. It seemed only reasonable that an attorney should be paid more for such a day's work than if he merely worked for seven hours.

Mr. ZOX observed that the amendments now being proposed were of a very important character, and he trusted that an opportunity would be afforded of considering them in a full House. He would ask the honorable member for St. Kilda (Mr. Davies) to postpone his amendment. (Mr. Kerferd—"I would also ask him to do so.") If the Attorney-General really wished the amendment postponed, no doubt the honorable member for St. Kilda would at once agree to the request.

Mr. M. H. DAVIES stated that he had no objection to postpone the amendment provided he was afforded an opportunity of bringing it on again. The amendment was evidently overlooked in drafting the Bill. It would have the effect of reducing instead of increasing an attorney's charges, as unless it was passed an attorney would not travel, say, from Melbourne to Benalla and back in the same day, but would break the journey and charge for two days.

Mr. KERFERD remarked that, if the honorable member withdrew the amendment for the present, he (Mr. Kerferd) would take care that he would have an opportunity of moving it after the third reading of the Bill.

The amendment was withdrawn.

The third reading of the Bill was made an order for the following Thursday. The House adjourned at eleven o'clock.

LEGISLATIVE ASSEMBLY.

Wednesday, July 25, 1883.

MINING ACCIDENTS.

Dr. QUICK called attention to the fact that another fearful mining accident had happened at Sandhurst through the use of defective mining machinery, and asked the Minister of Mines whether he would cause a complete inspection to be made of all mining machinery, or, if he could not do that under the present law, whether he would introduce and press forward the Bill of which he had given notice, so that the frequent slaughter of men engaged at work in mines might be prevented as far as possible?

Mr. LEVIEN stated that the Bill of which the Government had given notice contained a provision of the kind desired by the honorable member for Sandhurst (Dr. Quick); and the measure would be introduced at the earliest possible moment, and would be pressed forward as one of urgency.

DISEASE IN VINES.

Mr. McCOLL inquired of the Minister of Agriculture whether he had received a letter from the President of the Vinegrowers' Association, intimating that the phylloxera existed under the ground, and whether he would at once cause such measures to be taken as would thoroughly and immediately destroy this devastating insect?

Mr. LEVIEN said he had received a letter from Mr. L. L. Smith, who accompanied some other gentlemen—members of the old Phylloxera Board—to the Geelong district. That letter contained a recommendation similar to the one embodied in the question now put by the honorable member for Mandurang (Mr. McColl). However, as the letter was an independent report furnished by Mr. L. L. Smith without consultation with the gentlemen who accompanied him, he (Mr. Leviien) requested those gentlemen to furnish him with their opinion as to the best method of dealing with the question. This report he received the previous day, but he had not yet had an opportunity of considering it.
PUBLIC INSTRUCTION.

Mr. PEARSON asked the Minister of Public Instruction whether he had any objection to furnish Mr. Lewis, an assistant inspector of State schools, with a copy of the report on his conduct lately made by the Inspector-General? The circumstances of the case were somewhat peculiar. Mr. Lewis was severely injured in the public service about four months ago, and, on his recovery, he applied for an extension of his leave of absence, and the answer to his application was a letter of severe censure based upon a report which had not yet been communicated to him.

Mr. SERVICE observed that, under ordinary circumstances, there could be no difficulty whatever in supplying a copy of the report. Indeed, a copy had been promised. But, that morning, the Education department had learnt that Mr. Lewis had issued a writ for a large sum against the Inspector-General. Under these circumstances, he could not undertake to supply a copy of the report, because it was not advisable for the department to make itself in any way a party to the case.

Mr. PEARSON said he believed the action and the report were quite unconnected.

CITY POLICE COURT.

Mr. ZOX asked the Attorney-General whether he would cause an immediate inspection to be made of the City Police Court, Melbourne, and authorize such alterations and additions as might be deemed necessary? It was admitted on all hands that the building was very defective, and he hoped the Attorney-General would see that its condition was so improved that it would be suitable for the carrying on of public business.

Mr. KERFERD said he had inspected the City Police Court, and had come to the conclusion that it was most inconvenient; but in view of the objections which had been raised to the court occupying such a site—the lock-up being a continual nuisance to the public—and in view of the prospect of the court being removed to the present Supreme Court buildings, where much better accommodation would be afforded, it was proposed to limit present expenditure to the making of provision against the very serious droughts which were experienced in the building.

CARLTON IMPROVEMENTS.

Mr. GARDINER asked the Minister of Public Works whether a sum of £133 voted towards the construction of Park-street East was being spent at Park-street West?

Mr. DEAKIN replied that it was not possible for money voted for the improvement of one particular portion of a street to be expended on another portion of that street.

Mr. GARDINER inquired whether a deputation from the Brunswick Borough Council had waited on the Minister and asked him to expend the money in Park-street West?

Mr. DEAKIN said the application of the deputation was that the money should be expended in Park-street East, west of Lygon-street.

PETITION.

A petition was presented by Mr. Wheeler, from Wesleyans of Daylesford, against the opening of the Public Library, National Gallery, or Museums on Sunday.

NEW GUINEA AND THE PACIFIC ISLANDS.

Mr. HARPER said—With the leave of the House, I desire to put a question to the Premier with reference to a subject which is at present occupying a large share of public attention. I refer to the question of the annexation of New Guinea and the New Hbodies. I would like to know whether the honorable gentleman has received any telegram from the Government of South Australia, or from the Agent-General, with reference to the present position of matters? A rumour is prevalent in the city that the withdrawal of the South Australian Government from the general line of action adopted by the various Agents-General is the result of influence brought to bear upon that Government by a gentleman who lately held a prominent position in the politics of the neighbouring colony; but I decline to believe anything of the kind. In my opinion, the gentleman referred to—Sir William Morgan—who is at present in London, is quite incapable of any such interference.

Mr. SERVICE.—I took occasion, yesterday, to communicate with the Agent-General upon the present aspect of matters; and particularly in connexion with the information published by the Argus in the morning, and to-day I have received a reply. I don't propose to read the whole telegram, for reasons the House will sympathize with; but I may mention that it contains the following:—

"Despatch presented yesterday, without Adelaide, calling special attention to outrageous measure now before French Assembly to transport habitual criminals to the Pacific. I and other Agents-General in constant conference and accord. Will not relax our efforts."
"Without Adelaide" I take to mean that the South Australian Government have withdrawn from the concert, and the "despatch" I presume to be the memorandum drawn up by Sir F. Dillon Bell, the Agent-General for New Zealand, on behalf of that and the other colonies. It appears from what I have read that the fact that the French Assembly are now openly discussing the very proposal to which we, on this side of the world, have the greatest objection—of the Hebrides a cess-pit of France—has attracted the attention of our Agent-General; and I am inclined to think that it is fortunate for these colonies that the French Government have ventured, at this juncture, to propose that making the islands of the New Hebrides a cess-pit of France—has attracted the attention of our Agent-General; and I am inclined to think that it is fortunate for these colonies that the French Government have ventured, at this juncture, to propose that from 60,000 to 100,000 of their criminals should be transported to these islands. If anything is calculated to awaken England to a sense of her duty, this is the very thing to do it.

LANDS DEPARTMENT.

Mr. TUCKER laid on the table, pursuant to an order of the House (dated July 11), a copy of Mr. Eaton's reports with reference to the accounts of the Lands-office.

DEBATE ON THE BUDGET.

FIRST NIGHT.

The debate on the Budget submitted by Mr. Service on Wednesday, July 18, was proceeded with.

Major SMITH.—Sir, it is a very easy task for a Treasurer to make a Budget statement when he contemplates neither an increase in taxation nor retrenchment in any branch of the public service. The Treasurer, having to submit his Budget under these circumstances, very properly limited himself to the financial statements so well prepared, as they are every year, by the Under-Treasurer, simply giving just sufficient explanation to make the figures clear and intelligible. I noticed that the honorable gentleman was peculiarly careful, throughout his speech, to avoid giving offence or arousing irritation, and particularly with regard to a former colleague of his. Notwithstanding the statements made from time to time with reference to the action of the late Minister of Railways in connexion with what has been called the "Kensington-hill job," and notwithstanding the promise of the Treasurer, in answer to several interjections, to afford some information with regard to that transaction, the honorable gentleman, when he closed his financial statement, left the committee exactly where they were before. Now I desire, without going too much into figures, to call attention to one or two matters which the honorable gentleman incidentally let drop in the course of his remarks the other evening. He told us that he proposed to carry forward £33,332 to the credit of the next financial year, but he admitted, at the same time, that he expected there would be a deficit that year of £354,783. Then he gave us a statement showing how, every year, for the last ten years, the actual expenditure has been in excess of the estimate. Of course, if the honorable gentleman had chosen to go further back, he would have found that the same thing occurred every year since the inauguration of the Constitution. The honorable gentleman knows that it is impossible not to bring down Additional Estimates. In every department, in the course of the year, liabilities, unforeseen at the commencement of the year, have to be incurred; and the Treasurer, like all his predecessors, will have to bring down Additional Estimates before the close of this session, and the result will be that the actual expenditure for the year 1888-4 will be in excess of the estimate. The excess may not be as large as that of last year, which amounted to £423,969, but I think it may be fairly assumed that it will be equal to the average for the last ten years, which is £160,000. What then will become of the Treasurer's balance? Why, instead of having something like £35,000 to his credit, he will have £125,000 to his debit. I dwell upon this because I consider the Treasurer, who, whenever he sits on the opposition side of the House, criticises financial statements in the severest manner, must feel that he has not performed an altogether satisfactory public duty in not making provision to guard against a deficit at the end of this year, and the probable deficit next year. If we add the £354,000 which the Treasurer expects to be short next year, and the probable deficit of the Treasurer, under extreme difficulties, having only just recovered from a severe illness. I had to propose new taxation, which the honorable gentleman has avoided. And now I ask the committee to go still further back—to
the year 1871, when Sir James McCulloch held office. On meeting a new Parliament in that year, the McCulloch Ministry proposed a series of new taxes, including a property tax. The House rejected those proposals, and Sir James McCulloch retired from office. In the succeeding Government, the head of which was Sir Gavan Duffy, my friend, the Chief Secretary, held the position of Treasurer. He was met with a deficit of £800,000, and what did he do? He did what I think the present Treasurer might have done—he submitted a number of taxation proposals. He altered the whole Tariff; he increased the customs duties in a protectionist direction—to what were known as the 20 per cents.; and, though only a year in office, he converted the deficit left him by Sir James McCulloch into a large surplus. Now I submit that when we have a strong Government in power, and the position of Treasurer held by an able and experienced commercial gentleman, matters ought to be so managed that both ends might be made to meet at the close of the financial year. I say, without desiring to be at all offensive, that if the Treasurer does not do that he will shirk his public duty. It is well known that when the Chief Secretary was Premier and Treasurer—during the time a liberal Government was in office—the colony went through a cycle of bad harvests and of general commercial depression. That commercial depression was felt, not only in Victoria, but in the adjoining colonies, and to a large extent in Europe. While it lasted the land revenue fell off considerably, and in consequence the finances wore a very unfavorable aspect. But was taxation shirked? No. During that period, not only did we erect the Exhibition-building out of the annual revenue, and spend large sums derived from the same source on defence works, but, in order to cover any deficiency that might arise, we brought down taxation proposals and carried them. One tax was the land tax; the other was the stamp tax. I observe that the Treasurer estimates that he will get this year from the former £126,000, and from the latter £140,000; so that it will be seen that two of the permanent taxes which we imposed for the purpose of meeting the public engagements and carrying on public works wherever required, are expected to realize, this year, no less than £266,000. In addition, we secured the imposition, temporarily, of two new taxes—the one on tobacco, the other on beer. And I contend that the Treasurer, occupying the strong position he does, ought not to allow matters to fall into such a condition that a considerable deficit may have to be faced when the next Budget is submitted. I think it would be far wiser on the part of the honorable gentleman to meet the state of affairs boldly, and particularly as there are in this country, at present, interests which, as it appears to me, are to a large extent free from taxation. If the Treasurer had only considered the matter he would have found, in connexion with some of our monetary institutions, a means of raising a little further taxation. The honorable gentleman told us last week that our public debt now amounts to £26,000,000, and it is a curious fact that the deposits in ten of the banking establishments in this colony come to close upon that amount. A return with which I have been provided shows that the deposits bearing interest amount to £17,773,536, while those not bearing interest amount to £8,480,581, making a total of £26,253,017. Add to that the note circulation, £1,448,938, and we have as the aggregate of the money held by the banks, outside their own capital, £25,702,570. Now I contend that the foreign banks that are making such enormous dividends out of this colony—that dedicate, if my information is correct, three-fourths of the money lent to them to the purchase of properties in the adjoining colonies—ought to contribute some reasonable share of the taxation of the country, or else the Government should have in their own hands as large a share of the deposits as they can fairly use. Nearly £1,000,000 is sent out of the colony every year for the purpose of paying dividends to people in various parts of Europe, and that money is subjected to no income tax at all here. Dividends of 18, 20, and 25 per cent., are declared in London, and the money, which is produced in this colony, goes away, and the colony gets nothing in return; though in the old country, where it is received and expended, it is subject to income tax. Now I think the Treasurer might very fairly turn his attention in this direction. I believe that if the Government were to establish a system of receiving deposits, instead of the banks holding something like £25,000,000 of public money, on £6,500,000 of which they pay no interest, while on something like £18,000,000 they don’t pay more, on an average, than 3½ per cent., I see no reason why in the course of ten years there should not be deposited with the Government probably £5,000,000 or £10,000,000, the interest on which money would be distributed
among our own population, instead of among capitalists in London and elsewhere. It should be recollected that the ten banks are so connected as to be practically one. They have a standing committee known as “the committee of the associated banks,” and that committee fixes the rates of discount and interest and everything else connected with monetary matters; and I think it is time that inquiry should be made with the view to ascertain whether those institutions should not be compelled to contribute more than they do to the public revenue, or whether a large proportion of their deposits should not be attracted to the State coffers. There is one matter disclosed by the Budget to which I desire the particular attention of the committee. The expenditure under the Railway department during the current year, notwithstanding the additional numbers of miles opened, is estimated at £160,870 less than the actual expenditure for last year. I don’t know whether so large a sum as that was required to satisfy claims for compensation for injuries sustained through railway accidents, and the law costs connected with them, but I think it very desirable that a statement of what has been paid in that direction should be laid on the table before this debate closes. But while the expenditure is estimated at so much less, it is expected that the railway revenue will increase by £101,716, making a total difference between last year and this, so far as the Railway department is concerned, of £262,086. I don’t know whether the Treasurer intends to make any reduction in the departmental expenditure. So far as I can gather from the Estimates, he has no intention of the kind. In fact, there is no attempt to curtail expenditure in any of the branches of the public service. The subsidies are the same; salaries are as high as ever; there are the usual grants of all kinds; and not one of the increases which the late Government inflicted upon the country has been altered. In fact, as I have said, there is not the slightest attempt at retrenchment of any kind whatever. The Treasurer certainly referred to the increase of 6d. per day given by the late Minister of Railways to certain of the employees on the railways, and he told us that it amounted to about £30,000 a year.

Mr. BENT.—He was £10,000 out.

Major SMITH.—While stating that this 6d. per day amounted to £30,000 per annum, the Treasurer said nothing whatever about the large salaries that have been increased. From such a strong Government as the present one, we had a right to expect a judicious and proper retrenchment, but we don’t find anything of the kind from the beginning to the end of the Estimates. In his Budget speech, the Treasurer stated that with rigid economy we might make both ends meet, but he has shown no economy anywhere. The honorable gentleman was quite right in saying that one of two things must take place—either we must live within our means or fresh taxation must be imposed. There is no attempt at reducing the expenditure, and therefore the other alternative is inevitable.

Mr. BENT.—The honorable member is wrong. The Treasurer gave notice that the 6d. per day is to be taken off.

Major SMITH.—That is a disgraceful proceeding. It is like the action of Sir James McCulloch, who retrenched by taking 6d. per day off the wages of the letter-carriers. Another point I wish to allude to is that although the present Minister of Railways has been nearly five months in office, and is a man of great firmness of character and undoubted ability, he has made no effort to settle the brake question. The honorable gentleman is one of those who criticised the action of the late Minister of Railways in not dealing with this matter, and yet during his five months of office he has not dealt with it in any way. Surely it ought not to have been kept hung up all this time with a strong Government in office and an able Minister at the head of the Railway department. It is a question of infinitely more importance than the Railways Management Bill, for it affects the prevention of accidents on our railways, involving serious personal injury and loss of life. The law courts, instead of being engaged in settling ordinary commercial disputes, have for some time past been occupied with claims for compensation arising out of several terrible railway accidents, and another similar disaster may occur at any moment while the brake question remains in abeyance. I am astounded at the Minister’s neglect in the matter. If I had been Minister of Railways, I could not have lain in my bed a single night until I had pressed the question to a settlement. It is the duty of the Minister and his colleagues to take action in the matter at once, and, if they don’t do so, it will be the duty of the Assembly to insist upon the subject being dealt with. The honorable member for Brighton deserves to be complimented on the part he took in the matter, at all events up to a certain point. He
appointed a board of the most competent men available to report on the question as to which brake should be adopted—a board composed of men holding responsible positions in connexion with the railways of the adjoining colonies—and so far the honorable member did well. The board made a careful investigation and brought up a report, which the honorable member laid on the table of the Assembly; but why did he not submit a recommendation to the House, based on that report?

Mr. BENT.—I not only placed the report of the board on the table, but I also called for tenders for the supply of brakes, and laid before the House the tenders that were sent in.

Major SMITH.—If honorable members concur with my view, they will have the brake question settled as speedily as possible lest further accidents should occur on our railways from trains not being fitted with a suitable brake. Until the report of the board of experts was published, I was always prejudiced against the Woods brake—from all I could previously gather, I formed an opinion adverse to it—but since reading that report I feel that it would be perfect folly for me to set up any notions of my own against the conclusion arrived at by such a competent and independent board. At all events, it is the duty of the Assembly to see that some brake is adopted, whether it be the Woods brake or not. I don't know whether the Government intend to defer action in the matter until the arrival of the great railway manager from England. Such a delay would effectually settle the question, because the great man would no doubt be in favour of some brake he had seen in England; but the want of a proper brake in the meantime may cause one or two more railway accidents. I trust that the Government will bring the matter before the House without delay, and get it discussed and settled, so that the travelling public may have some better protection against accidents than they have hitherto had. I will now come to a most extraordinary statement made by the Treasurer. I will quote the honorable gentleman's own words, and it will be seen that, if the policy which they indicate is fully carried out, all the public money to be expended will in future either be made special appropriations or handed over to commissioners, to be dealt with as they please. In fact, the power of dealing with the public funds will be taken out of the hands of the Legislative Assembly, and the other Chamber will be made absolutely co-equal with the Assembly in matters of finance. If this policy is adopted, one of the principal functions of the Assembly will become a thing of the past, and one of the great means for the redress of grievances—the power to refuse Supplies—will be swept away. The Treasurer's statement was as follows:—

"It will not be out of my way, perhaps, to remind honorable members at this stage, that out of our large revenue of £6,000,000 there really is but a very small sum indeed which they have at their disposal during the debates upon the Estimates in Committee of Supply in any year. It is sometimes said that Parliament votes away a million of money in a few minutes, but, in reality, that is not so. Take the present year as an example. After deducting the special appropriations, and the votes for salaries, contingencies, subsidies, charities, pensions, compensations, and grants of a regular character—in short, everything that must be voted or is regularly voted, as a matter of course, from year to year—there remains not more than £666,000 for Parliament to vote at its good will and pleasure. When out of this £666,000 are taken the votes for works, buildings, and defences, which amount this year to £230,000, it will be seen how little there is left for honorable members to wrangle over in Committee of Supply."

The amount left will be about £140,000, but that also, it appears, is to pass away from the control of honorable members. Looking carefully through the Treasurer's financial statement, it will be seen that the power of the purse is being gradually taken away from the Legislative Assembly. If these proposals to deprive this branch of the Legislature of that which has been regarded as its inalienable right—namely, the power of the purse—are agreed to, then the sooner the Assembly is abolished the better.

Mr. SERVICE.—I did not make it so. I only stated that it was so—that it was done by Parliament in former years. It is not my policy.

Major SMITH.—The policy of the Treasurer, if I understand correctly, is to make the defence vote a special appropriation. That vote has sometimes taken weeks to discuss; but if it is made a special appropriation we shall have no opportunity of discussing it in future. Though the defence scheme, which the Government intend to submit, has not yet been laid before us, the press has not only published it in detail, but, if the inspired organs are to be believed, it is the policy of the Government, once the question is settled, to remove the defence vote from the ordinary expenditure of the year, so that no honorable member will be able to debate it. If the defence vote is placed among the special appropriations, instead of the Committee of Supply having £140,000 to "wrangle over," they will have nothing to wrangle over, as far as finance is
concerned, I desire next to call attention to the estimated revenue from land for the current year. There was a pretty-unanimous feeling expressed at the last general election that it is desirable, in the interests of the State, that the wholesale alienation of land which has been going on for years, and is still taking place, should be temporarily stopped until a thorough and searching investigation is made into the working of the Land Act.

Mr. MIRAMS.—That was the programme.

Major SMITH.—That was part of the programme submitted by the Chief Secretary, on the platform at Geelong, in my presence, and it was accepted almost unanimously by liberals throughout the country. I am also glad to know that conservative members of the Assembly have, since this session began, expressed themselves, both publicly and privately, in favour of this proposition. A strong Government like the one now in office ought to have tackled this question. They should have appointed a board or a commission to make full inquiry into the operation of the existing land law. I think we ought to say that no more land shall be disposed of until such an inquiry takes place. The stoppage of all alienation would press a grand public question to a crisis, because the Treasurer, when he found that the land revenue was practically stopped, would urge that the subject of how the remaining public lands shall be dealt with should be speedily settled in some practical way.

Mr. HARPER.—That is what we said ten years ago.

Major SMITH.—I ask the honorable member and those who agree with him to say so again, and to vote in that direction. If they have the courage of their opinions, the question will be settled on the floor of the Assembly. Not one word was said in the Budget statement as to what is to be done with the balance of the public estate; but, on the contrary, the Government anticipate receiving £27,474 more from land this year than was obtained last year, and £110,000 of the land revenue is estimated to come from auction sales. It is, I think, the duty of the liberal members of the Assembly to adopt some resolution which will prevent the remainder of the public estate being alienated until an inquiry is made into the working of the existing land system.

Mr. MASON.—The Government have reserved 70,000 acres in South Gippsland, Major SMITH.—I am aware that that one reservation has been made, and I am very glad of it.

Mr. MASON.—The reservation is made with a view to the land being sold by auction.

Major SMITH.—I don't think that statement has been made.

Mr. SERVICE.—Hear, hear.

Major SMITH.—I am very glad that the Treasurer denies the statement, and I hope that the Government will, at all events, reserve the choicest blocks of land remaining until an inquiry has been made into the working of the land system. I, therefore, ask the Treasurer to reduce his estimated land revenue for the current year at least one half. If the honorable gentleman does that, and finds later in the session that he has not sufficient Ways and Means to meet his engagements, he can then adopt a course which is not unusual, namely, propose new taxation. He will, I believe, be generally supported, especially if he brings forward taxation to be placed on the shoulders of those who are comparatively free at the present time, and have always been so. As far as I am concerned, and I think a large number of people share my opinion, I am in favour of a tax on absentees. I do not wish to mention any names offensively, but it is known that one of our largest landed proprietors is living in England at the rate of £50,000 or £60,000 a year, and while the colony which produces his immense wealth charges him nothing but a comparatively small land tax, he has to pay an income tax in England upon the money that is sent to him from here. I ask the Treasurer if he does not think it fair and reasonable that such gentlemen as the one I refer to, who are beginning the very system which has proved the curse of Ireland—the system of absentee landlordism—should be made to contribute some fair proportion to the revenue of the colony from which they derive their great wealth? These gentlemen get money advanced from the banks—the savings of the people—to enable them to buy up the land of the people, and, having fenced it in and studded it with flocks, away they go to England, where they buy palaces, and live at an enormous rate on the wealth which they draw from the colony. It would certainly be fair to tax such persons; and the bank dividends produced in this colony, but expended in England and other parts of Europe, are also a fair subject for taxation. I will again urge that the balance of our public estate should be
reserved from alienation until an inquiry is made to ascertain if we cannot devise some better means — whether leasing or otherwise — of dealing with the land than we have adopted in the past. I have looked carefully through the figures which have been brought before us by the honorable member for Collingwood (Mr. Mirams), and they show that the Land Act has not fulfilled the intention of its framers, namely, the settlement of the people on the land, and that it is high time steps were taken for the purpose of adopting a better system. I hope that, before the debate closes, the Treasurer, or one of his colleagues, will give some intimation that it is the intention of the Government to deal with the matters that I have referred to, which, I think, are of great public importance.

Mr. McIntyre.—Sir, I am a little surprised to find that the first adverse criticism of the Budget has come from behind the Ministry, and not from the opposition side of the House. I dare say there are many points in the speech of the honorable member for Ballarat West (Major Smith) which deserve serious attention, but I intend to refer to other matters altogether. The honorable member said that there is nothing in the Budget speech which could give offence—that the Treasurer was studiously careful to avoid giving offence—but were it not that I see evidence of offence in it, that the principal portion of it, in fact, was delivered to offend, I would scarcely be inclined to say anything at all about it. In making his statement, the Treasurer did not evince the astuteness and care which we would expect from a gentleman in his position. I am quite sure that he must have felt himself thoroughly out of condition. It is about the shortest Budget speech on record, and probably the Treasurer acted on the principle that “brevity is the soul of wit.” The speech is all soul — too ethereal for this sublunary sphere — and fitted for another place. In fact, there is no body or substance in it; or, at all events, whatever there is substantial about it is taken almost line for line from the policy of the honorable gentleman’s predecessor. It proposes nothing in the way of new taxation nor any alteration in the present system of taxation. According to the Estimates of Revenue laid before honorable members when the speech was delivered, the estimated Customs revenue for the current year is only £18,000 more than the estimate for last year, and on Excise there is an increase in the estimate of £4,200. Comparing the estimates of other sources of revenue for 1882–3 with the estimates for 1883–4, there is a decrease of £283,000 on Territorial, and an increase under each of the following heads:—

<table>
<thead>
<tr>
<th>Item</th>
<th>Increase</th>
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<tr>
<td>Public Works</td>
<td>£192,950</td>
</tr>
<tr>
<td>Ports and Harbours</td>
<td>8,000</td>
</tr>
<tr>
<td>Post and Telegraph Offices</td>
<td>34,950</td>
</tr>
<tr>
<td>Fees</td>
<td>6,795</td>
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<tr>
<td>Fines</td>
<td>2,560</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>195,671</td>
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The item of Public Works includes the Railway revenue, the estimate of which is £190,000 more than the estimate for 1882–3. The actual increase in the total revenue, irrespective of that to be derived from Public Works, Post and Telegraph Offices, and Miscellaneous, is only estimated at £28,695 over the estimates for 1882–3, and the Treasurer might as well have followed altogether on the lines of his predecessor as have made so slight a difference between the two years.

The principal object which the Treasurer appears to have had in view, when he delivered his Budget speech, was to try and prove that the statement he made in April last about the O’Loghlen loan was perfectly correct — not in the slightest degree exaggerated. To my mind, however, the honorable gentleman proved a great deal too much. In April last he said that there would be a balance of £549,252 out of the loan for the construction of new railways, but, when he made his Budget speech the other night, he astounded the Assembly, and probably he also astounded the country, by saying that the whole of the £549,252 had absolutely disappeared. How is it that the Treasurer, if he went carefully into the matter at the time, did not tell us in April last that all this money had gone, if it is a fact that it had gone then? If it has disappeared since, where has it gone to? The honorable gentleman has had all the expenditure in his own hands since April last. In April the Treasurer was attacked by myself and other honorable members for submitting to the country a false statement in regard to the doings of the late Government in connexion with the loan. He has since been forced to admit that the greater portion of the money was expended in supplying rolling-stock and other material for about 600 miles of new railways, but the impression conveyed to the country at the time, by the honorable gentleman’s statement, was that the late Government had spent the money in some extraordinary way. I am anxious to show that the late Treasurer (Sir Bryan O’Loghlen) will compare very favorably indeed with the present or any other
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Treasury, so far as his financial abilities are concerned. His speech in introducing the Bill to authorize the borrowing of the £4,000,000 shows that he foresaw exactly the position in which the present Treasurer is now placed in regard to the loan. I will read a few extracts from that speech, and I think honorable members will agree with me that they show that Sir Bryan O'Loghlen foresaw almost to a shilling the state of matters at the present time in connexion with the loan. He said—

"And now I come to the way the £4,000,000 is to be expended, which is set forth in the 2nd schedule to the Bill. The first item of that schedule describes how the sum of £2,732,055 is to be appropriated, and it covers many things besides the construction of new railways. First, it is intended—

"... It is probable—I don't say it is certain—that when some of the lines already authorized by Parliament are completed, it will be found that their estimated cost has been exceeded by perhaps some £40,000 or £50,000. I come next to the second object to which the £2,732,055 is to be devoted. The wording of the item following the portion I have already quoted is as follows:— Or of such other railways connected therewith (including rolling-stock) already authorized by Parliament."

Mr. MACINTYRE.—What I have read was stated by the late Treasurer when he introduced his Loan Bill, and, strange to say, it tallies almost to a "t" with what the present Treasurer told us last week about advances for railway construction. I think that every honorable member without bias against the late Treasurer will see that quite plainly. The present Treasurer says that another £1,000,000 will be required, but that is just what Sir Bryan stated in 1881; with this difference, that had his plan been carried out we would have £600,000 from the land fund to devote to railway purposes. That is something for which he has not received the slightest credit. I will not say that his successor meant to do him any injustice, but he made no point of that item, which was a great one in Sir Bryan's calculations.

Mr. SERVICE.—I referred to it most distinctly. But the late Treasurer did not provide the money.

Mr. MACINTYRE.—What I wish to convey is that the late Treasurer was not the extreme bungler his successor has attempted to make him out to be. He actually foresaw the present position to almost a shilling, and tried to provide against it in every possible way. I admit that he went into this large expenditure for rolling-stock, but had he obtained his extra £1,000,000 the position he had in view would have been gained. Besides, I suppose the rolling-stock and material could be disposed of to advantage.

Mr. BENT.—The Government could make a profit of £50,000 on the material to-morrow.

Mr. MACINTYRE.—I dare say that is the case. According to the present Treasurer's own showing, the estimate of receipts made by his predecessor on the 6th September last was so carefully prepared that we have actually realized an excess upon it of £214,465, whereas his own estimate of receipts, which he laid before us on the 4th April last, is deficient by £21,957. He attempted, the other night, to explain this by stating that the Customs receipts fell off unexpectedly during the last few weeks of the financial
year, and that some of the banks did not account in time for the balance of interest due on the public account on the 1st July. But that excuse is not creditable to a Treasurer with his financial knowledge and astuteness. He must have known perfectly well that the banks generally put on the screw at balancing time. Why, therefore, did he not, in his turn, put the screw on the banks? He also made it clear to us that the estimate of expenditure he placed before us last April is £88,174 out. He said, in fact, that the expenditure for the past year was by that sum less than the amount estimated by himself a little over three months before. How has he explained that state of things? He throws the blame of this extraordinary discrepancy in so short a time upon the local bodies intrusted with the superintendence of works for not furnishing promptly the schedules showing the actual value of the works executed up to the 30th June. But, inasmuch as he admits that that sort of thing has been customary for years, ought he not to have had sufficient foresight to reckon upon its recurrence? What he wanted in April, however, was to make everything against the late Government appear as black as possible, and hence his anxiety to over-estimate the expenditure for the balance of the financial year. He wished also, no doubt, to be able to show in July how skilful his own management of the public funds had been. I don't know that that sort of thing is quite fair, but my acquaintance with political life is sufficient to convince me that it is not very uncommon. He also said the other night—

"The departments in which the estimates of expenditure for this year are below the actual expenditure of last year are the Attorney-General's department to the amount of £503; Minister of Justice, £1,753; Treasurer, £11,287; Lands, £2,592; Railways, £157,758; and Water Supply and Agriculture, £11,516."

But what do I find? That, if we are to judge by the information contained in the printed Estimates of Expenditure for 1883-4, which were placed in our hands last week, all these amounts, except the first two, are incorrect. In the printed Estimates the decreases in the expenditure are set down as—Attorney-General, £503; Minister of Justice, £1,753; Treasurer, £28,212; Lands, £11,130; Railways, £130,320; and Water Supply and Agriculture, £11,278. It will also be seen that, with respect to Railway expenditure, the figures in the Estimates clearly show a positive error of £40,000. A little deduction of one sum from another will prove that at once. The entries I allude to are as follows:—"Victorian Railways—Estimated for 1883-4, £1,026,000; voted for 1882-3, £1,175,750; decrease, £110,750."

But if you deduct the estimated expenditure for the current year from the actual expenditure of last year, you will find the real decrease to be £150,750, or the sum of £40,000 in excess of that set down as the decrease. I don't say that the error is one of real financial consequence, but it shows negligence, and these printed Estimates are all we have to guide us. We must not, either, forget the following observation that fell from the Treasurer, last week, in making his Budget speech—

"But my acquaintance with political life is uncommon. He also said the other night—"

"The fact illustrates the folly of members of this House contravening, without substantial reason, the accounts submitted to Parliament by the Treasurer—accounts prepared by the permanent heads of departments, every one of whom holds his life in his hand, as it were—or, to speak more correctly, his position—if he supplies a Minister with statements which turn out afterwards to be wilfully or negligently incorrect."

How, under these circumstances, is it that the statements uttered to us by the Treasurer do not tally at all with the statements he has laid before us in print? I come next to a portion of the Treasurer's speech which, I think, merits a word or two at my hands. He was speaking, with some pride, of the success of the £2,000,000 Victorian loan, in the London market, when I asked him to look at the result of the New South Wales loan, the other day. What was his retort? He said—

"I can tell the honorable member something about loans that may astonish him. The Queensland loan, floated in London last year, went off at par, but the debentures were sold again on the London Stock Exchange, very shortly afterwards, at £96 for each £100 debenture."

I replied that the country had got the money for all that, upon which he remarked—

"The honorable member is very confident in his statements, but I am not going to follow his example in that respect."

Now it seems to me that that amounts to an insinuation that the Queensland Government are guilty of nothing more nor less than an absolute fraud. If an Australian Government can first allow the public to suppose that the whole of their loan was floated at par, and then, at a subsequent date, float it privately at £96, I think we should have some further explanation of the matter, some information as to how these things can be done. I don't think making such insinuations will tend much towards bringing about the federal union the Treasurer professes to be so anxious for. Next with respect to the Treasurer's grounds for pride in the success.

Mr. McIntyre.
of his loan. His statement the other night was—

"Perhaps if I had the choice of taking a higher price, or obtaining the honors of having such a large sum tendered for, I might, in our present circumstances, have preferred the higher amount, but still I feel very proud that our loan drew out tenders to the extent of £2,000,000, although we only asked for £2,000,000."

"Mr. McIntyre.—New South Wales had nearly £2,000,000 more offered than she wanted."

But what I really said was that she had nearly £2,000,000 more offered than "we" wanted. I wished to point out the difference between the amount offered to her over par and the amount we got under par. I cannot see what reason the Treasurer has for his pride. Some time ago the present Chief Secretary laid great stress on the late Government dropping the beer tax. Well, in view of the extraordinary disposition there is on the part of all Treasurers to get revenue from taxation as easily as possible, I am strongly inclined to forgive his observations respecting what the O'Loghlen Ministry did on that score. But nevertheless I am sorry to see his colleague at the head of the Treasury follow in the same footsteps. Why should he be so anxious to burden the poorer classes of the community? He seems to forget how much beer is taxed already—that the brewer is taxed, that hops, malt, and sugar are taxed, and that, before beer can be retailed, the intending vendor must be taxed also. I have not forgotten either that when the beer duty was first imposed at the instance of the present Chief Secretary, as the Treasurer of a former Government, he said it was intended to be only temporary, and that he would be delighted, if he could only see his way to do so, to remit the impost.

Mr. BERRY.—I have never seen it yet.

Mr. McIntyre.—On December 21, 1880, the honorable member, as the head of the then Government, spoke as follows:

"He begged to state that the Government were desirous either of permanently limiting the tax to 1d. per gallon, which he thought would be a reasonable registration fee—a fee which no part of the trade would object to, and which would not touch the consumer—or, if the finances of the country were sufficiently prosperous by-and-by, of doing without it altogether. No one would rejoice more than honorable members on the Ministerial side if the tax could eventually be remitted."

In the face of all that, I don't see very well how the honorable gentleman can be in perfect accord with his colleague, the Premier. I would rather think that in reality he agrees with me that the working classes are already sufficiently burdened with taxation, and that beer has come to be almost a necessary of life with them. If we have to look for new taxation, ought we not to cast our eyes not upon beer, but upon the desirability of making the wealthier classes contribute more taxation than they do now? Let us try to get at the champagne drinkers rather than at the beer drinkers. I am surprised, having regard to the character of the Ministry—to the fact that they are a Ministry of all principles, or, may we not say, of no principles—that no reference was made in the Budget speech to the stock tax.

An Honorable Member.—Why are you surprised?

Mr. McIntyre.—For the simple reason that the Tariff Commission, after making the matter for several months the subject of deep investigation and earnest consideration, have reported unanimously in favour of the tax being immediately repealed.

Mr. BERRY.—Against the evidence.

Mr. McIntyre.—I think that is an improper reflection upon the commission, who have faithfully done their duty to the country. The tax is an injury to the colony in every possible way. It practically deprives us of territory which, before it was imposed, was absolutely our own; it depresses our manufacturing interest, it lessens our railway traffic, and, after all, it only brings in, £35,000 a year. I dare say, however, that it is one of the Ministerial skeletons-in-the-cupboard, and I know there is a lot of them. Ministers can bring in a Railways Management Bill, but not one to repeal the tax on sheep and cattle from over the border. As for the former measure, a more conservative one was never seen, and I cannot imagine how the Chief Secretary has been got at with respect to it. The whole thing is a mystery. I am quite sure the honorable gentleman is not doing justice to his convictions. I observe that the Government express a strong desire to economize. With an increase in the revenue of £195,671 they propose an increase in the expenditure of only £59,710. But how is that economy directed? Not in the interests of the country districts. Not, for instance, in the direction wanted by my honorable friend, the member for Mandurang (Mr. McColl). On the contrary, they have decreased the vote for water supply to the country districts by £9,075. Last year it was £17,168; this year it is only £7,463. Has the honorable member for Mandurang also been got at? Perhaps he proposes to go on the principle of being satisfied with little when he cannot get more. For my
part, however, I think this £2,075 might have been very well spent in carrying water to the arid districts of the colony. No harm could be done in laying out money in that way. I can quite understand that spending £100,000 in damming the natural water-courses of the country would of itself create a splendid water supply. Again, there is to be a reduction of £2,463 in the matter of agricultural grants. Thus on only two items of the Estimates the agricultural interests lose no less than £11,538. Honorable members can see the disposition of the Government towards the country districts. Probably, however, some alteration will be effected in this quarter. I say that the line of economy Ministries have adopted is a wrong one—that their tendency should be towards increasing the votes I have indicated rather than towards decreasing them. I am under the impression that no other Government would have dared to do what the present Government have done. They think they can act as they please, because they are practically irresponsible to the House, but I tell them that they will some day find themselves responsible to the country. I contend that we ought on no account to have had at the present time a Budget speech that did not go thoroughly into detail as to the expenditure of money for water on the drier portions of the colony. But I will not detain the committee by dwelling further upon details, especially as I understand that short speeches are to be the order of the day. The Budget as a whole lacks to a great degree the vigour and verve it ought to have possessed. The Treasurer spoke of retrenchment, and seems inclined to leave matters as they are, but that sort of thing will not do. This is a new country, and every day must show an advance. We are building up a great community, and must not falter or stand still at the work. The expenditure on necessary public works must not be stopped. Retrenchment should never be indulged in so long as we are able, with fair taxation, to find the wherewithal to advance the country's interests. It seems that we are now asked to wait and do nothing, but had we adopted a waiting policy in the past where would we have been? Are we to lie idly on our oars for the next twelve months simply in order that the Treasury may recuperate itself, and enable the Treasurer to make a grand financial statement next year? The entire community demands that we should go on, and on we are bound to go. We want peace, progress, and prosperity, while the Government are striving for peace only. I dare say they wish to advance the best interests of the community, but they are not setting about the business in the right way. Moreover, while they can retrench they can be extravagant. Look at the enormous amounts they propose to spend on the volunteers. Yet, formerly, no one was more opposed to large disbursements in that direction than the Chief Secretary. Again, although Imperial officers are sent for to conduct our defences, their whole groundwork is to be changed and remodelled before those gentlemen appear. Is that a proper method of proceeding? I am firmly convinced that our colonial military men have excellent heads on their shoulders—that they are as good soldiers and as willing to work as any in the world—and I hold that our volunteer system should not be touched until the Imperial officers we expect have arrived on our shores. Probably the Government see their way to place our defence matters on a better footing, but I tell the Treasurer that this immense military expenditure, coupled with the neglect exhibited towards the country districts, does not speak well for him.

Mr. Service.—Yet who supported the Government that ordered vast amounts of war material from home?

Mr. McIntyre.—The Government I supported so long kept within fair limits.

Mr. Kerferd.—Oh! you cannot blow hot and cold like that.

Mr. McIntyre.—I confess that seeing the Treasurer and the Attorney-General on the Ministerial bench takes a good deal of fight out of me. I cannot go against the Government with my customary vigour; but I want to show that they cannot expect to be able to spend in one year the defences money they now ask for.

Mr. Service.—How much does the honorable member suppose we do ask for?

Mr. McIntyre.—£165,000.

Mr. Service.—We ask for only the half of that. Does the honorable member know the difference between the land and naval forces vote for this year and that for last year?

Mr. McIntyre.—I see there is a decrease this year of £3,954, but I am also aware that the Government wanted to sell some of the gun-boats that are coming out, and that they now find themselves obliged to keep them. In conclusion, I have no doubt that, before the Estimates are done with, a large proportion of the votes will be considerably increased. Parliament will insist upon a certain expenditure, and the Government must find the needful.
Mr. MIRAMS.—Sir, the speech of the Treasurer the other evening fortunately does not need much answering, and, were it not that the honorable gentleman in the course of his remarks threw out a kind of challenge to myself to make good a certain statement which I made in April last, I doubt whether I would have addressed myself to the question at all. In other respects the speech of the Treasurer pretty nearly answers itself, because, although he commenced by painting a very black picture as to what his predecessors had done, and as to the terrible strains to which they brought the country through the bad management of the last Parliament, he wound up by saying that, notwithstanding all this, our financial condition at present "is not only sound, but excellent." I think that statement in itself pretty well answers the previous part of the honorable gentleman's speech. In the first place, he laboured very hard to show that our financial position was not quite so good as might be expected in the case of a colony of the size, character, and resources of Victoria, but, after he had had his say in that direction, and had "walked into" his predecessor after the usual style of Treasurers, he wound up by giving the very strong and gratifying assurance as to our financial position which I have just quoted. In dealing with the question to which I wish more particularly to draw the attention of honorable members, I desire it to be clearly understood that I am in no way called upon to defend the late Government, nor am I called upon to defend the late Minister of Railways. I am, however, called upon to defend the last Parliament, of which I was a member, because I am to a certain extent implicated in whatever the last Parliament did, and am directly implicated in everything it did to which I did not take personal exception at the time. I think every other member of this House who was a member of the last Parliament is in exactly the same position. If what the late Government did was with the consent of Parliament—and especially with the consent of that section of the House which is represented by the present Minister of Railways, who was one of the chief abettors and supporters of the financial policy of the late Government, together with the honorable member for Warrnambool, who we all regret is not in his place to speak for himself and to defend himself in relation to the hand he had in past financial matters—if, I say, what the late Government did they did with the consent of the House, then the House is directly and entirely responsible for what the late Government did in connexion with the finances. As far as I have heard yet, no honorable member has even attempted to show that there was any expenditure of money by the late Government which was not sanctioned, partially by Parliament—that is the two Houses—and wholly by this House. I have tried in vain to discover from the statements of the present Treasurer and the present Minister of Railways any single purpose to which money has been diverted which was voted by this House for another purpose. If there has been any such diversion of money we have a right to know it, and how much has been so diverted; but if the money has only been spent upon things which the House agreed it should be spent upon, and upon objects which we may fairly assume the country approved of at the time—seeing that no objection was taken in the country, and very little in the press—is it not rather too bad at this hour of the day to attempt to make the last Government responsible for the position? I wish now to draw the attention of the committee to the specific point upon which the Treasurer and myself are at issue—a point which he raised in his financial statement in April last, and which he reiterated last week in reply to my speech of the 17th April. It is rather an intricate matter of figures, and I regret the necessity for having to go into it under present circumstances, but I think honorable members will excuse me for doing so. Any one who has a reputation to make and maintain is very naturally and properly jealous of that reputation, but, if the Treasurer can show that I made an error in my calculations, I shall be quite willing to acknowledge it, to withdraw the statement I made in April last, and to admit that it was made on insufficient data. The particular point to which the honorable gentleman referred was this. Speaking on the 4th April, he told the committee that he would require £1,067,000 to expend for railway purposes up to January, 1884. He stated that this money was made up of two sums, and I would ask the committee to bear in mind that this £1,067,000 is solely confined to purposes to be met out of the loan floated by the O'Loghlanl Government. It has nothing whatever to do with departmental expenditure, out of which is called the Patterson loan, nor out of any other loan, nor out of current revenue. It was required, the Treasurer said, out of the £4,000,000 loan for purposes which that loan was expected to meet. If that were
not the case, then there would be no force in the Treasurer's argument.

Mr. SERVICE.—That was the case.

Mr. MIRAMS.—I am glad the Treasurer admits that, because the admission clears the road for the continuation of my argument. He stated that the £1,067,000 was made up of two sums, one of which was authorized by Parliament—that is to say, included in Bills passed by both Houses—and the other portion he admitted, although not having the sanction of Parliament, had the sanction of the Assembly; that was the expenditure upon contracts for rails and for rolling-stock. The way in which the Treasurer divided the two amounts was this. In the first place, he said, "I want £432,000 up to January next for works authorized by Parliament." My answer to that was that all the money authorized by Parliament, and not yet expended, was only £279,000, and not £432,000. Now that is a definite issue, which could surely be settled from the departmental records. I have here the Acts passed by the last Parliament which authorized this expenditure, and I stated in April last the amounts which those Acts contain. They include moneys for other purposes than railways, but on this definite issue we are only talking of what the Treasurer wanted for railways up to January next. I now reiterate what I then said in relation to the difference between the £432,000, which the Treasurer stated he would require, and the £279,000, which I assert was the state of the accounts on the date on which I made my speech. Act No. 657 authorized the expenditure, out of the £4,000,000 loan, of £144,833, to recoup money which had been spent previously out of the Patterson loan. At the time I spoke, £137,615 of that amount had been expended, leaving a small balance in the hands of the Treasurer. Act No. 685 authorized the expenditure of £78,015, the whole of which had been spent at the date I spoke. Act No. 701 authorized the expenditure of £278,000, of which £29,269 had been expended. Act No. 729 authorized the expenditure of £500,000, and at the date of my speech £276,278 of that had been expended. Act No. 737 authorized the expenditure of £48,300, the whole of which had been spent when I spoke. There was also a small sum of £6,107 voted on the Estimates for 1881-2 for railway purposes, to be recouped out of the next following loan, and it also had all been expended at the date of my speech. The total sum thus authorized by Parliament to be expended upon railway works was £1,050,305, and the total amount spent up to the date on which I spoke was £770,584, leaving a balance of £279,721, instead of £432,000, as stated by the Treasurer.

Mr. SERVICE.—Where did you get the figures showing the expenditure?

Mr. MIRAMS.—I got them at the Treasury, from Mr. Symonds.

Mr. SERVICE.—That is where I got mine.

Mr. MIRAMS.—As the Treasurer is aware, the Under-Treasurer periodically—I don't know whether it is weekly or monthly—furnishes to the head of the department a document showing the state of each of the loan accounts up to date. I obtained my figures from that document. The only way in which I can account for any mistake arising is that there may have been some Act passed which the Treasurer has included and which I have excluded. It would have been a fair answer to my statement if he had shown that such is the case, but I do not think I have missed a single Act. I am prepared to admit that the very first thing which the present Government did when they took office was to lay upon the table an estimate of expenditure for railway purposes, in order to carry out an Act which the O'Loghlen Government passed almost while the change of Ministry was proceeding. It will be remembered that the O'Loghlen Government, on the last day on which they held office, passed a short Act to put the incoming Government in funds for railway purposes. That money, however, was not then rendered available, because, although the Act was passed, the late Government omitted to lay an estimate on the table in order to carry it out.

Mr. BENT.—The new Government were in such a hurry to get in that we had not time.

Mr. MIRAMS.—I do not want to enter into that at all; I am merely relating the fact. If my memory serves me, however, the whole of the money appropriated in that Act was for rolling-stock and rails, and therefore would be included in the £650,000 which the Treasurer said he required under that head, and could not be included in the £432,000 which he said would be wanted for railway works. The other item making up the £1,067,000 which the Treasurer said he would require was £635,000 for rolling-stock and rails. Now the committee will remember that the Minister of Railways,
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during the debate on the last financial statement, laid upon the table a schedule showing all the contracts which had been let for rolling-stock and for rails, whether at home or in this colony, and that schedule was divided into as many months as the contracts ran over—some of them 36 months, some 24, some 18, &c. The schedule set out every item which was payable under every one of those contracts during the next 36 months, and at the bottom the figures were totted up, showing what would be required in any one month. The Treasurer in his statement included, in the period of which he was speaking, the total amount which these contractors could possibly claim if they finished their contracts up to date, and this—£635,000—was the amount which he said he would require between that time and the 1st January next. But what I said was that, while it was perfectly true that £635,000 could be claimed by the contractors if they did their work to date, officers of the department told me that hitherto contracts never had been carried out up to date. I know the Treasurer will say that on this occasion the contractors did their work faster than they were required to do it. I do not want to bring the officers unnecessarily into conflict with their chiefs—it is a very unpleasant thing to do so—but I repeat that I said to officers of the department—It is quite true that £635,000 can be claimed in the nine months; that is the full amount of the contracts for that time; but have you ever yet had to pay your contractors up to date for their contracts?" The answer was "Never." I asked further—Is there any probability that you will require the whole of this £635,000?" The reply was "No." I again asked—What is the outside amount you estimate you will require?" and the sum of £450,000 was given to me as an amount which would almost for a certainty satisfy the demands up to next January.

Mr. SERVICE.—I challenge the honorable member to name the officer who gave that information.

Mr. MIRAMS.—I will give the honorable gentleman his name privately. I wish to point out that even if these contractors have pushed on and completed their contracts to date, and are claiming their money up to time, and perhaps even before the time, that does not at all affect the position I took up in April, which was that the Treasurer need not have made the case out as bad as he could. He might, at all events, have given the last Parliament the benefit of the position of affairs which up to that time had always, I venture to say, obtained in the Railway department. Even, however, if the Treasurer has had to pay out money faster than the schedule showed might be required, that fact in itself answers the argument he was using when he made his statement, because his statement was directed to prove that the demands were so large that the money available would not meet them, whereas, now, we find that there has been money to meet even greater demands than were expected.

Mr. MIRAMS.—If we are not through the period, what argument can be based upon the matter at all until we are through it? I might argue that, if the contractors are doing the first part of their contracts so very rapidly, they will probably be rather behind in the latter part, and that the Treasurer will not be called upon for so much money as he estimates between this and January next.

Mr. GILLIES.—It is quite the other way.

Mr. MIRAMS.—The honorable gentleman can put it either way he chooses. All I contend is that, at the present stage, it is useless going into the question whether the Treasurer's estimate of £635,000 as the amount required for rolling-stock and rails up to the 1st January next, or the estimate given to me by officers of the department, is the correct one. The other issue, as to whether £432,000 or £279,000 was the amount required for railway works, is one which ought to be able to be set at rest immediately. I have no desire to unduly press the matter, and I would be the very last one to endeavour to make it appear that the Treasurer would wilfully lead us astray. What I do say however, as I said in April, is that the honorable gentleman has allowed his judgment to be a little bit warped by his desire to make out as bad a case as possible against his predecessors, forgetting that at the same time he was also charging his friends. Whatever was done, was done with the sanction of Parliament, and unless the Treasurer can show, what he has never attempted to show yet, that money has been diverted to a purpose we never voted it for—that it has been misapplied to purposes outside the Acts I have mentioned—he cannot make out any case against the late Government.

Mr. GILLIES.—I challenge the honorable member to show that the House sanctioned the expenditure.
Mr. MIRAMS.—The first proof is that we appropriated £175,000 in one of the Temporary Advances Acts—Act No. 729—to pay for rolling-stock and rails. That was simply as an instalment of the larger amounts which would be required.

Mr. GILLIES.—Oh, no.

Mr. MIRAMS.—Why, if any honorable member turns to Hansard of the date at which this Act was being passed, he will find that it bristles with demands upon the Government to meet the necessity for providing rolling-stock, and for not allowing contracts to go out of the colony. Every one knows that it was urged, night after night, that we had plenty of people in the colony who would undertake these works if they were encouraged by knowing that they would get large contracts, and the Government were recommended to enter into negotiations with these local men in order that firms might be established, that companies might start, and that plant might be purchased, so that in future all the orders of the Government would be given in the colony, instead of being sent to England.

Mr. BURROWES.—The Government were complimented in the House on their action.

Mr. MIRAMS.—It never occurred to my mind that any honorable member would question the responsibility of the last Parliament for the action of the Government in relation to the contracts for rails and rolling-stock. I maintain that, morally and to all intents and purposes, the last Parliament did sanction the course of the late Government by passing Act No. 729, appropriating £175,000 as a first instalment of the amount required for all these large contracts. The next matter to which I wish to refer is with respect to the statement made by the Minister of Railways at Esmond, when the Minister of Public Works was standing for re-election, as to the position of the railway loan account at that time. I replied to that statement fully last April, but the Treasurer the other evening reiterated the assertion of the Minister of Railways, and even went further, saying that if the Minister of Railways had even gone far beyond the statement he made, instead of being chargeable with exaggeration, he would have still been a long way within the mark. The Minister of Railways stated that at the date when he spoke there was £713,688 of the loan money for railways still available for the 800 miles of railway included in the O'Loghlen Railway Bill. He told his audience, however, that it would take about £160,000 to finish the railways in the Patterson Act, so that the £713,000 would be reduced to £549,000, which he stated was the amount really available to construct the 800 miles of railway proposed by the late Government. But the Treasurer tells us now that this sum of £160,000 will not be nearly sufficient to finish the Patterson railways—that £392,000 will be required for that purpose. But, supposing it took four times that amount, what has that to do with the question?

Mr. GILLIES.—What question?

Mr. MIRAMS.—The question of the amount of money available from the O'Loghlen loan to construct the railways in the O'Loghlen Bill. You might as well say that the O'Loghlen loan does not contain enough money to construct the North-Western Canal, or to complete the Parliament Houses, as say that it does not contain enough money to complete the Patterson railways. The O'Loghlen loan was never intended to complete the Patterson railways. It was not passed for that purpose, and, what is more, it cannot be used for that purpose until Parliament passes an Act allowing it to be so used. What is the use of throwing dust in the eyes of country members who come here fresh from their constituents thinking there is money available to construct railways in their districts, by telling them that the money is all mopped up? It is not mopped up, and cannot be mopped up unless this House allows it to be.

Mr. SERVICE.—It is gone.

Mr. MIRAMS.—The honorable gentleman does not say it is gone. He says that it would require £400,000 out of the £713,000 to finish the Patterson railways, but does he mean to say that the Patterson railways are finished? There is one through my district that has not been begun. Does he mean that the present Government have spent £400,000 of this money without the sanction of Parliament, and have devoted it to a different purpose than that for which Parliament intended it? We know that he means nothing of the kind. If the honorable gentleman wants money to finish the Patterson railways he will have to ask the House for it, and if it is available out of the present loan the House may let him use it temporarily in the same way that the House allowed the O'Loghlen Government to use some of the loan money temporarily until it could be supplied from the land fund. Parliament may allow him to use it temporarily, but it will only be on the understanding that
it shall be paid back for the railway lines for which it was intended.

Mr. SERVICE.—Where will you get the money?

Mr. MIRAMS.—The honorable gentleman told us one way and I will tell him another. He told us that he proposes to go to England to borrow it. He tried, however, to make it appear that the late Government had wasted their loan, and that it was necessary for him to go to England in order to fill up the gap they left. I believe that even the assertion is disputed that £392,000 will be required to finish the Patterson railways, and that if the honorable member for Castlemaine (Mr. Patterson) were in his place he would state that no such amount can be required unless it is intended to construct extravagant works which are not needed and which were never contemplated when the Patterson Act was passed. But, whatever amount is required to complete the Patterson railways, it cannot be taken out of the O’Loghlen loan, which was raised for new lines, unless we pass an Act authorizing that to be done.

Mr. KERFERD.—Or unless the Loan Act itself contains a provision for the purpose.

Mr. MIRAMS.—Then the Government will have to show how they mean to recoup the loan, because, if the Loan Act does contain a provision enabling money to be taken temporarily out of the loan, such a provision would be surrounded with safeguards ensuring that the money so taken should be paid back again when required for the construction of the new railways. Regarded in that light, the £713,000 is intact for the purposes of the O’Loghlen Railway Bill, and in so far as the Treasurer has drawn upon it for purposes connected with that Bill the money was properly expended, as it was going towards the construction of the very lines for which the loan was obtained, and therefore there can be no charge in the matter against any Government. The Treasurer told us about a number of small items which he required to pay out of this £713,000, but, if those items are items of expenditure towards the construction of the lines which the O’Loghlen Railway Bill contained, the money is being spent on the purposes for which it was borrowed, and is going so far towards making the lines. The Treasurer stated that we have got rails and rolling-stock sufficient for 600 miles of railway. Was not that a legitimate expenditure of money when the Railway Bill itself provided for the construction of 800 miles of line? If he had shown that sufficient rails and rolling-stock had been bought for 1,000 miles of line, he would have shown that the late Government had acted foolishly and gone beyond the length of their tether, but if they have kept within the limits of their Railway Bill then the money has been spent on the purpose for which it was borrowed and intended, and for which it would have had to be expended some time or other, so that it might just as well be expended now. To endeavour to make the House and the country believe that that money has been diverted to a wrong purpose, and that the lines for which it was borrowed cannot be constructed, is simply misleading those who do not look below the surface of things.

Mr. GILLIES.—Have we the money to construct the lines? That is the bald question.

Mr. MIRAMS.—Every one knows that when the O’Loghlen Government introduced their Railway Bill they did not intend devoting any portion of the money to a great many purposes which arose as the measure was passing through the House. The present Treasurer told us the other night that there are many works of necessity in connexion with existing lines which must be done, in order to secure the safety of the public, to make the lines pay well, and to secure the proper working of the department. If occasion is arising now in the department to do necessary works of that kind, the very same necessity arose in connexion with the late Government.

Mr. KERFERD.—Read the schedule to the O’Loghlen Loan Act.

Mr. MIRAMS.—I will read it presently.

Mr. BERRY.—It contradicts all you have said.

Mr. MIRAMS.—Any honorable member can read it who desires to do so. If it is so contradictory of my argument, I doubt some honorable member will be glad of the chance of reading it. I repeat that, during the progress of the Railway Bill through the House, necessity arose in the department for the expenditure of money on existing lines. What was one of those cases of necessity? Was it not to make a duplicate line from Melbourne to Seymour? Will any one say that was an unnecessary piece of work?

Mr. SERVICE.—That is not the question at all. The question is the expenditure of the money.

Mr. MIRAMS.—The Attorney-General knows very well that he was a party to this piece of necessary work being done by the
last Parliament. That is only one of a number of instances, all of which it is unnecessary to enumerate, in which the late Government were called upon to perform necessary works on existing lines. What did they do? It was impossible to spend the £2,000,000 on new railways immediately, because every one knew that the new lines would take years to construct. Five years was the period mentioned on the opposition side of the House, and some honorable members went so far as to say that the whole of the lines would not be finished within ten years. Therefore, the Government said—"If we are going to be all these years spending this money, what is the use of raising another loan to do these necessary works which are cropping up? Let us get authority from Parliament to use a portion of the railway loan for the purpose, and then, in order to pay that money back again to the railway fund in ample time to meet the requirements of the new lines, we will set apart £200,000 a year out of the land fund for three years." Mr. SERVICE.—Where is the £200,000 a year? Mr. MIRAMS.—It is of no use for the honorable gentleman to scout the idea of that money being set apart, because the honorable gentleman knows very well that members of this House, who had been induced to vote for the Railway Construction Bill in the hope and expectation of getting lines made through their districts, would never have consented to money being diverted from that purpose without some guarantee that it would be paid back in sufficient time. As far as the Assembly was concerned, all was done that could be done to provide for the repayment. They provided that £200,000 should be provided out of the land fund and paid into the Railway Loan Account to recoup the moneys taken out of that account for the purposes for which these various Acts were passed. And gentlemen who sit around the present Ministry are responsible for the action of that Parliament as much as I am, and as much as honorable members who sit in opposition are. If it was a wrong or foolish thing to do, then was the time to expose and scout it. But the thing having been done, and the money having been used on that understanding, I don't appreciate the action of gentlemen in coming to this House as though the understanding had never been arrived at, ignoring the £600,000 altogether, leaving it out of their accounts, and pretending that there is no money to construct new railways with. The money which has been spent has all been spent upon lines, and rolling-stock for new lines, and it ought to be recouped out of the land fund. The Treasurer admits that the money should be paid back by proposing to go to London to get it; but I believe a much better course would be to do what the last Government proposed and what the last Parliament acquiesced in—to take it out of the land fund during the next three years, instead of going to London to borrow.

Mr. BAKER.—What about leasing? Mr. MIRAMS.—The interjection is absurd; it has nothing to do with the point in dispute; but if the honorable member who makes it knows anything about the land fund, he must know that the present revenue from the alienation of land otherwise than by auction is something like £450,000 a year, and, if we never allowed another acre to be selected, it would be seventeen or eighteen years before the revenue from that source would entirely cease. For the next three years, during which it was proposed to take this £200,000 a year from the land fund, there will be little if any difference at all, even if selection were to be stopped to-morrow. Then there is another matter to be considered. The O'Loghlen Government obtained the passage of an Act authorizing the floating of a small loan—a loan of about £170,000—in Melbourne. That loan was to answer two purposes. It was to provide the means to enable municipal bodies to comply with the law of investing their savings upon loan account in Government securities, and also to provide the money to pay certain Hobson's Bay Railway debentures which were falling due in different years, and to take up certain Bendigo Waterworks debentures which were also falling due. Now that Act has never been carried out; the loan has never been raised. The Act is in existence, and it can be arreved of at any time the Treasurer likes. In the meantime £128,000 has been taken out of loan moneys and devoted to purposes which the Act was intended to cover—the redemption of Hobson's Bay Railway and Bendigo Waterworks debentures; and, as soon as the loan is floated, that £128,000 will be paid back to the loan fund out of which it has been taken. According to a statement made to me by the Under-Treasurer, the Treasurer could have floated that loan any day. The Minister of Railways admits that, of the loan moneys, the sum of £713,688 remains.

Mr. GILLIES.—Less £160,000 which has gone to complete existing contracts.
Mr. MIRAMS.—But that £160,000 will have to be paid back.

Mr. SERVICE.—No. Read the schedule to Act No. 717, and so avoid further mistake.

Mr. MIRAMS.—If to the £713,688 be added the £128,000 I have just referred to, and the £600,000 which should be taken from the land fund, but which the Treasurer proposes to go to London to borrow—and whether he gets it from London as a loan, or whether he saves it out of the land fund, it will come to the same thing—we shall have £1,442,385 with which to construct the earthworks of the 800 miles of railways we hear so much about. Even if we have to deduct the £160,000 which the Government assume may be taken out of the loan moneys without being paid back, there will still be nearly £1,300,000 available for the earthworks of the railways. Whether it is a wise or a judicious thing to allow money raised for one purpose to be used for other purposes is a question which may be debated, and, when it is debated, no doubt the present circumstance will be remembered. I think honorable members will be a long time before they again give their consent to the use, even temporarily, of money borrowed for one purpose for another purpose altogether. But it is no argument against the late Government as a Government that they did it, because the present Minister of Railways, the present Attorney-General, and the honorable member for Warrnambool supported them in their action, which was likewise approved of by the conservative press, and sanctioned by Parliament. Then what use is there in endeavouring, some time afterwards, to put the blame on one Government or one man? If any one is blamable, it is the late Parliament, and I fail to see how the late Parliament is blamable in any way. After all, the question resolves itself into this: how is the gap of £600,000 to be filled up? The £300,000 or £400,000 required to complete the Patterson lines has nothing to do with the dispute at all; because the last Parliament had no knowledge of that requirement, and therefore could not be supposed to have provided for it. Taking it for granted that £400,000 will be required for the Patterson lines, that money, added to the £600,000 from the land fund, will make up exactly the £1,000,000 which the Treasurer says he is going to London to borrow. Of course, lobbies have to be paid for. The present hobby of this House and the country appears to be the coalition Government, and the price we have to pay for it is extravagant expenditure, which makes it necessary to go to London to borrow £1,000,000 which ought to be provided out of current revenue. I find from the papers circulated by the Treasurer that the total expenditure by the O'Loghlen Government in 1881-2 was £5,617,664, and that expenditure included £17,553 interest on Treasury-bonds, £471,900 for the redemption of Treasury-bonds, and £200,000 for the railway loan liquidation and construction account. The three items added together make £689,453, leaving £4,928,211 as the net expenditure for 1881-2. The expenditure which the present Government propose to incur during the current year—minus the three items I have mentioned, except the small amount of £10,100 for the redemption of Treasury-bonds which the owners would not part with when the O'Loghlen Government wished to take them—is £6,057,752, or an increase in two years of £1,129,548. Here is economical government, if you please. This is the financing of a Ministry who say to their supporters that they will have to be very chary in their demands for public money, because they have to conserve an estate which previous Ministries wasted, and must therefore enter upon a career of economy. Economy, forsooth! Does economy consist in expending upon public works £190,000 more than was expended last year, when the expenditure in that direction was nearly £200,000 in excess of the year previous? And this expenditure, be it remembered, does not include £225,000 for the Yean Yeaw works. That is a special thing altogether. With an income of nearly £6,000,000, with years in advance before money will be required for new railways, with a land fund out of which it might easily be taken, I say that, with ordinary economy, and with sufficient force of character and firmness to say "No" to exorbitant demands for expenditure all over the colony, there are plenty of means at the command of the Treasurer to enable him, this year, to put aside £200,000 for railway purposes without increasing our indebtedness in London at all. What is the use of the Ministry pretending that they have nothing to placate their followers with—that they have no money to expend to satisfy those who support them? Why no less than eight pages of the Estimates are filled with items of expenditure which is to be incurred all over the colony on public works. I don't say the works are not necessary, but what I say is that I object to a Government who have got so much money,
and are going to spend it, pretending that they are economical beyond all their predecessors—endeavouring, by raising the cry of "stop thief," to divert attention from themselves, so that they may go on quietly spending more money than any previous Government ventured to do. I say it was a wise and statesmanlike decision of the late Government that £200,000 a year should be saved out of the land fund to be spent on remunerative works like railways. I think honorable members must see that there is no necessity for going to England to borrow further money, and that there is no foundation in fact for the assertion that this Government is an economical Government beyond any other. So far from that, it is a Government that has proposed the largest expenditure and with the least excuse, under the circumstances, that the colony has been subjected to.

Mr. SERVICE.—Sir, I think I ought to premise by mentioning that, in April last, I submitted a short financial statement to honorable members, which was followed by a debate, and that the honorable member for Collingwood (Mr. Mirams) was not in his place while that debate was in progress.

Mr. MIRAMS.—Yes, I was.

Mr. SERVICE.—The honorable member made his speech on the financial statement a week or ten days after the debate on that statement had closed.

Mr. MIRAMS.—I heard your speech.

Mr. SERVICE.—I know the honorable member did, but the honorable member did not attempt to answer it until the matter was entirely out of date. I mention this not to find fault with the honorable member, but to explain why I did not take the same pains to follow his statement that I would have taken had it been made at the proper time.

Mr. MIRAMS.—The Treasurer will pardon me. I do not want it to be supposed that I refrained from answering the honorable gentleman at the proper time because I wanted to take an unfair advantage. I went away at eleven o'clock on the night of the debate expecting that the debate would be adjourned, and I was disappointed when I found, by the newspapers next morning, that it had been brought to a termination by the adoption of the vote before the chair.

Mr. SERVICE.—I repeat that I am not finding fault; I am only explaining how it was that I was not then prepared to deal with the figures which the honorable member has spoken about to-night. The first part of the honorable member's speech tonight consisted, almost entirely, of a defence of the late Government and the late Parliament. That might be apropos of the speech which I made in April, but how it can be supposed to be appropriate to the speech I made last Wednesday I am at a loss to discover, because I attacked neither the late Government nor the late Parliament. My whole point, last week, was to show that for some reason or other we had got into such a position that we had great difficulty in meeting our current engagements—that we were at the end of our tether so far as public requirements were concerned. The honorable member says that the money spent on the Patterson lines out of the loan raised under the authority of the Act No. 717, known as the O'Loghlen loan, was entirely unauthorized, and must be paid back. I have here the Act No. 717, and I find that section 9 provides as follows:

"All moneys raised under the authority of this Act shall be paid into the public account, and shall be placed to the credit of an account to be kept in the Treasury for such purpose, to be called the Railway Loan Account 1881, and shall and may, subject to the provisions hereinafter contained, be applied to the purposes mentioned in the 2nd schedule and no other, and in sums not exceeding the amounts therein specified respectively."

Now let me turn to the 2nd schedule. The first item is a sum of £2,732,050, to be applied—to what purposes? This is one:

"For the construction of railways and works connected therewith (including rolling-stock) already authorized by Parliament."

At that time not a line had been authorized by Parliament except the Patterson lines.

Mr. BENT.—Does the Treasurer mean to say that that provision authorizes the taking out of the O'Loghlen loan of money to complete the Patterson lines?

Mr. SERVICE.—Certainly.

Mr. BENT.—When that Act was drawn it was intended simply to cover the lines provided for in the O'Loghlen Railway Bill. Besides, it was well known at the time that all the Patterson lines had been provided for.

Mr. SERVICE.—Not a line of the O'Loghlen railway proposals had then been placed before Parliament. I say that, if the Minister of Railways and I are charged with improper conduct, in taking money out of the loan authorized by Act No. 717, and applying it to purposes to which the loan raised under Act No. 608 was dedicated, better known as the Patterson railways, our defence is contained in this schedule to the Act No. 717. Let me read the words again:
"For the construction of railways and works connected therewith (including rolling-stock) already authorized by Parliament."

The railways here referred to are the Patterson lines, and none other. There were no other lines authorized or in progress; and it was not until a year afterwards that the honorable member for Brighton brought in his Railway Construction Bill. Every man who voted for the passing of the Act No. 717 voted for the expenditure of a portion of the loan raised under that Act on railways previously authorized by Parliament. The honorable member for Collingwood must admit that, if he had read the words I have quoted, a great deal of time would have been saved, because they show that his argument was quite unnecessary.

Mr. MIRAMS.—That part of my argument.

Mr. SERVICE.—The honorable member has to-night again referred to the statement which I made in April as to the requirements of the Railway department under the Act No. 717 for the eleven months ending in January next. My statement was that the amount available under the Borrowing Acts was £142,000. The honorable member, in commenting upon my statement, said the amount was no more than £279,000. He repeats the same assertion to-night, and he supports his assertion by quotations from various Acts. But the honorable member omitted to refer to one Act, the last of the series—the Act No. 747—passed at the instance of the honorable member for the Avoca (Mr. Grant) in March, authorizing the application of £170,000, of which £100,000 was for railways.

Mr. MIRAMS.—For rolling-stock.

Mr. SERVICE.—Whatever the precise object, it comes under the head of railways. If I had known that the honorable member was going to refer to this matter, I would have been better prepared to reply to him. One thing I cannot understand is that the honorable member should go to the Under-Treasurer and get one set of figures, and that I should go to the Under-Treasurer and get another set of figures. The figures I submitted to the House in April were written by the Under-Treasurer himself, and have since been proved to be absolutely true.

With regard to the £1,067,000, the honorable member has made a sort of apology for going to employees of the Railway department, and obtaining information to the effect that the amount would not be required. The story which I received from the officers of the Railway department was very different. That was the reason I challenged the honorable member's statement, and asked him, privately or publicly, to name the officer.

Mr. MIRAMS.—I will give it privately.

Mr. SERVICE.—After all, it turns out that the officer responsible for the figures is proved to have been in April last absolutely correct; that is to say, he was within the mark. I stated, the other night, that £39,000 or £40,000 over and above the amount which the Railway department originally estimated will be spent by January next. As to all the talk about the £200,000 from the land fund in which the honorable member for Collingwood has indulged, it is to me totally incomprehensible. I don't understand the honorable member's argument one bit. If the honorable member believes his own statements, I can hardly have that respect for his financial ability that I am disposed to entertain. It is the business of the Treasurer to balance the Ways and Means for the year; and a judicious Treasurer will take care, unless it is done with the full and thoughtful consent of Parliament, not to burden a future year with estimates or proposals which that year may not be able to bear. With reference to this land fund, I am not complaining that the late Government did not balance their proposed expenditure with their proposed receipts. In fact, I gave the late Government, in April, the advantage of a concession on my part that they had quasi authority to expend that £835,000 upon rolling-stock, because this House had tacitly sanctioned it. All that I said was—"We have now liabilities coming in, probably there are people knocking at the door on account of them, and we have not money to meet them." This £200,000 was not to be taken out of the land fund during the year that the late Government were in office, but it was proposed that it should be taken out during this current year, and thus the late Government threw the burden of that appropriation upon their successors. But when I went into the accounts I found that, in place of being able to take £200,000 out of the land fund, I was £200,000 short in my Ways and Means. The honorable member for Collingwood seems to make a distinction between "£200,000 out of the land fund," and "£200,000 out of the general revenue," but he must know perfectly well that the land fund is simply a portion of the consolidated revenue. The whole receipts for the year are put together; and our duty is not to take out of the year, or for the year, more than we can put in for
the year. We cannot put in that £200,000 for railways, and yet we are asked to take it out. That is what I complain of. I complain that we are called upon to spend money without that money having been provided except by figures. I want the sovereigns, and you give us the figures “£200,000” on paper, and nothing more. The honorable member for Collingwood sought to make a great deal about the present Government being an extravagant Government; but, as I stated the other night, we have become heir to all the promises of the late Government. I have here a return, signed by the Secretary of Public Works, showing how the money (about £550,000) proposed to be expended on public works is made up. I find that the ordinary expenditure on works for all the departments is £471,000. The promises made, and liabilities incurred, by the present Government amount to £27,000. There are revotes on the present Estimates to the amount of £386,100. And promises made, and liabilities incurred, by the late Ministry amount to £10,933. Further revotes which will come in at the end of the year are not included in the £550,000. It will thus be seen that the total sum on the Estimates for which the present Ministry are responsible is £27,000; and if any honorable member can draw from that fact the inference that the present Government is an extravagant Government, he must have a very brilliant imagination indeed. In conclusion, let me say that I think the honorable member for Collingwood has taken a wrong course in endeavouring, in a long speech, to defend what had not been attacked. As to £200,000 from the land fund, the honorable member may talk till doomsday; but, if the money is not there, how is it to be taken out?

At this stage, the time for taking business other than Government business having arrived, progress was reported.

MELBOURNE TRAMWAY AND OMNIBUS COMPANY’S BILL.

Mr. GILLIES moved—

“That Standing Orders Nos. 125, 126, and 127 relating to private Bills be dispensed with, so far as the same affect the Melbourne Tramway and Omnibus Company’s Bill.”

He said that his object in proposing the motion was to afford honorable members who desired to move some amendments in the Bill an opportunity of doing so. The standing orders referred to required a certain number of days’ notice to be given of the amendments, but the honorable members in whose names the amendments stood on the business paper had not been able to give the requisite notice, and, on behalf of the promoters of the Bill, he was anxious that they should be enabled to do so.

The motion was agreed to.

Mr. GILLIES moved that the Bill be read a third time.

The motion was agreed to, and the Bill was read a third time.

Mr. GILLIES moved that the 1st clause, providing that the measure might be cited as the “Melbourne Tramway and Omnibus Company’s Act 1882,” be amended by the substitution of “1883” for “1882.” He said that this was the first of a series of amendments of which he had given notice. Nearly all of them were of a purely technical character, and none of them affected the principles of the Bill.

Mr. BENT intimated that he desired to have the opportunity, after the other amendments were disposed of, of proposing an amendment for the purpose of extending the tramway line to St. Kilda along the Brighton road. In his opinion a private company should not be authorized to construct tramways, but they ought to be made by the Government. As, however, a majority of honorable members had determined to give a monopoly to this particular company, and as he wanted the district which he represented to have the benefit of a tramway, he hoped that the amendment which he intended to move would be accepted.

Mr. GILLIES remarked that last year the Speaker decided that no amendment could be moved to increase the length of any of the proposed tramway lines.

Mr. BENT asked the Speaker if the amendment which he desired to propose would be out of order?

The SPEAKER.—Yes. No amendment can be moved increasing the length of the tramways authorized by the Bill.

Mr. GILLIES stated that the company had given notice of their intention to introduce another Bill to do the very thing which the honorable member for Brighton desired. They had promised to lengthen several of the tramway lines, and, as they were prevented from doing that under the present Bill, according to the Speaker’s ruling, they were going to bring forward a new measure for the purpose.

Mr. BENT observed that, under the circumstances, he had nothing further to say except that the company had worked so hard for the present Bill that they deserved to get
The amendment was agreed to, and formal amendments were made in a number of other clauses.

On the motion of Mr. GILLIES, the following new clauses were added to the Bill:

"The company shall, within one month of the receipt of notice from one or more of the corporations mentioned in schedule 4 of this Act, forthwith give notice to the corporate or corporations so giving notice, and such notice in the Government Gazette shall be served in all courts of justice as conclusive evidence of the formation of the board or trust; and such notice in the Government Gazette shall be served in all courts of justice as conclusive evidence of the formation of the Tramways Board or Tramways Trust."

Mr. WALKER asked what provision would be made, in the new Bill which the company intended to introduce, for serving the districts of Kew and Hawthorn with tramways?

Mr. GILLIES said he did not know what would be the precise provisions of the new Bill. He could only repeat that the company had promised tramway extensions to various municipalities, and that, in order to enable them to fulfil their promises, they intended to submit a further measure to Parliament.

Mr. LANGRIDGE moved that the following new clause be added to the Bill:

"No person employed by the company as a driver, conductor, caretaker, or cleaner of any tramcar or tramcars belonging to the company shall be employed or work in any capacity for more than eight consecutive hours at any time, or for more than eight hours in any twenty-four hours. The company shall be liable to a penalty of £50 for each and every contravention of this section, and every driver, conductor, caretaker, or cleaner who shall be guilty of a contravention of this section shall for every offence be liable to a penalty of £1."

Eight or ten years ago (said the honorable member) Bills were frequently introduced for the establishment of the eight hours system in Victoria, but those measures never got beyond their first or second reading. The whole of the organized trades of Melbourne, however, had succeeded in establishing the eight hours principle for themselves without the assistance of Parliament, and the system was being gradually extended. But the employees of the Melbourne Tramway and Omnibus Company were in very different circumstances from those in which men belonging to the organized trades were placed. At present the employees of the company, he was informed, worked on an average from twelve to fourteen hours per day. The work of the company extended over sixteen hours a day—though he did not mean to say that the employees were kept on duty so long—and that time might be divided so that the men would work in two shifts of eight hours each. Three or four years ago an agitation took place for a reduction of the hours of employment of certain men in the Postal department, and the staff was increased to enable the desired alteration to be made. The principle which the Legislative Assembly recognised on that occasion ought to be extended to the men employed by the Tramway Company. They would be entirely at the mercy of the company, because the Bill would give the company such large powers that it was not likely any competing company would come into existence. He held in his hand a copy of an English Tramway Company's Act, from which it appeared that the municipal corporation of the district in which that company carried on its operations could purchase the company's property at any time after seven years from the date of the passing of the Act, whereas there was no power under the Bill to purchase the Melbourne Tramway Company's undertaking until 21 years had elapsed. Again, in Adelaide tramcar tickets could be purchased for 1s. 6d. per dozen, whereas the Melbourne company were authorized to charge 9d. for each single fare. The fact that the Legislature were giving the company these great advantages was an additional reason why it should insert a clause in the Bill to extend the benefit of the eight hours' system to the company's employees.

Mr. GILLIES said he presumed the clause was proposed with the view of obtaining a declaration from Parliament in favour of the eight hours system. (Mr. Langridge—"No?") If that was not the object of his honorable colleague, he could not conceive what the object was. He (Mr. Gillies) was a supporter of the eight hours principle, because he considered it right and proper that a working man's daily hours of labour should not exceed eight. He had been connected in an honorary capacity with several associations having for their object the adoption of the eight hours principle. He believed in the eight hours system as much as anybody did, but he did not believe in advantage being taken of a private Bill to compel a private company—the only company in the colony to be so compelled—to recognise the system, and to impose penalties on them if any man in their service worked eight hours and a half a day, even if he was willing to do so. If
such a law was to be adopted, let it be applied all round. (Mr. Woods—"To the railways, for example.") The proposition would not apply all round, and those who supported it knew that it would not—that in the Railway department, for instance, it could not possibly be applied. Were honorable members, as grave and sensible men, to perpetrate a farce? Why not do something which had the element of common sense in it? If the company had used their drivers in an unjust or unreasonable way, the proposer of the clause might have something to say on that point. (Mr. Langridge—"They have done so.") They might have done so at the beginning of their career, but for a very long time past the company's drivers had worked only 10½ hours per day. (Mr. Mirams—"Less than the cabmen.") Very much less than the cabmen. For Parliament to declare that no man should be permitted to work nine hours per day, even if he was willing to do so, would be an interference with the liberty of the subject. It would be grossly unfair to the company to insert the clause in the Bill. He hoped that the proposition would be withdrawn.

Mr. MACKAY observed that if drivers and conductors of tramcars worked too long hours the lives of the passengers might be endangered, and therefore it was very proper to limit their hours of labour, on the same principle that a restriction was placed by the Legislature on the number of hours that persons in charge of steam-engines on the gold-fields could be employed. He was therefore willing to agree to the principle of the clause so far as it concerned drivers and conductors, but there should be no penalty to prevent them working more than eight hours per day when there was a substantial reason for keeping them employed a longer time. Cases of emergency might arise when it would be necessary for them to work more than eight hours. He, however, did not see any reason for preventing caretakers or cleaners from working more than eight hours per day if they were willing to be employed for a longer time. The honorable gentleman spoilt his attempt to do good by making the clause too general. In fact, it was one of those attempts to curry favour with the public which were too frequently made. It was a popular-hunting dodge—one of those numerous endeavours which he (Mr. Mackay) had seen in the House during the last thirteen years to tickle the ears of the masses with a carelessly-written, ill-thought-out proposition, which it was never expected would be carried.

He agreed with the Minister of Railways that if the eight hours system was made compulsory it should be applied all round. Why should Parliament make a commencement in this direction with a private company? The proposer of the clause was a member of the Government, and yet he attempted to compel a private company to do what he did not seek to induce his colleagues to do in connexion with the railways. He (Mr. Mackay) was willing to support the principle of the clause to the extent he had already indicated, but he would recommend the proposer, in all serious earnestness, to withdraw the clause, for the public out-of-doors would measure it at its real value.

Mr. HARPER stated that he concurred with the opinion that the proposal was a very "thin" attempt to gain popularity. The Minister of Customs was, unfortunately, rather addicted to the practice of endeavouring to obtain cheap popularity. The House would remember that not many weeks ago the honorable gentleman was waited upon by a deputation of stevedores, who asked him to preclude the captains of ships from employing their crews in discharging and loading the vessels, and the Minister turned them over to the Harbour Trust, and asked that body to carry out the policy suggested by the men, of which the honorable gentleman himself approved.

Mr. LANGRIDGE explained that the members of the deputation made a certain request to him, and he simply referred them to the Harbour Trust, and forwarded a letter to that body stating what the request was.

Mr. HARPER said he only alluded to this matter because it would throw some light on the proposition now before the House. The honorable member for Sandhurst (Mr. Mackay) put the case fairly when he said that he would support the clause on public grounds—in the interests of public safety—as far as it related to drivers and conductors; but he (Mr. Harper) would remind the honorable member that the company would be responsible for any accidents caused by their servants being overworked, and therefore it would be to their interests not to overwork them. What justification was there for compelling a private company to adopt the eight hours system while the Railway department and other employers of labour were in a different position? It would be extremely unfair to impose this obligation on the company, and would practically destroy their Bill. Moreover, to say that no man in the company's employment should work longer than eight hours per day, if he was willing to do so,
would be a distinct interference with the liberty of the subject.

Mr. RICHARDSON remarked that the reproach which the honorable member for East Bourke had hurled at the Minister of Customs was quite undeserved. The Minister of Customs was not in the habit of seeking cheap popularity. Whether the honorable gentleman had acted wisely in bringing forward the present proposition in the form in which he had submitted it was a subject on which a difference of opinion might be entertained. He (Mr. Richardson) was inclined to think that the honorable gentleman had not acted wisely in attaching the penalties included in the clause, but certainly it was not cheap popularity to limit the hours of labour of the employees of the Tramway Company to eight per day. The eight hours system had become a very general practice, though it had not yet become the law of the land. He agreed with the honorable member for Sandhurst (Mr. Mackay) that there was a special reason why the drivers and conductors of the company should not be allowed to work excessive hours, but he did not think that the ground upon which the honorable member would limit their hours of labour was the highest ground that could be urged in favour of the proposition. Nor did he understand for what reason the eight hours system should not be extended to the caretakers and cleaners. The reason given by the honorable member for East Bourke was that it would be an interference with the liberty of the subject if the Legislature limited them to eight hours' labour per day. That argument overlooked the great principle underlying the clause. The honorable gentleman in charge of the Bill stated that he had been connected with various associations whose object was to prevent workmen being employed more than eight hours per day, and he only objected to the clause on the ground that it would not be fair for the Legislature to commence to establish this principle in a Bill relating to a private company. (Mr. Mackay—"It would mean coercion.")

To connect the eight hours system with the law of the land would necessarily mean coercion, and with that coercion there would necessarily be inconvenience to a certain extent. When it was sought to apply the principle to the Railway department, inconvenience was felt. But that circumstance did not touch the main issue, namely, that when the system was established by force of law in any way, the thing ought to be done by declaring generally that eight hours should constitute a day's work. There was reason in arguing that a commencement must be made somewhere, but, inasmuch as the State had shirked its duty by not making that commencement in connexion with Government work, it seemed hardly fair to insist upon a private company being the first sufferers. In the workshops, manufactories, and mines of the colony it was practically laid down that eight hours' work constituted a day's labour, but that state of things had been brought about only by association among the workmen, and only to that extent did the law recognise it. In the present instance, however, the case was very different. Here were men unable to help themselves in the matter because their numbers were not sufficient to give them the necessary moral force, and, under such circumstances, surely the State might protect them. (An Honorable Member—"At the expense of private persons?") They ought to be protected without special or particular injury to any person. The sneer of the honorable member who interjected did not touch the real issues of the question in any way. When honorable members began to sneer at the eight hours system, it was time for its friends to be up and doing. Certainly it was surprising to find the honorable member for Stawell sneering at the application of the principle to the Railway department. An honorable member who sought to open the Public Library on Sunday ought, for consistency's sake, to seek to increase in every way people's opportunities of visiting that institution. If there were no other grounds for the rejection of the proposal of the Minister of Customs than those advanced by its opponents, it ought not to be rejected at all. However, he (Mr. Richardson) would not go further into the subject, seeing that he rose only to protest against the manner in which the honorable gentleman had been assailed.

Mr. WALKER thought the House generally was opposed, not to the eight hours system, but simply to the State making a demand with respect to it upon a particular private company which was not made upon any one else, or even upon Government itself. Surely, if the Minister of Customs really sought to benefit the drivers and other servants of the Tramway Company, he ought to bring down a compulsory scale of the wages to be paid by it for each day of eight hours, or else carrying his proposition would injure rather than do good to the employes concerned. It was not at all likely that the company would pay its drivers, for
instance, as much for eight hours as it would for ten and a half hours. Then as to the position of the Minister of Customs. How could he be consistent on the present occasion when, in his own department, he allowed men to work overtime? If he could stop that system by a stroke of his pen, why did he not do it? There was also the case of the cabmen. It was generally supposed that cabmen worked singly, but that was a great mistake. In most cases, 30 or 40 cabs were in the hands of one owner. Were the drivers of tramcars to be limited to eight hours, and the drivers of cabs and omnibuses to work as many hours as their employers wanted them to do? In the face of this striking anomaly, it was not at all too much to say that the Minister of Customs was simply seeking a little cheap popularity. He (Mr. Walker) would support any legitimate attempt to establish the eight hours system all round, but not a mere endeavour to impose, by a side-wind, a penalty upon a particular company.

Mr. BOWMAN remarked that a great deal might be said of the ease of the drivers of public conveyances. He had often ridden on the box of an omnibus in order to chat with the driver, and what had he found? That, as a rule, each driver worked fourteen hours a day, and was sometimes kept at it for sixteen hours a day. Under these circumstances, it was high time men of that class were protected. Protecting them in this matter was, in fact, protecting the public, because it was well known that, under the present arrangement, omnibus drivers frequently slept on the box, and only woke up when the bell rang. Of course, on such exceptional days as holidays, a driver might fairly be asked to work exceptionally, and then he ought to be paid something extra, but for every other day the principle ought to be that eight hours' work was a proper day's labour, and should procure a proper day's wage. He (Mr. Bowman) would support the motion if it was rendered applicable to drivers and conductors only.

Mr. WOODS observed that he appeared to be blamed for something or other, but he would be ready in any assemblage to cheer such a remark as that which fell a little while since from the Minister of Railways, namely, that it would be unjust for Parliament to single out a private company for legislation of a penal character, and at the same time allow the Government to practise a principle of a directly opposite kind. It was not he (Mr. Woods) who charged the Minister of Customs with seeking cheap popularity. On the contrary, he regarded that honorable gentleman as consistently striving to carry out what he had always aimed at with respect to the Bill. His present endeavour was, therefore, perfectly honest. But it was, nevertheless, utterly mistaken, for the adoption of his proposition would reduce matters to an absurdity. In fact, the arguments of the honorable member for East Bourke covered the whole ground. Let the Minister of Customs bring in a Bill to make eight hours' labour a legal day's work throughout the colony, and every honorable member would vote for it. But, after all, how could a strict eight hours system be adopted in the Railway department? (Mr. Bent—"It is perfectly possible to do so.") It was not possible to do so. Supposing, for instance, through delays on the road, an engine-driver's eight hours expired before he had finished his journey, could he stop the train and commence his rest? Again, requiring only eight hours' work per day from railway gatekeepers would necessitate a double set of men, and, consequently, an extra expenditure of £40,000 a year. He begged to repeat that he would support an eight hours proposition that would be general, but not one that would touch a private company and leave the Government—the largest employer of labour in the colony—severely alone.

Mr. DEAKIN said it seemed to him that the Minister of Customs, in bringing forward his proposition, simply sought to carry out, as far as was possible on the present occasion, the general idea of what ought to constitute a day's work; and it was surprising, in view of the recent disclosures of the Employes in Shops Commission, to find honorable members so backward in supporting him. As to the talk about forcing on a single private company what was not forced upon other employers of labour, it could be easily met. There must be a beginning somewhere, and, if a start was made in connexion with a corporation possessing the special and peculiar privileges the Tramway Company were to enjoy, there would be no difficulty in laying down the same rule in other quarters. He (Mr. Deakin), for one, quite expected the clause to meet with general acceptance. To limit the drivers' hours of labour might indeed be deemed a step to securing the safety of the public, and it was the tendency of modern political thought to uphold legislative interference in affairs of that sort. In most departments of industry, especially of the skilled kind, the employes usually...
formed themselves into guilds or unions for
their mutual protection, but there were, as
the evidence taken by the Employes in Shops
Commission showed, many branches of un-
skilled labour in which the men, being more
or less isolated, were totally unable to help
themselves against capital. Of such a class
were the men who would form the working
corps of the Tramway Company, and it
seemed scarcely a stretch for Parliament to
step in to their aid. At the same time, with
respect to a considerable number of them, it
would be extremely difficult for Parliament
to fix how long their daily employment
ought to last, and consequently he would
recommend his honorable colleague to take
a middle course. He would suggest that
the proposition be amended so as to make
it simply express the feeling of the House
as to the principle upon which the hours of
the Tramway Company’s employés ought to
be regulated, and leave it to the Tramway
Board, as a kind of “board of conciliation,”
to draw up a scale fixing an equitable period
of labour for each division of them. He failed
to see that taking a course of that sort would
be contrary to the views of those honorable
members who considered that a hard and fast
rule binding down every class of employes
to a particular period of daily labour would
infringe upon the liberty of the subject.

Mr. BELL stated that he had never for
many years failed, when opportunity served,
to urge the adoption of eight hours as the
limit of a day’s work; but, nevertheless, he
did not quite like the clause. For example,
he did not agree with the penalties in it. But
with respect to every driver Parliament
ought undoubtedly to lay it down that eight
hours should be the maximum period of his
day’s labour. He (Mr. Bell) had always
pitted omnibus drivers on account of their
long hours, for he had often seen them, even
in Elizabeth-street, unable to keep them-
selves awake at their work. Insisting upon
men of that particular class being under
the eight hours system would hardly put on the
backs of the Tramway Company a heavier
burthen than they could bear—indeed, in view
of their probable profits, they might fairly
be asked to bear much more—for it should
be remembered that they would work their
drivers on Sundays as well as week days.
So if the Minister of Customs would reduce
the penalty for the company to £5, and that
for the man to nothing, he (Mr. Bell) would
give the clause his hearty support.

Mr. McLELLAN stated that he had al-
ways been ready to recognise the propriety of
the eight hours system—in fact he was the
first Minister of Public Works to extend its
advantages to the employés of the Public
Works department—but he felt in a rather
false position with respect to the present pro-
position. If the Minister of Customs would
propose to extend to all classes the privileges
the adoption of the eight hours principle
would confer he would have his (Mr. McLe-
llan’s) cordial support, but he was not prepared,
even for the sake of popularity, to sanction a
plan under which it would be possible, be-
cause a tramcar driver came in from the last
journey of a day a few minutes late, to fine the
Tramway Company £50 and the driver £1.
Such an arrangement would be simply
outrageous. (Mr. McIntyre—“Why don’t
you propose yourself what you think should
be proposed?”) Because there were other
honorable members more closely associated
with the eight hours movement than he was,
and he did not think it would be proper to
take the business out of their hands.

Mr. GARDINER remarked that during
the previous session he brought in a Bill to
legalize the eight hours system, but he was
prevented from doing the same thing this
session by his connexion with the Employes
in Shops Commission. Surely many of the
objections offered to the Minister of Customs’
proposition were of the most absurd kind.
Was it not in any case a step in the right
direction, and ought it not to be supported
on that ground alone? Could it be proper
to give the Tramway Company enormous
privileges, and at the same time allow them
to work their drivers fourteen or sixteen
hours a day, although they probably would
not work their horses even eight hours a day?
It was to be hoped that the Minister of Cus-
toms would not dream of even noticing the
insinuations that had been flung out against
him.

On the motion of Mr. GRAVES, amend-
ments were made in the clause to cause it to
read as follows:—

“No person employed by the company as a
driver or conductor of any tramcar or tramcars
or animals belonging to the company shall be
employed or work in any capacity for more than
eight consecutive hours at any time, or for more
than eight hours in any 24 hours, except in cases
of urgent necessity, and such eight hours shall
be a legal day’s work. The company shall be
liable to a penalty of £5 for each and every con-
travention of this section.”

The House then divided on the question
that the clause, as amended, be added to the
Bill.

| Ayes | 33 |
| Noses | 20 |
| Majority for the clause | 13 |
Mr. Baker, Mr. Bell, Mr. Berry, Mr. Billson, Mr. Bowman, Mr. Burrows, Mr. W. M. Clark, Mr. D. M. Davies, Mr. Deakin, Mr. Durham, Mr. Graves, Mr. Hall, Mr. A. Harris, Mr. Langridge, Mr. Laurens, Mr. McColl, Mr. McIntyre, Mr. Mackay, Mr. McLean, Mr. McLellan, J. J. Madden, Mirams, Pearson, Mr. Quick, Mr. Ross, Mr. Taylor, Mr. Gardiner, A. Young.

On the motion of Mr. GILLIES, the 1st schedule was amended by inserting the lengths of the various tramways included in the schedule.

Mr. LAURENS called attention to the 3rd schedule, giving a list of lines on which a "fare not exceeding 3d. for any single journey" was to be charged. He begged to move the insertion of the following words after the word "journey":

"Or 2s. 6d. for packets containing twelve fare tickets."

If the amendment was carried, the result would be that while 3d. would have to be paid for a single fare a dozen tickets could be purchased for 2s. 6d. When the company began running 'buses in Melbourne and the suburbs, they sold packets containing a dozen tickets for 2s. 6d., and they continued the practice for a long time. They still sold such packets, for which they now charged 2s. 9d. He was informed that in Sydney packets of a dozen tickets were sold at 2s. each, although a single fare was 3d., and the Minister of Customs had mentioned that in Adelaide the packets were sold for 1s. 6d. each. It must be remembered that under the present Bill, with the exception of the line between Spencer-street and Flinders-street stations, a charge of 3d. was to be made on all lines, no matter how short a distance a passenger might travel. If the amendment were adopted it would prove of great advantage to the public, and it would also save the drivers of the company, in many cases, the trouble they now were put to of having to give change—perhaps of a sovereign or half a sovereign. Seeing that the company had so far had their own way with regard to the fares fixed in the Bill, he thought they might fairly grant the concession which, if properly viewed, could hardly be called a reduction at all.

Mr. GILLIES remarked that when this portion of the Bill was previously under discussion, a proposal was made that power should be given for Parliament to review the fares every ten years. He accepted that amendment as a solution of the differences of opinion which appeared to exist as to the fares which should be charged. It would take certainly three years before the lines could be constructed, and, when it was remembered that the company were going to expend nearly £500,000, it would be a very serious thing for them to enter upon this expenditure with the fact before them that they would only have some seven years in which to recoup themselves before a reduction of fares would probably take place. Under these circumstances he thought the arrangement arrived at was a very reasonable one. No doubt in Sydney tickets were sold at 2s. a dozen, but what was the result? The tramways there, according to the latest information, did not pay 4 per cent. interest on the capital invested, and could any honourable member expect a company to invest £500,000 in an undertaking which would only return 4 per cent. when there were at present splendid investments which would bring in 6½ or 7 per cent.? It was not likely that a private company would do anything of the kind. It would be utterly impossible for the company to agree to the reduction proposed in the amendment, and, if it was insisted on, it would be hopeless to expect the company to construct the tramways, and all the labour expended on the Bill would be thrown away. Assuming that all passengers purchased tickets at 2s. 6d. per dozen, the loss to the company would amount to 22½ per cent., and he ventured to say that it was simply outrageous to propose that the company should be called upon to suffer such a loss. A settlement as to fares had been arrived at, and he had accepted it on behalf of the company, so that he thought it was a most unfair thing that a question of this kind should be raised again at the last moment. (Mr. Laurens—"There was no settlement.") He maintained that there was, and he asserted now, on the authority of the company, that it would be utterly impossible for them to undertake these works if the amendment was carried.
Mr. MACKAY observed that he could not understand how the Minister of Railways made out that the amendment would involve a loss of 22½ per cent. when the proposed reduction would only be 20 per cent. on each dozen tickets, and all the passengers travelling would not buy packets of tickets, besides many tickets would be lost. He (Mr. Mackay) was prepared to deal generously with a new enterprise, such as this was, but when it was remembered that in Sydney passengers could be carried for 2d., he could not see why the concession now asked for might not fairly be granted. It was true that the Sydney tramways only paid 4 or 4½ per cent, at present, but during the first year they paid 16 per cent., and the reason the percentage was so small now was because the tramways were so badly made that enormous expense had had to be incurred in taking up and replacing them. It was expected that when they were in proper working order they would pay 8 or 10 per cent. The plan adopted in Sydney was to charge passengers 2d. for a certain distance and another penny if they went beyond that distance, and he did not see why, in Melbourne, passengers for shorter distances should be mulcted in more than a fair amount. Why charge 3d. for short distances in Melbourne when only 2d. was charged in Sydney? (Mr. Walker—"The motive power in Sydney is entirely different."). He presumed that powers were taken in the present Bill to work the tramways by steam. (Mr. Woods—"No.") At all events there were not such steep inclines in Melbourne as in Sydney, and, although he did not argue for a total assimilation of the Melbourne rates to those of Sydney, he thought the present concession might be fairly made. He had not the slightest fear that the company would refuse to construct the tramways if the amendment were carried.

Mr. J. HARRIS expressed the opinion that the reduction involved in the amendment, instead of being a slight one, would prove to be a very large one indeed. As the Minister of Railways had pointed out, it would simply ruin the company, and he did not see how any reasonable person could support the amendment. It must be remembered that a new company was in the field, which proposed to ask for powers to run tramways in portions of the city and suburbs not included in the Bill, and it was probable that the Tramway Company in a few years would have a powerful rival or rivals competing with it.

Mr. BURROWES considered that carrying the amendment would to some extent be a breach of faith, as there was an understanding come to in the last Parliament that, in view of certain concessions, the fares now fixed should be adopted. Moreover, he thought it would be unwise to screw the company down to starvation prices, because the result would be that inferior lines would be constructed. He believed the general public would rather pay a halfpenny or farthing extra fare than have a cheap and nasty article, and, as to the working man, a concession had been already made to secure the running of working-men's cars in the morning and evening. It would take three years at least before the company would get any income, and, as seven years after that the fares were to be revised, he thought a reasonable arrangement had been arrived at.

Mr. BELL stated that he had always opposed the Bill, the chief ground of his opposition being that it would interfere with the receipts from the railways. The further the fares were lowered the greater would be the competition with the railways, and therefore he would prefer to see the fares raised if possible. Consequently he would vote against the amendment.

Dr. ROSE remarked that he would support the amendment, because he considered that a 2½d. fare would afford the company quite sufficient remuneration. As to the statement of the Minister of Railways that the company would not construct the tramways if the amendment were carried, he merely regarded it as a threat to influence honorable members. Tramway lines were run in Edinburgh and other cities under disadvantages which this company would not labour under, and yet in Edinburgh only 1d. was charged for a short distance and 2d. for a longer distance. The home companies had to pay a great deal more for fodder, and horses were a great deal dearer there than here. (Mr. M. H. Davies—"What about wages?") No doubt labour was cheaper, but not so much cheaper as to make up the difference between the fares charged at home and those proposed to be charged under the Bill. Besides tramway companies at home had not a monopoly of the streets for 21 years. If the amendment were adopted, it would soon be found that the threat of the Minister of Railways would not be carried out, and the company would be very well remunerated.

Mr. BILLSON stated that he would vote for the amendment, and one of his reasons for doing so was that the company was granted greater privileges than any
other tramway company in the world. When he was in the old country he found that in London, and other large cities, the tramway and omnibus companies charged various fares, according to the distance travelled, and he did not see why the same system should not be adopted in Melbourne. He thought it was very unfair to charge the same fare for going a few hundred yards as for travelling two or three miles, and if he had been in the House when this portion of the Bill was under consideration he would have opposed it. He believed the concession now asked for would be a great convenience to the public, and it would also increase the traffic on the tramways.

Mr. WOODS said he desired to point out, in reply to the remarks of the honorable member for Sandhurst (Mr. Mackay), that there was no analogy whatever between the tramways proposed in the Bill and those in existence in Sydney. In Sydney, for instance, a steam motor would draw two cars, capable of carrying at least 90 passengers each, whereas the use of steam power was strictly forbidden by this Bill. It was intended to have single cars, each drawn by one horse, and that would be a much more expensive system than that used in Sydney. (Mr. Laurens—"What about Adelaide?") In Adelaide, where horse-power was used, the fares were uniform. This question of fares was fully thrashed out both in the select committee on the Bill, and in the House, and, after listening to various proposals, the House definitely decided to adopt a uniform rate. The reduction now proposed would have a very great effect upon the receipts of the company. Assuming the company to carry 1,000,000 passengers per month, or 12,000,000 a year, the fares from this number at 3d. each would amount to £150,000 per annum, at 2s. 9d. per dozen to £187,500, and at 2s. 6d. per dozen to £125,000. No company could possibly stand such a reduction in their income as £25,000 a year. Honorable members had pointed out that it was proposed to charge 3d. for going a very short distance; but, on the other hand, it must be remembered that a man would be able to get into a tramcar at Spencer-street and go the whole way to Hawthorn for 3d.

Mr. McCOLL observed that some two or three years ago he was engaged in correspondence with a firm at San Francisco that contemplated sending an agent to Melbourne with a view to starting tramways here. He interviewed the Town Clerk of Melbourne on the subject, and by that gentleman he was led to believe that the Omnibus and Tramway Company had obtained such a footing that it would be useless for any one else to undertake the construction of tramways in Melbourne. Therefore, he discouraged the idea entertained by his San Francisco correspondents. However, it appeared to him that the company had secured privileges far beyond what his San Francisco friends expected, and at a much less cost than those gentlemen would have been prepared to pay. No honorable member need be afraid of voting for the amendment. As to the company "throwing up the sponge," let them do it. He was ready to guarantee that a telegram had only to be sent to San Francisco, intimating that there was room for a tramway company here, for the intention to be acted upon forthwith.

Mr. GRAVES remarked that, inasmuch as the Omnibus Company already sold tickets at the rate of 2s. 9d. per dozen, the adoption of the amendment would mean a reduction of only 9 per cent. on present rates. He believed in fair play being accorded to the company. At the same time he considered that the public must be protected; and, entertaining that view, he would vote for the amendment.

Mr. LAURENS stated that no such arrangement as that alluded to by the honorable member in charge of the Bill had ever been made. The question of fares had never been considered by the House, except on the proposal of the Minister of Customs that the fare should be 2d.

Mr. BOSISTO observed that the matter had certainly been thoroughly thrashed out. It was agreed, on a former occasion, that in consideration of the company running "working-men's cars" in the morning at 1½d., the ordinary fare should be 3d. To that arrangement the House was in honour bound to adhere. (Mr. Laurens—"There will be no 'working-men's cars' in the evening.") Oh! yes. The clause relating to the matter was as follows:

"The company shall, on being served with a requisition in that behalf by the Tramways Board, run upon any line of tramway open for public traffic and specified in such requisition two or more carriages every morning (except Sundays and public holidays) between the hours of six and seven o'clock, and two carriages every evening between the hours of half-past five and half-past six, for workmen, at a uniform fare of three halfpence for each journey."

Mr. M. H. DAVIES said he was sorry the honorable member for North Melbourne
(Mr. Laurens) did not see his way to withdraw the amendment. It was an amendment which ought not to be brought forward at this stage, and to adopt it would be a breach of faith. The duty thrust upon the company by the clause passed that night, limiting the number of hours that the employees should work each day, would materially increase their expenses, and it would be too bad to follow that up by a provision for reducing the fares. It had been mentioned that the reduction would amount to only 9 per cent., but such a reduction might make all the difference between a payable transaction and a loss; and if the company had to contrive in order to save money, they might make such arrangements as might be uncomfortable for the travelling public. So far as the St. Kilda district was concerned, the public would gain material advantage by the Bill. The present bus fare from Melbourne to St. Kilda was 4d., and the omnibuses were crowded, but the tram fare under the Bill would be 3d. That was a great concession. As to the cost of horse feed, the following evidence was given before the select committee on the Bill:—

"The cost of feeding an omnibus horse in London is 11s. 6d. per week; in San Francisco, 7s. per week; in New York, 8s. per week; in Melbourne, 15s." It should also be recollected that not only horse feed, but wages were dearer in Melbourne than in the other places.

The House divided on the amendment—

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Majority against the amendment 17

Mr. Baker, "Bent, "Berry, "Billson, "Graves, "J. Harris, "Laurens, "McColl, "Mackay, "McLean, "J. J. Madden, Dr. Quick, Mr. Rees, Dr. Rose, Mr. A. Young, Tellers: Mr. Langridge, Tooley.


On the motion of Mr. GILLIES, formal amendments were made in the 3rd and 4th schedules.

The Bill then passed.

The House adjourned at thirty-five minutes past eleven o'clock.

LEGISLATIVE ASSEMBLY.

Thursday, July 26, 1883.

Melbourne Tramway and Omnibus Company's Bill: Pairs—


The Speaker took the chair at half-past four o'clock p.m.

MELBOURNE TRAMWAY AND OMNIBUS COMPANY'S BILL.

Mr. CONNOR observed that he was absent from the House the previous evening, when the division took place on Mr. Laurens' motion for reducing the fares provided for by this Bill, but he took the precaution to pair with an honorable member. However, the pair was entered incorrectly in the pair-book. He paired in favour of the motion.

Mr. COPPIN stated that he had been asked by several persons why he was absent from the division on the motion forbidding the company's employees to work more than eight hours per day. The reason was that, being personally interested in the Bill, he did not feel himself justified either in speaking or voting on the question.

PERSONAL EXPLANATION.

Mr. COOPER said—Mr. Speaker, I desire, with the permission of the House, to make a short statement. During the debate on the Railways Management Bill, on Tuesday, I referred to a statement in the Kyne-ton Guardian, that Mr. Gordon, as engineer of the Maryborough Water Trust had been called upon in the Water Supply department to approve of his own plans and to
certify to his own accounts, and also to a similar statement in the same newspaper with reference to Mr. Gordon and the Daylesford Water Trust. The Minister of Water Supply interjected at the time that the statement was incorrect. This morning I had an opportunity of examining the papers, and I find that the Minister was quite correct in denying the statement so far as the Daylesford case is concerned; but with regard to Maryborough I find this condition of things to exist. Mr. Gordon was employed by the Maryborough Water Trust as their engineer, and he prepared plans and specifications for the waterworks; and those plans were submitted to the Water Supply department, and referred to the same Mr. Gordon for his approval. As the works progressed, Mr. Gordon, the engineer to the Maryborough Water Trust, passed certain accounts of the contractor for payment; and those accounts were sent to the Water Supply department, and the same Mr. Gordon was called upon to certify to them on behalf of the Government. These things are revealed by the papers. I think it only fair to myself, having made the statement I did, that I should show to the House that I did not make it without some authority. With these facts staring us in the face, I trust the Minister of Water Supply will take such steps as will prevent the recurrence of the thing in the future.

Mr. DEAKIN.—Sir, I desire to state, if the House will permit me, that what the honorable member for Creswick (Mr. Cooper) has said is perfectly accurate with one slight exception. I find that the original plan for the Maryborough waterworks was prepared by another engineer than Mr. Gordon. It was only the detailed plans and accounts that Mr. Gordon certified to. I mention this because his position under the Government is somewhat peculiar. Mr. Gordon is not a Government officer in the strict sense of the word. He is paid not by fixed salary but according to the time he devotes to the particular Government work on which he is employed, and that is all. He does not hold the position he occupied before he left the Government service. I quite agree with the honorable member for Creswick that the practice which he complains of ought to be changed. I may mention that some two or three weeks ago I gave instructions that in no future case should Mr. Gordon be asked to certify to plans and accounts with which he himself is connected; but I was not aware, at that time, that the instructions were almost unnecessary, for the reason that Maryborough is the only water trust with which Mr. Gordon is connected as engineer; and that trust has received from the Government almost all the money to which it is entitled.

MINING ON PRIVATE PROPERTY BILL.

Mr. GRANT asked the Minister of Mines when he intended to introduce a Bill on the subject of mining on private property?

Mr. LEVIEEN stated that, pursuant to the intimation contained in the Governor's speech, a Bill would be brought in this session, and as soon as the state of public business would permit.

RAILWAY DEPARTMENT.

Mr. RICHARDSON inquired of the Minister of Railways whether he would stop the making of appointments in his department until the Railways Management Bill had been disposed of?

Mr. GILLIES said he was sorry he could not answer this question in the affirmative. He could not do so because a number of new lines were being opened, or were about to be opened, and it was necessary that proper persons should be placed in charge of those lines. However, he had made no appointments except to the lowest positions, and those only on the requisition of the officers of the department, and because they were indispensably necessary.

LOAN CORRESPONDENCE.

Mr. GRAVES asked the Treasurer when he intended to comply with the order of the House made on the 17th April, in the instance of the honorable member for Castlemaine (Mr. Patterson), for the production of "all the correspondence, by telegram or otherwise, between the Agent-General and the late Government connected with the loan under Act No. 717"?

Mr. SERVICE stated that, in pursuance of the resolution arrived at by the House, he gave instructions to have the correspondence printed, and the work had arrived at the stage of the "first proof" being thrown off, when he received a communication from the Agent-General, calling attention to the undesirability of publishing a considerable portion of the correspondence. Having considered the arguments of the Agent-General, he had come to the conclusion that it would not be desirable for the whole correspondence to be published. The correspondence included references to advice
given in London, and the Agent-General considered the colony would be placed at a great disadvantage in connexion with future loans if opinions given to him privately were made public in Victoria. Under these circumstances he (Mr. Service) proposed, unless the House saw fit to order otherwise, to avail himself of the standing order, that a motion passed in one session and not responded to was not obligatory in another session, and therefore the correspondence would not be laid on the table.

Mr. GRAVES said he could thoroughly understand that it would be against the interests of the colony for the whole of the correspondence to be published, but there were several points in the correspondence to which he desired to draw the attention of the House, and he would be precluded from doing so unless the documents he referred to were laid on the table.

Mr. SERVICE observed that he had no objection to supply the honorable member for Delatite with a copy of the "first proof" for his private information.

TEA.

Mr. GRAVES stated that he observed in the Argus, the previous day, the report of Mr. Excell, the analyst attached to the Customs department in England, on the samples of the tea imported by Messrs. Clifford, Love, and Co. which were sent last January, to the London Custom-house for examination, and he begged to ask the Minister of Customs whether he had received any communication from the Commissioners of Customs in London in connexion with that report?

Mr. LANGRIDGE said he had received a letter from the Agent-General, enclosing a communication from the Commissioners of Customs, which he would be happy to show the honorable member for Delatite if he would call at the Custom-house.

Mr. GRAVES suggested that the documents should be placed in the Library for the information of honorable members generally.

Mr. LANGRIDGE said he had no objection to comply with the suggestion.

ELECTION PETITIONS.

The members of the Elections and Qualifications Committee were sworn at the table, and the first meeting of the committee was appointed to be held on Tuesday, July 31.

Mr. SERVICE moved—

"That the petitions complaining of the return of James Shackell and George Randall Fincham, which were presented to this House by Mr. Speaker, during the last session of Parliament, be referred to the committee."

The motion was agreed to.

RAILWAY CARRIAGE SPRINGS.

Mr. NIMMO moved—

"That there be laid before this House a copy of all the papers relating to the eight tons of springs recently imported for railway carriages by Mr. Williams, and invoiced at £15 per ton; also a copy of all the papers showing the real value of those springs as estimated by the Locomotive Engineer for the Government."

Mr. BILLSON seconded the motion, which was agreed to.

REGULATION AND INSPECTION OF MINES BILL.

Mr. LEVIEN moved for leave to introduce a Bill for the regulation and inspection of mines and machinery.

Mr. KERFERD seconded the motion.

Dr. QUICK asked the Minister of Mines when the Bill would be circulated, and when it would be brought on for discussion?

Mr. LEVIEN observed that there were one or two points about which the Mining department was seeking further information. As soon as the Bill was printed it would be circulated in the mining districts, and the second reading would be moved at the earliest possible moment afterwards.

The motion was agreed to.

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

PUBLIC INSTRUCTION.

Mr. SERVICE laid on the table a return to an order of the House (dated July 11) relating to truant officers.

EXPENDITURE UNDER LOANS.

Mr. DEAKIN presented an estimate of the expenditure proposed to be incurred, under Acts Nos. 735 and 737, during 1883-4, on works in connexion with the Coliban and Geelong water supply schemes. The estimate was ordered to be taken into consideration on Tuesday, July 31.

DEBATE ON THE BUDGET.

SECOND NIGHT.

The House having gone into Committee of Supply, the debate on the Budget submitted by Mr. Service on Wednesday, July 18 (adjourned from the previous evening), was resumed.

Mr. WALKER.—Sir, a great deal has been said during this debate, and also in previous debates, about the responsibility of the late Government and the late Parliament for the present state of the financial
affairs of the Railway department, and particularly that portion relating to railway construction. The charges which have been made are based upon the fact that a very small amount of money, or rather no money at all, is at present available for the construction of railways provided for in the Bill which was dealt with by this House in the last Parliament. During the session before last, information was given to us which we were bound to receive. The then Minister of Railways, in submitting his Railway Construction Bill, stated that the amount available for new lines was £2,568,000, including £300,000 which the late Government proposed should be taken from the land fund, the idea then being that only £100,000 per year—not £200,000—for three years should be taken from that fund. Now, I ask, what were we to do in the face of a statement like that? I supposed, and I presume I was right in supposing, that the late Minister of Railways was dealing with figures supplied to him by his department, because the present Treasurer tells us that the figures he submits to us are those of the permanent head of his department, and that consequently we ought to accept them as correct. Accordingly we accepted the figures as correct. No one doubted that the money would be available for railway construction. In March last, the present Minister of Railways estimated the amount necessary to complete what were known as the Patterson lines at £164,000; but we have been told in the Budget speech that the amount has grown to £392,000, or an increase of £227,000 in four months. Now, as Mr. Gillies could not estimate in March within £227,000 what the remaining lines provided for by the Patterson Act would cost to construct, how is Mr. Bent to blame for not being able to estimate the amount which would be available for the railway construction which he proposed last year? I say if any one is to blame it is the permanent officers of the Railway department. I, for one, twelve months ago, called attention to the extraordinary state of the financial affairs of that department—not one could understand them—and I assert that we are clear of any blame in the matter, inasmuch as we had figures given to us, and we were bound to accept them as correct. The present Attorney-General and the present Minister of Railways were in the House at the time, and they never doubted the figures. They did not raise any question at all, and consequently we were bound to believe that the money would be forthcoming. It now appears that the great bulk of the money has gone to furnish lines which are not yet constructed. The previous practice appears to have been nominally to provide, in Railway Construction Bills, money for rolling-stock; but in reality the money never was provided; and the result was that the money for equipping railways authorized by one Bill had to be taken out of loans raised for the construction of railways authorized by other Bills. That practice has gone on year by year, until we are in the position now of having furnished lines which are not yet authorized by Parliament. Consequently the amount of money necessary to make the lines will be very much less than it was. One thing for which the late Government are blamable more than for any other has not been touched upon. I refer to the fact that after obtaining authority for an enormous expenditure on the faith of their Railway Construction Bill passing into law, they themselves took the very step which prevented that measure becoming law. They gave orders for rolling-stock to an amount exceeding £1,000,000, and then by their own action—by advising a dissolution of Parliament—they lost their Railway Construction Bill. Thus they deliberately threw away the authority necessary to cover their large expenditure on rolling-stock. That is the only aspect in which, it appears to me, responsibility can be fixed upon the late Government for the present condition of affairs with regard to finance. I regret that the Treasurer, in his Budget speech, did not deal at all with the many points which certainly ought to be dealt with whenever a strong Government and a strong Parliament exist. I particularly want to draw attention to the extraordinary state of affairs with regard to the excise duties. There is a differential duty on spirits of 4s. per gallon; that is to say, while the customs duty on imported spirits is 10s. per gallon, the excise duty on spirits manufactured in the colony is only 6s. per gallon. The loss to the revenue in consequence of the existence of that differential duty is £40,000 a year. That loss has been steadily increasing, and it will continue to increase. And what return do we get? The employment of 40 persons (men and boys) in seven distilleries. For the sake of employing these 40 individuals, some of whom earn only 25s. per week wages, the revenue is losing £40,000 a year. The only other advantage we get is that a small quantity of barley is consumed in the colony, but the
consumption is so small as not to affect, to any appreciable extent, the market price of the article. I submit that this matter demands very serious consideration because, in all countries, spirit duties are regarded as one of the best sources of revenue. One peculiar feature about the spirits manufactured in the colony is that nobody knows how they get into consumption. Certainly they do not go into consumption as colonial spirits. And the result is that we lose the enormous amount I have mentioned without reaping any corresponding advantage. How long is this to continue? Will there ever be a more favorable opportunity than the present for dealing with such a question? Here is a Government stronger perhaps than any Government that ever sat on the Treasury bench, supported by an enormous majority, and yet a question like this, a crying evil—one of the things which, above all, should be dealt with—is left alone.

Mr. SERVICE.—Is there a free-trade Government in office, or a free-trade majority in the House?

Mr. WALKER.—In reply to the Treasurer, I say that this is not a question of protection at all. There are only 40 persons employed in seven distilleries. Will any protectionist say that that is an adequate return for a sacrifice of £40,000 a year? Why the wages of those 40 persons amount to only £4,000 a year. If the question of free-trade v. protection were involved in this matter I would not have another word to say, but I don't think that even the Chief Secretary will assert that for the sake of employing 40 persons, many of them boys, we should lose £40,000 of revenue per annum. Revenue must be obtained from some source, and surely spirit duties are a better source of revenue than any other that can possibly be hit upon. I am not even saying that it is necessary to sweep away the differential duty altogether, but surely 1s. a gallon is sufficient. It is now 4s. per gallon, and the result is that an enormous quantity of spirit is being produced, which goes into consumption as imported spirit, and we get no return. The same argument to a considerable extent applies to the tobacco duties, which are very much in a similar position. The more excise duties we are getting, where the difference is so great, the more revenue we are losing, and I believe that even protectionist members would agree to a reduction of the differential duty on spirits. There is another matter which I am convinced affects the revenue very seriously—I refer to the border treaty existing between Victoria and South Australia. Under the terms of that treaty any person on either side of the border can apply to the authorities and get a permit enabling him to transport parcels not exceeding £30 in value across the border without any payment whatever. If the duties of the two colonies were the same that system would operate pretty fairly, but as a matter of fact they vary very much, and the result is that the colony which has the lower duty on any article gets the whole trade in that article on both sides of the border. The duty on drapery, for instance, is 25 per cent. in Victoria and only 10 per cent. in South Australia, and of course the consequence is that it is obtained from South Australia. Under the treaty, which was effected, I believe, by the late Government, any South Australian merchant or other person obtaining a permit can land parcels not exceeding £80 in value on the Victorian side of the border without payment of any duty whatever, and if a person can land one parcel of goods, of course he can land 1,000. There is some sentimental understanding that the privilege is not to be abused, but we know that, when the question is the difference between paying 10 per cent. and 25 per cent., people are apt to do what will suit their pockets best. As a matter of fact, I am in possession of information that by the operation of the treaty the whole of the border trade on both sides, even outside the strip of 30 miles wide to which the treaty is only supposed to apply, is going into the hands of South Australian merchants. It naturally must do so under such a treaty, because the carriage of goods from the South Australian side is cheaper than from this side, and in some cases the South Australian duties are only one-fourth of those in existence in Victoria. The treaty is supposed only to apply to goods used within 30 miles on either side of the border, but of course once goods are brought across the border they can be taken anywhere. I think this is a matter of very serious importance which should be taken into consideration without delay. Another matter which I desire to notice is the non-reference in the Budget speech to the stock tax. As a member of the Tariff Commission, I am compelled to say that that commission has been treated very slightly in this matter. We sat for eighteen months, three days a week, and honorable members who have business to attend to must know what it means to give up from two o'clock to four o'clock, three days a week, without fee or reward. We found it necessary to hold a
special meeting to deal with the question of the stock tax, and it says very little for the gratitude either of the present or the preceding Government that the report we adopted as a matter of urgency has been allowed to lie on the table without the slightest reference being made to it. If this is the sort of treatment meted out to Royal commissions, I think that in the future the Government will not be able to get any commissioners worth having. As far as I am concerned, if I am ever asked to join another commission, I shall be very careful before doing so. The Tariff Commission were well fitted to deal with the question of the stock tax. There could not, perhaps, have been a commission appointed more representative of the various interests of the colony, and, whether the conclusions they arrived at were considered correct or not, I think that as a matter of courtesy some reference, at all events, should have been made to their labours, and there should either have been an attempt made to deal with their report, or some excuse offered for not dealing with it. With regard to the question of the defences, it has for a long period been the fashion in this colony to deal with the defences very much as it has been the fashion to deal with the railways. When a Minister gets into office he generally proceeds to undo what has been done by his predecessor, and apparently the same course is going to be followed now. The honorable member for Warrnambool, when he was in office, appointed a permanent force, and the honorable member for Geelong (Mr. Berry), when he became head of the Government, dismissed that force. We had the late Government ordering gun-boats, and the present Government appear to wish to sell them. I submit that we ought to have some proper scheme of defence and stick to it, instead of continually turning round and going in different directions according to the Government that is in office. The whole of the defence question was more fully discussed in the last Parliament than ever I remember it to have been discussed before, and the House appeared to be unanimously in favour of the scheme proposed by the late Government. If the scheme which is about to be proposed now is essentially different from that, some good and sufficient reason should be given for the change. Although the Government have secured the services of a gentleman who has taken a warm interest in volunteer matters, and whom personally I am very glad to see in the Cabinet, it must be remembered that his experience is simply that of a volunteer, and cannot be expected to be better than that of the other volunteer majors. If the simple fact of Mr. Sargood being a major is to give him the right to make up a scheme of defence, the same argument would apply to every other volunteer officer, and I think we should be very sure indeed as to the need of a total change before making it. In conclusion, I wish to say a word as to the beer duty. The remarks of the Treasurer were cheered when he referred to the loss of that duty, but I must say that I wish those gentlemen who cheered him so lustily had voted for the continuance of that duty. I believe I was the only member of the constitutional party who did so. I consider that it is a shame and a disgrace that a source of revenue like that—a tax which was doing no harm, which cost next to nothing to collect, while affording a magnificent return, which did not press heavily on any class, and in regard to which the only complaints came from those who were well able to pay it—should have been ruthlessly thrown away.

Mr. PEARSON.—Mr. Speaker, I think the attacks which have been made on the Budget have proceeded, to a certain extent, from a misapprehension of what I at least understood to be the tone of the Treasurer when he submitted it. Naturally, as he proposed no new taxation and at the same time had to explain the necessity for economy, he was compelled to take a review of our financial position, but it certainly seemed to me that in doing so he took into account the fact that he was the leader of a party which had steadily supported the late Government throughout in its financial measures, and he was studiously anxious to avoid making unpleasant criticisms of any kind. I have never understood that he, or any one else, imputed anything like peculation, or embezzlement, to the members of the late Ministry. The charge would have been absurd. If any such accusation had been brought it must have been debated in a very different manner, and under very different conditions. The charge which I understand to have been brought has been one of absolute want of providence, of reckless extravagance, of getting the finances into confusion in every possible way, of spending money on objects which might be good in themselves but for which there was not money in hand, and of diverting money from one purpose to another without parliamentary authority. All those charges I conceive have been most thoroughly substantiated. It is perfectly true, no doubt, that

Mr. Walker.
the late Government altered their Railway Bill very much as they went on. In fact, I believe that there were no limits to the alterations which would have been introduced had they been sufficiently encouraged by the House. Members had only to get up and say that certain new lines were wanted, or heads of departments had only to suggest that a line wanted duplication, and straightforward a proposal was submitted to saddle posterity with some charge on the land fund, or that we should raise money by some wild speculation like that of draining a swamp. In the first railway scheme which the late Government brought forward, they proposed that £2,732,000 should be set aside for railways. We know that they were only able to obtain half of that sum, and therefore we ought to have something like £1,366,000 in hand. Instead of that we have actually rails and rolling-stock for 600 miles of railway. I have tried to ascertain the probable value of these rails and rolling-stock, and I have the advantage as regards the rails of certain estimates which the late Minister of Railways submitted to the House. I believe that if you reckon the value of the rails at £800 per mile, and the rolling-stock at £600 per mile, you will make a very liberal estimate. According to that estimate we have in hand £840,000 worth of material, and there is £526,000 in money to be accounted for, and which for present purposes is absolutely wasted. I am quite sure that it has not gone into the pockets of the late Ministry. It has gone on the Kensington-hill scheme, on the extra cost of those wonderful carriages which were imported from England, and in a thousand things of that kind. I maintain that that money has been absolutely frittered away, and the result is that we are now in such a condition that we must either raise a loan under unfavorable circumstances, or we must allow so much stock to remain on hand absolutely unused.

Mr. SERVICE.—Hear, hear. That is the point.

Mr. PEARSON.—Now the question is whether the late Ministry or the late Assembly were responsible for that. A great attempt has been made to show that it was not the late Ministry who were responsible at all, but the House. But there are two ways of looking at that question. The honorable member for Boronara was able to shelter himself on one point—the beer duty—by saying that he had steadily voted against its abolition. Those who constituted the liberal minority in the last Parliament, and who steadily opposed the O'Loughlen Government in their railway policy, have a right to say that they also were not responsible. Moreover, I submit that it was the duty of the Government to give the House accurate and good information, and I maintain that the late Minister of Railways did his very best to mislead, in every possible way, those who questioned him. In one of his defences last April he alluded to the question of certain contracts for railway material, and asked—"Did not the whole House and the country know that we were entering into contracts for rolling-stock? Did not the learned professor question me on the subject?" That is just an instance of the style of argument in which the honorable member for Brighton delights. What are the facts of the case? In May of last year, a report was prevalent that an order to a large amount had been given to Mr. Pickles, of Sandhurst, for the manufacture of rolling-stock. The late honorable member for North Melbourne (Mr. Munro) put a question in the House to the Minister of Railways and was met with a positive denial, or rather with a statement that the accounts in the newspapers were quite untrue. The Sandhurst papers next day repeated the assertion, and I then asked the Minister whether there was not some reason for the newspapers persisting in the statement they were making. I was also met with a denial, but the Minister stated that the matter was too long for him to go into. I took the unusual course, for me, a day or two afterwards, of moving the adjournment of the House, that being only the second time I proposed such a motion since I had been a member of the House. My object in moving the adjournment of the House was that the Minister of Railways might have an opportunity of explaining the matter, but he did not avail himself of the opportunity. That was all that occurred in the House on the question, but the order was given to Mr. Pickles, and it was an order of such an extent that not long ago I saw Mr. Pickles was proposing to sell out and convert his firm into a public company. Yet, on the strength of that question having been asked and not answered, the Minister of Railways claims to have had the authority of the House for what he did. Take another case. Three months, or so, later the O'Loughlen Government brought in a Bill providing for temporary Supplies for the purchase of rails and rolling-stock. They were then questioned most precisely as to how the money was to be spent, and the
answer they gave was that it was to be spent on the 25 carriages which were to be ordered from England, and about which there had been a long debate in the House. I maintain that by all the rules of debate, by the practice of Parliament, and by all the rules usual amongst gentlemen, the Ministry by such an assertion were tacitly bound not to purchase in other directions. How was it possible for any of us to know, when the Minister was getting this vague kind of authority, that he was ordering to the extent of £600,000 or £800,000 worth of rails and rolling-stock? When were the orders given? Was it while Parliament was sitting, or immediately afterwards? We don’t even know that. I maintain that on all these points no case of apology, or even of extenuation, has been made out for the late Government. But there is also another point to which I must refer. The honorable member for Collingwood (Mr. Mirams) yesterday asked the Government why they were spending money on the Patterson railways without the authority of Parliament, and they gave him an answer which was no doubt technically conclusive, and appears to have sufficed him. I do not think, however, that it should suffice honorable members from another point of view. In June of last year the late Minister of Railways, when moving the second reading of his Railway Bill, made the statement that all the Patterson railways, with the exception of about 100 miles, had been let on exceedingly favorable terms. Indeed, one of his arguments for assuming that there would be ample funds to construct all the railways the late Government proposed—a point on which many of us expressed doubts—was that actual tenders were being let below the mark, and he stated that tenders for the remaining lines in the Patterson Act would be called for within the next month. Now, while quite allowing for the fact that there are great delays in these matters, I would like to know whether the O’Loghlin Ministry, before they went out of office, had not already made all, or almost all, of those contracts, and whether they were not thoroughly aware that the money at their disposal was not sufficient for the wants of the lines in question? Because, if such was the case, then undoubtedly the responsibility rests on them, and not on the present Government, of saddling the new loans with amounts due for those lines. But, whichever Government is responsible, I confess I think that where it is found that the estimate originally fixed by Act of Parliament has been enormously exceeded, the Minister ought to hold his hand, and apply for fresh instructions from the House, rather than go on with a line which turns out to be much more costly than was intended. We know exactly what happens in these cases. The engineers and the department begin with the easiest lines—those which can be most quickly made, and will bring in profit, and consequently credit, at once—and the difficult and costly lines, which, in many cases, are the lines least wanted of all, are left to the last. I venture to say that, in the cases of those of the Patterson lines left to the last, one or two were lines in regard to which the House would have scrupled to enter upon a very large expenditure. I think it is very hard upon honorable members who are wanting money for many hundred miles of necessary lines to find that, within twelve months, without the House being consulted, several hundred thousand pounds more than Parliament contemplated are being paid to contractors for these scarcely necessary lines.

Mr. BENT.—I have just entered the House, and I understand that in my absence the honorable member made some remarks about the contract with Mr. Pickles. Will he be good enough to repeat those remarks now that I am here?

Mr. PEARSON.—I stated that the honorable member in his speech three months ago spoke of the contracts for rolling-stock and other things as having virtually received the sanction of Parliament, and referred to having given me an explanation about the Pickles case. The circumstances of that case are that when it became a matter of notoriety that a contract had been given to Mr. Pickles, the late honorable member for North Melbourne (Mr. Munro) asked the honorable member for Brighton whether the report was true, and he was met with a flat denial. The newspapers repeated their statement, and I then asked the honorable member whether there was not some ground on which they went. I was met with an assertion that the statements were not true, but that the Minister had no time to explain. Later on I moved the adjournment of the House to give him an opportunity to explain of which he did not avail himself. From that time forward nothing more was heard about the matter in Parliament, and all we knew officially was that no such contract was given, but since then we have learnt in other ways that a very large contract was given.

Mr. BENT.—Do I understand the honorable member to mean that Mr. Pickles was...
given a contract without any tenders being called for?

Mr. PEARSON.—I did not say so, but I said that every inquiry in Parliament was baffled, and yet the honorable member claimed to have authority from Parliament on the strength of those inquiries.

Mr. BENT.—Tenders were publicly called for by advertisements for several weeks, and the House was sitting at the time. Tenders were accepted for about £400,000 worth of material and rolling-stock. The tender of the Phoenix Foundry Company for 50 engines was one of those accepted, and the tenders of Mr. Pickles and of Mr. Williams were each about £70,000. The tenders were all called for in the usual way, and every member of the House knew about the matter.

Mr. McINTYRE.—This has all been settled before.

Mr. BENT.—I understand that in my absence the honorable member for East Bourke Boroughs led the committee to believe that I made some arrangement with Mr. Pickles before tenders were called for.

Mr. PEARSON.—The whole thing is stated now exactly as I said. The questions in the House were met with evasions or denials.

Mr. BURROWES.—The question was put before the tenders were called for.

Mr. PEARSON.—It comes to this—that what was known in Sandhurst was denied in the House.

Mr. BENT.—I cannot understand such audacity.

Mr. PEARSON.—Why did the honorable member for Brighton refer to my question in the House as having been a proof that those matters had received the sanction of Parliament? The fact is that they were never brought before Parliament at all. If any question was asked in the House, we were instantly referred to such and such an authorizing Act, and authority to spend £175,000 was made to cover contracts to the amount of £600,000 or £800,000. We do not say that the late Government had not authority to spend up to a certain amount, but as to the extent to which they were really spending there was not a member of the House who could ever get a straight-forward answer from the late Minister of Railways. Passing from this matter, on which I consider that the present Government have completely established their case, I must express my regret that the policy of the Government is not a little more conservative in the true sense, and a little less temporizing. I do not like to feel that we are shrinking from bearing one or two necessary burthens which we ought to have faced years ago. I see an amount put down on the Education estimates for new schools, but it is so small as scarcely to deserve the name of an amount at all. Of course we know how this has arisen. The late Government adopted the dangerous policy of raising the money wanted for State school buildings by loan, and they gave a reason for that course which appeared very plausible—namely, that a commission on education was sitting, and that as the result of it we might see occasion to revise our school system, and, I suppose, hand over the school buildings to a variety of denominational bodies. I think that is a reason which ought not to be allowed to operate any longer. I regret strongly, both as a matter of financial principle and as a matter of educational policy, that the Government have not faced the question of including a vote for £100,000 for State school buildings in the present Estimates, and of meeting the expense by reviving the excise duty on beer. I believe the honorable member for Boroondara spoke the feeling of the House when he said this evening that even the members who supported the late Government in their policy on that question were, in many cases, hardly in favour of it. So far as I can see, both sides of the House believe the beer duty to be good, and also believe it to be necessary. I have never heard any strong feeling expressed in the country about it, and the fact that the attack which was made on the tax came chiefly from the publicans and brewers went to show that it did not greatly affect the consumer. It may be said that we should not be constantly reversing our financial policy—that having passed the tax in 1880, and allowed it to expire in 1882, we should not impose it again in 1883. I would point out that that argument against reviving the tax will apply much more forcibly in 1884 or 1885 than it does now. We are now in urgent want of money, and thoroughly disposed to reverse the financial policy of last year. Next year we may have tided over our financial difficulties, and the Government may not have
so compact a majority as they have now. I hope, therefore, the Government are not pledged in any way to refrain from imposing this tax, and that they will consult the House about it.

Mr. SERVICE.—After January there will be £70,000 still left out of the loan for State schools.

Mr. PEARSON.—I am sure the Treasurer is too sound a financier to believe that we should go on defraying the cost of building State schools out of borrowed money.

Mr. SERVICE.—The last Parliament decided that.

Mr. PEARSON.—This is a new Parliament, and we are deliberately taking the burthen of guilt upon ourselves.

Mr. SERVICE.—I may explain that, in the schedule to the Railway Loan Application Act, a sum of £200,000 was set apart for building State schools. Out of that amount, about £100,000 has been spent, and about £25,000 or £26,000 more has been contracted for, leaving, at the present time, a sum of between £70,000 and £80,000 which will be available as soon as the balance of the loan is floated.

Mr. PEARSON.—I quite understand, from the Treasurer's explanation, that there will be money hereafter which is urgently needed at this moment, and also that there might be some slight difficulty in changing the destination of that particular sum. At the same time I think that Parliament, which authorized the application of that money for schools, might well divert it to the Yan Yean works, or to railways, or to any other reproductive purpose; and I do not imagine that any one would suppose that the English creditor would object to that. What I maintain is that, while it was perfectly legitimate in the first instance, when we were initiating a new system of education, to build our State schools with borrowed money, now, when we are only providing for the increase of population, we ought to pay for every new school out of taxation. The principle involved is not merely a question of finance, nor of being economical or extravagant,—of saddling posterity or burthening ourselves,—but it is a question of whether we mean to deliberately affirm our educational policy. So long as we go on providing our schools in this exceptional and haphazard manner, so long will it be supposed that we have some misgivings as to whether we mean to maintain our State school system. Let us at once tax ourselves for them—the whole country will pay the tax more cheerfully than any other—and we shall do a great deal towards quieting those unfortunate hopes of change which have been excited amongst a section of the population. The honorable member for Ballarat West (Major Smith) said that the Government would need to bring down Supplementary Estimates, and that they ought to take care to make provision for having some surplus in hand at the end of the current year. The honorable member suggested an absentee tax. I must confess that I have never seen how such a tax could be raised; but the present Treasurer, when he brought in his Budget in 1875, proposed a tax on absentees, and therefore he has solved the problem.

Major SMITH.—It was to bring in £15,000.

Mr. PEARSON.—If that was all, it would bring in a little more now I dare say; but whether the sum it would bring in was little or large, a tax of that kind would be a great curer of discontent, and the amount it would realize would be a very acceptable addition to the Treasurer's balance. All I want to urge is that at the present time, when the Government are very strong, being supported by a large following, and with barely any opposition to speak of, the Treasurer should not merely temporize—he should not simply attempt to make matters pleasant by abstaining from adding to our immediate burthens—but he ought rather to take advantage of prosperous times, and so completely put our finances upon a sound footing that when the day of adversity comes, as it undoubtedly must sooner or later, he will have a good balance in hand instead of, as is actually the case now, being overdrawn. As I think that the suggestions I have made are entirely in the spirit of the Budget itself, are entirely congenial to the Treasurer's habit of finance, which is rather to be beforehand than to be behindhand—rather to have ready money than to discount bills—I trust that this part of my suggestions may meet with his serious consideration. I am quite sure that the difficulties which the Treasurer met with in former years, and which the Berry Government met with two years ago, in the matter of finance, would absolutely vanish at present before the unanimous feeling of the House and the general satisfaction of the country.

Mr. MACKAY.—Sir, I think that the honorable member for East Bourke Boroughs would have done well if he had refrained
from stirring up old feuds and animosities. He might have avoided the remarks which he made with reference to the conduct of the O'Loghlen Government and the late Minister of Railways. The honorable member charged the late Minister of Railways with having made a statement in the Assembly which was afterwards proved to be untrue. It is a great pity that such aspersions should be cast upon honorable members needlessly. There is no necessity for anything of the kind. I was absent from Victoria at the time, but I was a pretty keen observer of all that took place here, and I was sorry to see that the present Treasurer and the Minister of Railways, on different public occasions, made very severe reflections on the financial operations of the O'Loghlen Government, especially in regard to the Railway department. From the Treasurer's Budget speech, however, it is very evident that the honorable gentleman either thinks that he went too far, or that he ought to "let sleeping dogs lie." The impression conveyed to my mind by the report of the speeches of the honorable gentleman and those of the Minister of Railways was that a large amount of money had most mysteriously disappeared.

Mr. SERVICE.—I never said so. I don't withdraw a word of what I did say.

Mr. MACKAY.—The Minister of Railways, at a meeting held in connexion with the election contest of his colleague, the Minister of Public Works, certainly made a most surprising statement. The impression conveyed to my mind by the report of his speech was that there was a very large sum of money missing, and that there was no accounting where it had gone to.

Mr. GILLIES.—That was not said.

Mr. MACKAY.—The honorable gentleman was reported to have spoken in a tone which alarmed the country.

Mr. SERVICE.—What was said was not half as bad as the facts.

Mr. MACKAY.—Some persons thought, from the honorable gentleman's statement, that the late Minister of Railways had taken a lot of money and appropriated it to his own use.

Mr. GILLIES.—Oh!

Mr. MACKAY.—No doubt it was a very absurd conclusion, but the fact of such an impression being produced shows that Ministers, when they are fighting their battles, ought to be very careful how they speak of their predecessors. They should be guarded in their criticisms, and not impute dishonorable or improper actions to their predecessors when there is no ground for such charges. When contesting my election at Sandhurst, I felt compelled to express the opinion that the late Government did good service, and that as soon as they were put out of office they were assailed with all manner of imputations and insinuations as to the way in which they had conducted the public business, especially in connexion with the finances. The late Premier, who was also Treasurer, was not then a member of the Assembly, and therefore was not here to reply to the charges made against his Government, but the honorable member for Collingwood (Mr. Mirams) made what seemed to be a very fair defence of their proceedings, and his remarks were not replied to.

Mr. SERVICE.—For a reason which you know.

Mr. MACKAY.—The only reason I can think is that it was not opportune to reply to them. The Treasurer, in making his Budget statement, did not go over the old ground and reply to the speech of the honorable member for Collingwood, but he took another course which, to my mind, and to the minds of a great many other persons, proved that he was not disposed to make the same assertions that he made on a former occasion.

Mr. SERVICE.—I will repeat every word that I said, either in my Castlemaine speech or in the speech which I subsequently made in the House.

Mr. MACKAY.—The honorable gentleman, in his Budget speech, was nervously anxious not to say anything offensive.

Mr. SERVICE.—Certainly.

Mr. MACKAY.—Why should the honorable gentleman tell the truth to the country and be afraid to tell it to the House? Why should he, at Castlemaine, indulge in strictures of a very severe kind, which he says were deserved, and yet not attempt to defend his position on the floor of the Assembly, and reply to the arguments of the honorable member for Collingwood?

Mr. SERVICE.—I replied to them before they were uttered.

Mr. MACKAY.—At all events I expected to hear the ground gone over in the Budget speech, and the truth shown. I admit that the Treasurer exhibited a great deal of forbearance in abstaining from that course if he had a good case, but nothing is more desirable than perfect openness and plainness in these matters. We have no right to hide these things. At the present moment the public are divided in opinion as to whether the late Government deserve all
the stricture passed upon them in regard to their financial operations.

Mr. SERVICE.—What is objected to?

Mr. MACKAY.—They were charged with recklessness by implication, with appropriating money voted for one purpose to another purpose, and with incurring all manner of obligations without the means of meeting them.

Mr. SERVICE.—I have shown all that.

Mr. MACKAY.—I beg the honorable gentleman’s pardon; he has not done so.

Mr. SERVICE.—I cannot build schools without money.

Mr. MACKAY.—The honorable gentleman, as the honorable member for Boroodara has pointed out, is compelled to submit to the same irony of fate that other Ministers have had to submit to; he has found that money was required for unforeseen purposes. When the O’Loghlen Government proposed their loan for the construction of new railways, they expected that only £40,000 would have to come out of it for the Patterson lines. That amount afterwards turned out to be £160,000, and now it is about £400,000.

Mr. PATTERSON.—The statement that £400,000 is required to complete what are called the Patterson railways is nonsense.

Mr. MACKAY.—At any rate, that amount, it is stated, is required to complete these lines. This is one of the instances in which honorable members did not see things in the same light during the elections as they do now. The late Government proposed to set apart £200,000 per annum out of the land revenue for three years for the purpose of railway construction. I know of no more legitimate or proper way of obtaining money for new railways than setting apart a portion of the land fund. The soundest financiers who were ever in the Assembly started that system, and I would be very glad to see it continued. The late Government, by their Railway Construction Bill, expected to get £600,000 in three years towards making the railways to be authorized by that measure.

Mr. SERVICE.—Why did they not propose to get £2,000,000 in ten years?

Mr. MACKAY.—The railways would take about three years to construct, and if the Government could see their way clear to set apart £200,000 per annum out of the land revenue, they had a perfect right to count upon getting £600,000 from that source towards the cost of the lines.

Mr. BURROWES.—The Assembly agreed to the proposition.

Mr. KERFERD.—But the late Government dissolved Parliament before the Bill became law.

Mr. MACKAY.—The honorable member for East Bourke Boroughs has spoken of the proposal to obtain funds for railway construction by the reclamation and sale of the Koo-see-ee Swamp as a sort of fictitious way—a speculative way—of raising money. I really wish that all Ministers were of the same way of thinking on this point as the late Government—that they were in favour of indulging in this “speculative way” of raising money by utilizing and rendering valuable public property which is at present valueless. From the reports I have read, I have no doubt that the Koo-see-ee Swamp would be found to contain some of the most valuable land in the whole of Victoria if it was properly drained. Any Ministry who point out how that work can be done at a reasonable expense, and a large sum of money thereby obtained for railway construction, are entitled to the thanks of the community for endeavouring to turn to public use what is at present a waste, an eye-sore, and noxious to the residents in the vicinity of it. With regard to the tender of Messrs. Pickles and Co., of Sandhurst, for railway carriages, I think we have heard quite enough explanation on that matter. It is evident to me that the Minister of Railways saw a very fine workshop, and he gave the proprietors of it an idea that they would be very likely to get a contract with the Railway department if they sent in a tender.

Mr. BENT.—Not at all.

Mr. MACKAY.—This is the way in which any rational man would reconcile the newspaper report with the real facts. Newspaper reporters, in collecting information, being only fallible mortals, very often exaggerate what they hear. On this occasion they profess to have heard the honorable member for Brighton say—“Well, I will give you a contract for the manufacture of rolling-stock.” The honorable member, however, has distinctly pointed out that he only gave the contract after the work was tendered for, and that the tender of Messrs. Pickles and Co. was the lowest. I therefore think that the honorable member for East Bourke Boroughs ought really to ask himself whether he has not been rather unfair in charging the late Minister of Railways, by implication, with having practically deceived the Assembly. I have alluded to
these matters to show that the O'Loghlen Government are, at all events, entitled to some defence by those who think that they endeavoured to carry on the affairs of the State in a manner creditable to themselves and the country, and that they succeeded in doing so. I am very glad to see that a sum of £2,000 is placed on the Estimates to compensate Engine-driver Brown for the injuries which he sustained while in the performance of his duties, the voting of the amount being rendered necessary by the extraordinary decision of the Supreme Court. But I will ask the Treasurer why a sum is not placed on the Estimates to pay Mr. E. H. Hargreaves an amount fairly due to him for the discovery of gold in Australia?

Mr. LAURENS.—Because we voted against it.

Mr. MACKAY.—As a perfectly impartial man; as one who lived in New South Wales in 1851, and who went to the great rush at Summer Hill; as one who knows the whole of the negotiations which took place between Mr. Hargreaves and Mr. Deas Thompson, the Colonial Secretary of New South Wales at the time; and as one who remembers the subsequent parliamentary proceedings in Victoria in connexion with the case, I must say that this Legislature is simply swindling Mr. Hargreaves out of money to which he is fairly entitled. The Legislature voted £10,000 as a reward for the discovery of gold, of which £3,000 was the amount that Mr. Hargreaves was considered entitled to. The other persons were paid their share, but Mr. Hargreaves has up to this day only received a portion of the amount allotted to him. There is no reason which can satisfy a conscientious man why he has not been paid the balance of the £5,000. I tell honorable members that this colony stands, in the opinion of New South Wales, as a repudiating community; and one of the most disagreeable things I have to suffer in Sydney is being tainted with this dishonorable act on the part of the Victorian Legislature. For the credit of Victoria, I would like to see the stigma wiped out at once and for ever.

Mr. BENT.—I desire to offer one or two remarks with reference to the statement of the honorable member for East Bourke Boroughs concerning the contract with Messrs. Pickles and Co., of Sandhurst. On the 16th May, 1882, Mr. Munro, then one of the honorable members for North Melbourne, asked me, in the Assembly, if it was true that I had given an order to a firm at Sandhurst for £25,000 worth of railway carriages without competition, and I replied that it was not true. On the following day, the present honorable member for East Bourke Boroughs asked a similar question, and I repeated the answer that I had given to Mr. Munro. On the 29th June, in the same year, Mr. Munro called my attention to the following passage in a prospectus issued by the Pickles (Sandhurst) Carriage Manufacturing Company:

“The present firm have secured from the Commissioner of Railways a promise to build £25,000 worth of railway carriages at the schedule of prices of accepted tenders, on the 25th last, in the event of the firm's tender being non-successful.”

I then replied—

“No promise of the kind had been made. The firm referred to had not yet applied for any specifications, and would not get any advantage over any other firm. The tenders were to be in by the 6th July.”

The tenders were in on the 6th July, and the result was reported to the House. Pickles and Co. received a portion of the contract, and W. Williams received a portion, they being the lowest tenderers.

Mr. LAURENS.—Sir, the Budget statement and the finance accounts which have been placed before us give no cause for alarm. They show that the revenue continued to increase last year, and that a balance of £88,309 has been brought forward to the credit of the current year. Therefore, there is nothing to be alarmed about so far as the ordinary annual financial operations are concerned. There is no necessity to propose any new taxation, so that the Treasurer is in that happy condition and surrounded by exactly those kind of circumstances which all Treasurers like to meet with. Remarks altogether apart from the Budget, in one sense, have been made during this debate. For instance, the honorable member for Maldon, in his address last night, quoted from a speech made by Sir Bryan O'Loghlen in October, 1881, with the view of showing what appears to me to be an impossibility, namely, that the late Treasurer was so far-seeing, and so keen a financier, as to be able to state then exactly the position which the Treasurer at the present time would find himself in with regard to the want of money for the construction of railways; in other words, that in October, 1881, the late Treasurer knew that the Railway Construction Bill, which his Government were about to submit to Parliament, would be a complete sham inasmuch as at the present time the Treasurer would not be able to meet the expenditure necessary for the earthworks of the 50 or 60 lines included in the measure. It
is really too much to ask an assemblage of rational beings to believe that Sir Bryan O'Loghlen foresaw all this in October, 1881. I think it will be wiser to refer to what was said by that honorable gentleman on the 26th September, 1882, eleven months after the speech from which the honorable member for Maldon quoted. On that occasion, the late Treasurer, with eleven months' additional experience to guide him in forming an opinion as to what money would be available for the construction of the lines, stated—

"There was at present a balance of £190,000 between the estimated cost of the whole of the lines which had been authorized, and the money available for their construction."

This was a much later utterance than the one in October, 1881.

An Honorable Member.—A scramble took place.

Mr. Laurens.—Yes; but, if the present Treasurer is right, the scramble was after a sham. However, almost every member, at that time, wanted to get some other railway authorized in addition to the lines included in the Bill, and the speech from which I have just quoted occurred during the discussion of a proposal by the honorable member for East Bourke for a line from Coburg to Craigieburn. I argued that there was not sufficient money to construct the lines already authorized, and the late Treasurer sought to reprove me, and stated that there would be a credit balance of £130,000.

I would like to ask the honorable member whether, in the face of this later utterance of Sir Bryan O'Loghlen, he can expect the committee to believe that in October, 1881, the late Treasurer knew what the position of affairs would be to-day—that there would not be a single shilling left out of the £4,000,000 loan for the construction of the earthworks of the various lines included in the Railway Construction Bill? I have much pleasure in agreeing with the deductions of the honorable member for Collingwood (Mr. Mirams) whenever I can do so, but I must say that I cannot concur with some of the remarks he made last night. The honorable member said that it was not his duty to defend the action of the late Government in the matter of railway expenditure, but that he would defend the action of the Legislative Assembly. I do not think that the honorable member ever undertook a more forlorn task. I am ashamed to have been a member of the House when the Railway Construction Bill was before it, considering what occurred in connexion with that measure. The House was prepared to sanction anything, to believe in anything, aye, to swallow anything. I would like to ask the honorable member for Collingwood, who tried to argue that there was authority for every contract and every expenditure incurred by the late Government, whether he can point out any legislative authority given to order all the rails that are now being landed in the colony, and which are under contract? The honorable member spoke of a memorandum from the Railway department to-day, showing that the contracts for rails entered into by the late Government amount to £461,498, and I find that the only parliamentary sanction for those contracts is contained in an Act passed in August, 1882, authorizing an expenditure of £75,000 for rails. I was also informed in the Railway department to-day that within a very few months of the present time the great bulk of those rails will be landed here and paid for. The honorable member for Collingwood apparently finds some consolation in the thought that these rails will be required some day or other for railway purposes, but it appears to me that if he looks at the matter seriously he will discover the comfort derivable from that view of the case to be extremely small. Of what use are rails if you have no earthworks to put them on?

Mr. Mirams.—We will soon make use of them.

Mr. Laurens.—It may be that some day the honorable member will have Ministerial control of the subject of railways, but that day has not yet arrived, and, in the meantime, the Minister with whom that control rests at the present moment tells us that no new railways can be constructed until another loan is floated, and that that cannot be done before next February at the earliest. Besides it is quite possible that, when such a loan is placed on the London market, it will not float. That which happened with respect to the O'Loghlen loan in the first instance may occur once more, or else the aspect of financial affairs may be such as to discourage the Government of the day for some considerable period from even attempting to borrow for railway purposes or any other. Again, assuming that in six or eight months time we do get the money, what then? Have we not been authoritatively told that it will take at least four or five years' hard work to use up 600 miles of rails? Would the honorable member venture to apply the principle he laid down the other night with respect to these rails to his own
affairs, or to the affairs of the financial institution with which he is connected? Would he buy furniture with no house to put it in? Would he approve of a man purchasing the wooden portion of the material required to build a habitation, when he had not the wherewithal to obtain the bricks and stone that would also be wanted? The honorable member knows that he would do nothing of the kind. For my part, when I think of the years those rails and the money they represent will have to lie idle, I feel ashamed that I was a member of the last Parliament, although, perhaps, I have not such cause for shame in the matter as the conservative party, by whom the late Government were controlled, have. How can they possibly reconcile allowing the orders for rails to be sent home before the Railway Bill of the late Government had even reached the Council chamber with their theory that the Upper House is fully entitled to a say with respect to railway legislation? The other source from which the honorable member for Collingwood gathers consolation is the fact that the plans of the late Government involved taking £200,000 per annum out of the land fund for three years and applying the money to railway construction. But, at the time the rails were ordered, the amount the late Government proposed to take out of the land fund for railway purposes was only £100,000 per annum. It was not until nearly the last, when line after line had been forced upon them, that they decided to increase the amount to £200,000 per annum. I remember well pointing out to them at the time that there was a radical difference between the course they were pursuing, and that pursued in connexion with the Land Act of 1869. The £200,000 per annum which was, under a particular section of that enactment, taken for eleven years out of the land fund for the purposes of the railway loan liquidation and construction account, began to be payable within three or four days after the measure became law, but it would have been impossible for the late Government to take as much money out of the annual revenue until they had first supplied its place by means of fresh taxation. Why was that the case? Because they had shortly before abandoned a source of revenue from which about £200,000 per annum was coming in. I do not think, therefore, that the consolations of the honorable member for Collingwood amount to anything very great. Coming back to the revenue, I wish to point out that although it has increased, that of last year being larger than that of the previous year by over £100,000, the increase of the year before that was over £500,000. I mention this because it is quite possible for our financial affairs, which have for some time been on the turn upwards, to be now about to take a turn downwards. Within the last two years our revenue has expanded at quite an unparalleled rate, but, as I have more than once already stated, the expansion began while the last Berry Government were in office; for during the concluding nine months of their administration, the revenue augmented itself by no less than £594,000. Certainly our income is not going up by the leaps and bounds it used to do. Before I go further, I will say that I thoroughly sympathized with the Treasurer when he admitted that possibly the revenue for 1883-4 would not come up to the estimate he had given. I believe that view will prove perfectly correct. And now a word or two about the large extent of the Government expenditure during the last two years—a ratio which will apparently be sustained during the current year. In October, 1880, the present Treasurer, finding fault with the alleged extravagant expenditure of the Berry Government in office from 1877 until early in 1880 stated that there had been an average increase in the expenditure during those three years of £256,800 per annum; and I will add that that rate of augmentation was considered, at the time, so monstrous that it formed a strong ground of attack upon me when I was before my constituents of North Melbourne. But let me contrast that increase with the increase of the last two years. The average annual expenditure of those two years amounted to the large sum of £5,652,560, while that of the three years ending 1879-80 was only £4,834,362, which shows an annual excess of expenditure during the last two years of £818,198.

Mr. MIRAMS.—Does that include paying off the Treasury-bonds?

Mr. LAURENS.—I am coming to that. During the three years of the Berry régime which ended in February, 1880, £600,000 was paid out of the consolidated revenue into the railway loan liquidation and construction account, whereas within the last two years no railway construction money whatever has been taken out of the ordinary revenue; so that, although, during the latter period, £471,900 was paid to redeem the Treasury-bonds issued by the last Berry Government, the amount scarcely does more than compare with the £600,000 previously
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mentioned. Besides, the revenue from which that £600,000 was taken was also burthened with the expenses of the International Exhibition. It should not be lost sight of either that, according to Hayter, the taxation, per head, in 1879–80 was £2 9s. 3d., while that in 1881–2 was £2 12s. 8d. The various Berry Ministries have been blamed not only for their extravagance but also for the taxation they imposed, but I notice that every succeeding Ministry has calmly accepted that taxation. The late Government swallowed everything but the beer tax. For example, they carried on the stamp duties, producing £140,000 per annum; the land tax, producing £126,000 per annum; the additional tobacco duties, producing £26,000 per annum; the additional sugar duty, producing £8,000 per annum; the increased ad valorem duties, producing £234,000 per annum; and the excise duty on tobacco, producing £75,000 per annum; the total annual revenue from that taxation being £644,000. Moreover, inasmuch as the late Government, large as were their receipts from this exceptional taxation, spent the whole of the money, they may be said to have given their tacit consent to the policy for which their liberal predecessors were so much censured. In fact, it may not be too much to assume that the former, and their supporters also, came eventually to regard the taxation as perfectly rightful, seeing that, except in one instance, they never attempted to take a shilling of it off. I draw attention to all this because I think we are outrunning the expenditure, but now the amount is nearly £3,000,000, and it increases every year, no matter what Government is in office.

Mr. SERVICE.—It increases as we extend our railways.

Mr. LAURENS.—I am aware that a large proportion of the annual increase is unavoidable, but there have been increases that could have been prevented. Having brought these matters under the notice of honorable members, I consider my duty done. I know that all Governments are what this Chamber makes them, and I want honorable members to reflect that the times to come may not be so prosperous as the times that have passed. I wish to state, in conclusion, that when the late Government entered office there was £2,000,000 to the credit of the Patterson (£5,000,000) loan, and that now there is nothing left of that, or of the £4,000,000 loan which followed it.

Mr. BOWMAN.—Sir, I do not intend to discourse at any length, but there is one thing I beg to raise my voice against. As a representative of one of the country districts, I protest against the neglect with which the Government propose to treat them. For instance, I don't find one penny on the Estimates for Maryborough. In fact, the rule seems to be that, of the public money devoted to local public works, the country districts are to get only one-third, while Melbourne gets two-thirds. The whole amount that is to go this year towards assisting the shires and boroughs is £26,108, and the grant of that is conditional on the local bodies contributing £29,737.

An Honorable Member.—What about the municipal subsidy?

Mr. BOWMAN.—The shires and boroughs receive no more than their fair share of that money, which is only a partial return for revenue contributed. We—I mean the country districts—have been placed at this disadvantage not only by the present Government but by every preceding Government, and it is high time we made a stand for a larger proportion of the public expenditure. I have been a long time trying to get a grant for two small bridges which my constituents greatly require, but I am continually being told that there is no money to spare for the purpose. Again, £1,000 for the Maryborough main drain was promised by the late Government, and also by their predecessors, but not one sixpence for the work has as yet been provided. Now that is not the way in which we ought to be treated. We contribute two-thirds of the public revenue, and we ought to get a two-thirds share of the good things going. I admit that spending money on the defences will do good to the whole colony, but with respect to a lot of votes on the Estimates for other purposes the metropolis only will be benefited. I allude to such votes as that for the Falls Bridge, and so on. Why I find set down for “sundry works” in and near Melbourne no less than £32,150, or about £6,000 more than the whole of the localities in the interior are to get, and to whose grants no condition whatever is to be attached. In this regard the present Estimates are worse than any previous Estimates, and I hope that before those for next year are brought down the country members will meet together and take measures to compel the Government to follow a different course.
Mr. PATTERSON.—Mr. Cooper, I don’t propose to say much about the Budget, because there is very little dofatable matter in it, and I greatly desire to avoid everything likely to jar or create unpleasantness. As a statement of our public affairs, I think the Treasurer’s speech admirable—something that ought to be followed as an example by future Treasurers. Its method, and all that sort of thing, was first-rate. But I am not prepared to say as much for some of his deductions from the present condition of our finances. I would not have risen at all, however, but for the assertion that what are called the Patterson railway lines will, upon the whole, cost about £400,000 more than they were originally estimated to cost. Now, when I introduced what is known as the Patterson Railway Bill, I expressed myself as follows:—

“Our endeavour has been to obtain the greatest possible length of good railroad, and to avoid, as far as possible, unnecessary expenditure in the way of stations, expensive fencing, and things of that kind. We have also kept in view the fact that some parts of the colony will not require railway trains to run at the same speed that is observed on the main lines, and that in consequence lighter rolling-stock than that at present in use will answer the public requirements. With economy on buildings and fencing, provision for reduction of speed, and for some improvement with regard to gates, and the exercise of special care to secure the best possible gradient, we hope to be able to construct 417 miles of country railway at a cost of £5,755 per mile exclusive of rolling-stock. I may mention that we hope to obtain land at something like a reasonable rate.”

I also said—

“One feature in our scheme is that we propose the construction of something more in the shape of steam tramways than perfect railways, but that they shall be built in such a way that the change of goods from one truck to another will be rendered unnecessary. The rails will be 60 lb. rails all over the lines, and if the traffic justifies the proceeding the lines can be afterwards provided with sleepers and ballast additional to the sleepers and ballast laid down in the first instance. In other words, the lines will be strengthened as the necessities of each case demand. In several cases it is proposed that the lines shall not cost more than £2500 per mile. I refer to the lines from Traralgon to Heyfield, from Morwell to Mirboo, and from East Charlton to Wycheproof. I hope it will be clearly understood that we do not intend to put up ornamental stations or indulge in any other wasteful expenditure. We want to reach the people first, and, as traffic develops itself, we can venture on improvements.”

But 60 lb. rails alone have been used, and nothing has been done to carry out the idea of steam tramways. I have this very night put on the business paper a notice of motion calling for a return showing Mr. Elsdon’s estimate of the cost of each of the railways proposed under the last Railway Act, and also the amount that has been spent upon it, and so on, and when the information I require is before us we can easily bring everything into proper comparison. I expect to see the papers on the table next week, and I take it that honorable members will discover from them that the estimated cost has not been exceeded in the contracts, except in some cases where extraordinary expenditure was called for. Such a case is that of the Bacchus Marsh line, upon which some £100,000 extra had to be spent.

Mr. LAURENS.—There is also the Coburg line.

Mr. PATTERSON.—I don’t know, and I don’t believe any one else knows, what the Coburg line will cost. Look at the changes made in it. Could any one imagine, when that railway was decided upon, that its construction would be carried out in such a way? A large amount beyond the original estimate has also—perhaps properly enough—been spent at Wodonga. I call attention to the fact that I made my speech on the Bill in October, 1880, that in October, 1881, Sir Bryan O’Loghlen said there might be a deficiency under the Act of some £40,000 or £50,000, and that in June, 1882, the late Minister of Railways stated, with perfect truth, that as far as matters had gone the lines had been let under the estimate. Under these circumstances, I think I may say to that honorable gentleman—“If you could not, after all, carry out the Patterson lines with the money set opposite to them, how could you expect to carry out the railways you proposed last session with the money set down for them?”

When we dealt with the Railway Bill of 1882, were we not wasting the whole of our time? I don’t say it was not possible for the Railway department to spend even more than £400,000 extra on the Patterson lines. The man who designed them and framed the estimates was not in office when the lines were carried out, and he cannot be held responsible for the extravagance of others. In making a railway you can change the nature and character of the construction in all sorts of ways. For example, the original intention was that the Patterson lines should be lightly ballasted, but I understand that under a new idea £110,000 extra has been spent on ballasting them alone. Then peculiar rolling-stock was required for them, but no provision was made for it in the locomotive branch. Instead of putting on lighter engines and providing for a comparatively low rate of speed on the lines,
they have been adapted to heavy rolling-stock and a high rate of speed. Yet people express surprise that, somehow or other, their estimated cost has been exceeded. Of course you cannot make heavy lines for the cost of light lines, and light lines were what was intended under the Act. I believe that if the whole thing was carefully looked into, and lighter rolling-stock was provided for them, the unfinished light lines could be completed and worked within the estimate with regard to them. It is a serious matter piling up the expense of these new railways. If persevered in, it will render railways to thinly-populated country districts quite impossible, and that will be something in the teeth of our railway policy. I don't know that I have much more to say than that I think it an utter delusion to suppose that £400,000 more is required. Mr. Watson and Mr. Zeal certified to the Legislative Council that railways could be constructed at a low rate of cost which Mr. Elsdon would not give in his adhesion to, and yet this same Mr. Watson is now Engineer-in-Chief, and probably advised the Minister of Railways that £400,000 more was wanted to complete the Patterson lines. The system now going on in the Railway department is of the most unsatisfactory character. You have an Engineer-in-Chief who says that certain lines can be constructed for a certain sum, and afterwards the Engineer of Construction comes in and says that more must be spent than the original contract provided for. Thus you have two officers, each spending money against the other. All this will, I hope, be changed when the Railways Management Bill is carried into law.

Mr. WHEELER.—Sir, having been a supporter of the late Ministry, I cannot allow the debate to come to a close without making some little explanation. As to the remarks of the honorable member for Castlemaine (Mr. Patterson), I believe that, in offering the reasons he did why he was in no way to blame for this £400,000 being required, the honorable gentleman described exactly the true position of affairs. At the same time, I do not think it fair to contend that the late Government are wholly unsuitable for there being no money left to carry out the railway policy they had in view. It was part and parcel of that policy that £600,000 should come out of the land fund for railway purposes; and if that plan had been adopted, and this £400,000 had not been spent, there would have been £1,000,000 available for the earthworks of the new set of lines. As far as I know, that amount would have been ample. I supported the railway proposals of the late Government, and tried to put other lines through as well, because I was led to suppose that they would have money and to spare for the purpose. The point is that, had they been allowed to carry out their ideas, and perhaps substitute a £1,000,000 loan for their £600,000 arrangement, our railway affairs would have a completely different aspect. With regard to the reckless expenditure on rails and rolling-stock, I think we were all to blame. I, for one, am to blame, but nevertheless let us remember how matters stood—that at the time in question the colony was so short of rails that the construction of the lines under contract could not be carried on. I believe that one or two contractors were kept waiting so long that in the end they were utterly ruined. No doubt also the bargain for the rails was a good one. Never before did we buy steel rails so cheaply. In fact, I am convinced that, if the Government were to sell those they are not going to use at once, they would realize a profit. I am not, however, advising that such a course should be taken. With regard to the question of railway plant, it is a well-known fact that we have been going on constructing, year by year, hundreds of miles of railway without providing rolling-stock for those lines. It is notorious that almost all of the new lines have never been equipped properly. They have never had sufficient rolling-stock to keep them going and make them payable. I speak with some authority on this question. I waited upon the honorable member for Castlemaine (Mr. Patterson) when he was in office, and urged upon him the necessity for getting more rolling-stock, mentioning the serious inconvenience to which people were subjected because their goods had to remain on railway platforms for weeks together before they were taken away. I called upon the honorable member for Brighton, when he was Minister of Railways, and made a similar representation. I mention these things in justification of the support which I gave the late Government. It was only when the present Treasurer made his speech at Castlemaine that I became aware of the state of the finances. The honorable gentleman has submitted to us a plain, straightforward, and manly statement. He wishes to economize, and I agree with him that not only should we economize, but that the House and the country expect economical management. At the same time, as I have said already, let us be fair. There has been
a change of policy. The present Government have dropped entirely the £600,000 which the late Government expected to get for railway purposes, by annual instalments of £200,000, from the land fund.

Mr. SERVICE.—We have not dropped it; it has dropped us.

Mr. WHEELER.—I am aware that the money is not there; but I presume the Treasurer will not say it could not be there if this House chose.

Mr. SERVICE.—I say distinctly it cannot be there without additional taxation.

Mr. WHEELER.—I would point out that it is not necessary this money should be raised at once. The taking of it from the land fund could be spread over a series of years, and the operation need not commence this year. Be that as it may, my impression when I voted for the Railway Construction Bill of the late Government was that each year, for three years, £200,000 would be taken from the land fund for railway construction purposes. With regard to the Koo-wee-rup Swamp, I supported the late Government in their proposal to reclaim that swamp, and, with the proceeds, to construct the Southern Railway. If the present Government will propound a similar policy they shall have my hearty support and co-operation. I look upon such a proceeding as simply taking money out of one Government property and putting it into another, with the difference that, whereas the one is valueless, the other is reproductive. I believe that swamp, which is now valueless, if reclaimed will bring £5 or £6 per acre; and the total will be more than enough to build the Southern Railway.

Mr. SERVICE.—The matter is under our consideration.

Mr. WHEELER.—I only wish there were other swamps to reclaim, so that more money might be obtainable in that way for railway purposes. I have always said that our land policy is a bad one from beginning to end. We have gone to the London market to borrow millions of money, and at the same time we have allowed the public lands to be taken up by men who knew nothing of agriculture, men without a shilling in their pockets beyond the amount necessary to pay the survey fees, men who had to borrow to comply with the fencing and cultivation conditions, and who in three years parted with their selections, the result being that the State has lost the land and capitalists have got it. I consider the present Minister of Lands has taken a wise course in reserving a large area of land, and I hope he will make further reservations in order to prevent the public territory being got rid of in the wholesale way in which it has been got rid of hitherto. The honorable member for Boroondara alleges that the State is losing about £40,000 a year by continuing the system of differential duties on spirits; but I think the loss is more apparent than real. When distilleries were first started in this colony, they were started, like all new industries, upon a protectionist policy. Certainly they had just as much right to protection as any other new industry. The men who invested their capital in distilleries, and went to a large outlay, did so on the good faith of that differential duty, and with the help of that duty they have been successful.

An Honorable Member.—They employ only three men each.

Mr. WHEELER.—I deny that statement. I am in a position to do so, because I know something of these establishments. I don't attach much importance to the number of men employed; but I would call attention to an indirect advantage derived from the creation of distilleries. Agriculturists have gone extensively into barley-growing, because they find a ready market for the article at their own door. But for the encouragement afforded by distillation, farmers would not be able to produce the large amount of barley they do. So that distillation has led to the employment of a large number of men altogether outside the distilleries. Therefore I say that to contend that the continuance of the differential duty on spirits means a loss to the country of £40,000 per year is not a proper way of looking at the matter. There are collateral advantages connected with the policy which must be taken into account. During the course of this debate many imputations have been cast against the late Government. If blame attaches to the late Government, those honorable members who supported that Government must take a share of it. But I am sorry that such imputations should be thrown out. If honorable members had displayed similar tone and temper to that which marked the Budget speech of the Treasurer, a much better feeling would exist. But member after member has risen in his place to assail the late Government and make statements which really he is not justified in making. No good can arise out of this kind of thing. Now that these matters are dead, I think they should be let alone. We are here, not to quarrel and fight about what the late Government did or what the present
Government are going to do, but to get on with the business of the country. I am here to assist the Government in transacting that business in a business-like way.

Mr. RICHARDSON.—Sir, the late Government need defending if their acts are to be taken into consideration; but I don't know why any one should seek to defend them during this debate, for the reason that they have not been assailed. A simple statement has been made; and it is only by implication that the late Government have been charged or assailed in any way. The statement which has been made was absolutely necessary, to enable Parliament and the country to understand the position in which we find ourselves. I can quite understand honorable members who supported the late Government in their acts feeling some compunction, and considering it necessary to explain their conduct now that they realize how they were misled, deceived, and led astray; but I happen to be in the position of not having supported the late Government, and of having pointed out a great many of the mistakes into which they fell. I don't want to attack or assail them; and there is no necessity for me to defend them. I was astonished at the honorable member for Collingwood (Mr. Mirams) seeking to defend the late Government, because, when they were in office, he gave them only a partial support. He supported them in a way which did not render it necessary that he should come, in the way he has done, to their rescue. I can only suppose that he did so because he desired to mix largely in figures, and have something to say to the present Treasurer. Now there are two or three things in connexion with the Budget statement which I think we should understand. The honorable member for East Bourke Boroughs has shown that there is a sum of money wanting, and that some one is responsible for it; and I would like to know how the money raised for railway purposes has been absorbed, and who is to blame for the absorption. I would like to know where the responsibility rests. It appears that the Patterson railways will cost £400,000 more than they were estimated to cost. If that be so, the estimates must have been deficient in the first place, or some change must have been made in the carrying out of the works owing to changes in the Railway department, the officers who drew the original plans and specifications having been succeeded by other officers. However that may be, I want to fix the responsibility where it should properly rest. The late Government changed the officers of the Railway department, and it must have been known before they left office that the Patterson lines would cost much more than the estimate; yet the late Government constantly supplied this House with information that the works would not cost as much. Nearly two years ago—in October, 1881, as the honorable member for Castlemaine (Mr. Patterson) has mentioned—Sir Bryan O'Loghlen stated that the Patterson lines would not cost more than the estimated amount; and when the honorable member for Brighton submitted his Railway Construction Bill last year, he produced tables showing the amounts for which the Patterson lines were being constructed, and which averaged £3,500 per mile, that amount being much below the authorized average cost. Now I would like to know when it was first ascertained that the Patterson lines were going to cost more than the original estimate.

Mr. WALKER.—It has been ascertained since last March.

Mr. RICHARDSON.—This shows that the policy was changed not by the present Government but by the last Government; and, that being so, the responsibility of this extra expenditure of £400,000 in connexion with the Patterson lines rests with the late Government. Then what use was there in the honorable member for Collingwood (Mr. Mirams) laboring, as he did for so many hours, to prove that the Treasurer had been putting figures in their wrong places in order to damage the late Government—to make out a worse case than could be properly made out against them? Why, if the policy of the late Government were to be pursued for any lengthened period, the colony would be ruined. With regard to the £600,000 proposed by the late Government to be taken from the land in order that it might be applied to railway construction purposes, it is impossible to hide from ourselves that that was a mere bogus proposal from the first. The so-called land fund forms a portion of the general revenue; and even the late Treasurer never pretended that he could take £200,000 out of the general revenue for railway purposes last year. That gentleman was always proposing to do something at some future time. In fact, the deliberately expressed policy of the late Treasurer was that financial difficulties which he might create should be met by the succeeding Treasurer. As to the Koo-wee-rup Swamp, when the reclamation of that land was proposed by the late Government, it was clearly pointed out by a number of
honorable members that it was questionable whether the land when reclaimed would realize the amount of money necessary to be spent to reclaim it. But the late Government were great at financing. There is no getting away from the fact that, to a large extent, they dealt illegally with the money of the country. At present we have a large quantity of rails lying idle and becoming rusty, but we have no money for the construction of new lines. What authority had the late Government for the purchase of those rails? They had no authority—not even an implied authority—from Parliament. Certainly the matter was mentioned in the Assembly, as a bargain which would be beneficial to the country; but the full consent of Parliament to the expenditure was never obtained; and, in the absence of that consent, the expenditure was illegal. But the late Government incurred liabilities like reckless spendthrifts, without any regard as to whence the money would be forthcoming. There can be no justification for such a proceeding. I believe the late Government had no intention of running the country into difficulties. I don’t think they would have been assailed if they had not invited assault; neither do I think they need defend themselves very much, because honorable members sitting everywhere supported them and condoned what they did. One thing in connexion with the present position of affairs to which I desire to call the Treasurer’s attention is the amount placed on the Estimates which is really at the disposal of honorable members. The honorable gentleman told us, in his speech, that we had no more than something over half a million of money to operate upon or quibble about. We are tying up the expenditure in special appropriations, salaries to civil servants, and in other ways to such an extent that I am satisfied, if we go on appointing boards and commissions, and if we also extend the limits of the civil service, there will be very little money to exercise our voting power over. About one-third of the money we can deal with on the Estimates for the current financial year is for public works. Now I think the Treasurer will agree with me—and I submit that the matter is worthy of especial attention at a time when the Government and Parliament are seeking to divest themselves of patronage as far as possible—that no more dangerous patronage can be exercised than that connected with the Public Works department. The Minister of Public Works can know only partially the circumstances of the claims made by country districts for grants for public works. Of the circumstances of cases which are not put before him he can know nothing at all. And yet, very often, the cases which are not put before him are more urgent, and demand the attention of the department more than those cases which are pressed upon him by localities. Thus, one district may suffer great disadvantage and wrong, while another may get what, perhaps, under the circumstances, it does not deserve. Many of the promises given by the late Government with regard to public works were given in a haphazard and reckless manner; and much of the money expended was deliberately and wilfully wasted. I call that system a corrupt one which enables constituencies, through Members of Parliament, to press upon the Public Works department, and cause a large amount of money to be spent idly, if not to be thrown away.

Mr. SERVICE.—In 1875, the Government, of which I was a member, endeavoured to put an end to that system, by adopting a certain principle under which the money for public works would be distributed in the country districts. I quite agree with the honorable member for Creswick (Mr. Richardson) that the present is one of the most objectionable and unadvisable systems that could possibly exist. I object to Members of Parliament having to go cap in hand, as it were, to a Minister, and for it to depend upon his will and pleasure whether they will get grants for their districts or not. If the House will support the Government, we will be prepared to bring down some measure to put an end to the system.

Mr. RICHARDSON.—I know the difficulties which the Government have to encounter in dealing with the question. The Treasurer will recollect that I supported him in the course which he pursued in 1875. I now call his attention to the manner only because the evil has assumed large proportions. I have observed that, whenever a weak Government is in office, a Government that has but a small majority and can be displaced by the defection of only a few votes, pressure is brought to bear—unreasonably, unfairly, and unsatisfactorily—upon the Minister of Public Works and his colleagues, and, being only human, they yield. I am not prepared to point out an absolute remedy for that state of things. But the matter is of sufficient importance to warrant me in calling the Treasurer’s attention to it, in order that some means may be devised to check the evil. Certainly
some principle should be established which would be satisfactory as well to the country districts as to the Government and the Parliament. I think the Treasurer will have to restrain the public expenditure in connexion with Melbourne. Parliament House, the Law Courts, and other public buildings which, though in Melbourne, are for the use of the colony, have absorbed and will absorb a large amount of money. Still the centralizing influence brought to bear upon the Government is so great that they have to yield to the expenditure of large sums in Melbourne and the suburbs; and members representing country constituencies have some reason for complaining that, in consequence of the expenditure in and near Melbourne, the expenditure on country districts is very small. With regard to the question of railways, I am inclined to think that what is wanted in many parts of the country is not railways, but steam tramways. I have observed that the speed of trains on our light lines of railway is greater than is maintained on the main lines. On several of the light lines the gradients are heavy, and trains go down some of them at the rate of 60 miles per hour. But those lines were not constructed to carry trains at that speed, nor at one-third of the speed; and the running of trains at that speed will cause a far larger expenditure for the maintenance of the light lines than was ever contemplated. I am of opinion that tramways would have been more beneficial to the country than many of the railways; they would have been sufficient to carry all the traffic that is carried now—indeed they would have been sufficient to carry ten times the traffic; and they would have cost much less money. They would have answered all our purposes, and they could have been carried into far more districts than railways will ever be extended to. I hope the Government will consider the suggestion, and be prepared with some plan of the kind, when they proceed to borrow the £1,000,000 necessary to replace that which has been expended illegally, and to utilize the railway plant which is now lying idle. I believe in a system of tramways on the same gauge as our railways, being carried into every part of the country where there are people and traffic to use them. During the recess, I visited several parts of the country, in order to see for myself the places where the late Government proposed to make railways. I went over a number of the routes, and was perfectly astonished at the obstacles over or through which it was proposed to carry some of the lines. I also went over a number of the lines in course of construction under the Paterson Act, and I have no hesitation in saying that some of those lines, although they were authorized at the instance of the Government of which I was a member, ought never to have been made in the manner in which they are made. The interest on the money expended will not for a long time be yielded by the traffic that will go over them. I trust the Government will not make the mistake of proposing any lines until they know the country which will be traversed.

Mr. Graves.—Sir, I have listened with some surprise to the speech of the honorable member who has resumed his seat. While the honorable member was complaining of the estimated expenditure of the Public Works department, I went to the table to ascertain the expenditure of that department when the honorable member was a Minister. I know the office held by the honorable member was that of Minister of Lands, but he is perfectly aware that there are no estimates which are more carefully reviewed by the Cabinet than those for public works. I find that the estimated expenditure by the present Government on road works and bridges during the current financial year is £55,654 as against £56,883, the expenditure when the Cabinet in which the honorable member for Creswick (Mr. Richardson) had a seat held office. Therefore, if the reforms which the honorable member suggests are good now, it is a great pity that they were not initiated then. I am not going to defend the late Government; but if any charges have been made against the administration of the Customs department while I presided over it, I am ready to answer them. I don't want to shirk inquiry. At the same time, I think Parliament ought not to go into these matters. The honorable member for North Melbourne (Mr. Laurens) has been harping, as usual, on the string that the colony is "going to the bad." Let me tell that honorable member that the country is not going to the bad, and even if it were we ought not to foul our own nest. I hope the country will progress, and that the predictions of the honorable member are not going to be fulfilled. I must say that, for the sake of the country, it is extremely to be regretted that the Treasurer speaks in a similar strain. He is continually harping upon the unsatisfactory state of things, and not only does he do so himself, but, when another honorable member such as the honorable member for North Melbourne adopts

Mr. Richardson.
the same tone, he cries “Hear, hear.” I trust that these gloomy prognostications will not be continued. I am quite satisfied that nothing is so injurious to the country, so unsettling to public confidence, and so calculated to disturb the money market as these predictions of future ill. With regard to the Treasurer’s remarks on the late Government, there is no doubt that, although he made no direct charge, he made charges against them by implication, and it is evident, from the comments in the newspapers, that his remarks were so understood. For instance, one of the leading liberal organs, alluding to the Budget speech, said—

“There appears every probability of our having dear money; trade will be curtailed, and the colony will go to the bad, . . . mainly attributable to the conduct of the O’Loghlen Government.”

That was the inference drawn from the Treasurer’s remarks. I admit that it is difficult to catch the honorable gentleman in a direct statement, because one of the leading politicians of this colony once said of him—

“Mr. Service is an adept at using words in a double sense; one intended to reassure his hearers at the moment, the other when he is found out, to furnish a justification for himself; and all his statements require an interpretation clause. He is a master of finesse.”

That was the opinion of a man who knew the honorable gentleman better than I knew him or ever hope to know him. I hold that, as has been said by a leading writer—

“The power of a Government should never be employed against its predecessors in office to obtain a censure upon their past policy or the justice of public measures which were initiated by them while they held the reins of government, because from their position they are almost unarmed and unable to defend themselves.”

They have not access to the necessary documents. I think that, for the sake of the colony, these attacks by Ministers on their predecessors ought to stop. I assume that the existing Ministers are honest, and that they act from information which I as a private member cannot have. Whatever action I took as Minister of Customs, I did with the best intentions and upon the recommendations of the proper officers, but, because my successor takes a different course, I do not assume that he is acting dishonestly—he may have fresh evidence before him which I did not have. I apprehend that Ministers in this country act to the best of their ability, and I think the action of a Government in first putting out their predecessors, and then kicking them when they are down, is not creditable, and I am perfectly certain that it is extremely injurious to the prosperity of the country. These statements are taken up by newspapers in the adjoining colonies, and are given such prominence as to injure the position of this colony.

Mr. SERVICE.—You don’t want us to cook the figures?

Mr. GRAVES.—No, but I am glad of the honorable gentleman’s interjection, because it reminds me that he indulged in something like “cooking the figures” in his remarks on the Patterson railways. There are more ways of cooking figures than one. It is possible, without making a direct misstatement, to give an interpretation to a thing which leads to a false impression, and that is really as great a falsehood as if the words used were untrue. The Treasurer stated that a certain sum of money was required for the Patterson railways, and the inference to be drawn was that the late Government actually placed upon the schedule to the Loan Act the money for the completion of those railways.

Mr. SERVICE.—That was the broad statement I made. It was no inference.

Mr. GRAVES.—Very well. Now the best evidence, in my judgment, of what a thing means is afforded by the surrounding circumstances—by what was said at the time the thing was done. In moving the second reading of the Loan Bill on the 6th October, 1881, Sir Bryan O’Loghlen said—

“And now I come to the way the £24,000,000 is to be spent, which is set forth in the 2nd schedule to the Bill. The first item of that schedule describes how the sum of £2,732,005 is to be appropriated, and it covers many things beside the construction of new railways. First, it is intended—

“‘For the construction of railways and works connected therewith (including rolling-stock) already authorized by Parliament.’

“I have to point out that it is probable—I don’t say it is certain—that, when some of the lines already authorized by Parliament are completed, it will be found that their estimated cost has been exceeded by perhaps some £40,000 or £50,000.”

Mr. PATTERSON.—On what authority is that stated?

“Sir B. O’LOGHLEN.—My authority is Mr. Elsdon, the Engineer-in-Chief. I am repeating information which he gave me this morning.

“Mr. PATTerson.—Has everything so far been kept within the estimate of cost?

“Sir B. O’LOGHLEN.—So far it has, but we have still to face much larger demands for the land we require for new lines than were anticipated. I don’t apprehend that those demands will be successfully maintained, but, nevertheless, they may be; and it is only right that the country should know, in undertaking a new loan, how far it has a clean sheet behind it. The excess may not be £10,000, it may not be £6,000, it may not be anything at all.”

The Treasurer, in his speech last night, led the House to understand that the item of
the copies had not come since.
Mr. SERVICE.—You have confirmed what I said.
Mr. GRAVES.—The quotation I have read shows that not more than £40,000 was expected to be required for the Patterson lines.
Mr. SERVICE.—And now it turns out to be nearly £400,000.
Mr. GRAVES.—The Treasurer appeared to wish the committee to understand that this large amount was deliberately placed in the Loan Act for the Patterson railways.
Mr. KERFERD.—The honorable member for Collingwood (Mr. Mirams) stated distinctly that the money could not be paid out of the loan in order to complete the Patterson railways. We pointed to the schedule to show that it could be paid, and now you have shown that the payment was contemplated at the time the schedule was framed.
Mr. GRAVES.—I have endeavoured to show what I consider to have been the intention of Parliament in adopting the schedule. I desire now to say a few words as to the floating of the O'Loghlen loan. I must say that I expected to see the correspondence relating to that loan laid on the table, because to the best of my knowledge the correspondence in connexion with every previous loan has been presented to the House. When the request was first made to the Treasurer to produce the correspondence he stated that he could not do so as some of the documents were not forthcoming. Subsequently he admitted that the only documents not forthcoming were telegrams, but it is well known that the Agent-General acknowledges the receipt of a telegram by post, and in his reply sends back a copy of the telegram received by him. I am satisfied, therefore, that copies of all the telegrams sent to the Agent-General are in the Treasurer's office.
Mr. SERVICE.—The copies had not arrived at the time I spoke, but they have come since.
Mr. GRAVES.—The Treasurer has now stated that the correspondence cannot be produced, owing to its confidential nature, but all the letters which the Agent-General intended to be of that description were marked "private and confidential," and besides these letters there is a quantity of correspondence in connexion with the loan which it would have been well if the House had been furnished with. The points I wish to allude to are contained in the letters which could be laid on the table without any betrayal of confidence. The difference between the arrangements in connexion with the floating of the O'Loghlen loan and the arrangements in regard to the last loan was this: the Treasurer stated that he left the fixing of the minimum of his loan to the associated banks.
Mr. SERVICE.—And the Agent-General.
Mr. GRAVES.—Well, the difficulty we had to contend with was that we considered that the associated banks wanted to fix the minimum too low. It was their interest to do so. We held that Victoria should get the same price as New South Wales did for her loan—namely, par—and we did get par. The Treasurer has also stated that the difference between the price realized by the last two Victorian loans was about 15s. 6d. or 15s. 7d.
Mr. SERVICE.—I said I could not give the figures exactly.
Mr. GRAVES.—If the honorable gentleman goes over the figures he will find that there is a difference of 15s. 8d. in the prices of the loans, and of £20,000 in the amount paid by the banks, while the accrued interest in the case of the last loan was greater than in the case of the O'Loghlen loan. To put the matter shortly, the difference, instead of being 15s. 6d., was nearer 32s. or 33s.
Mr. SERVICE.—Oh, no.
Mr. GRAVES.—I will not stay to argue the matter now, but I will endeavour at some future time to show that the difference is very much larger than the Treasurer has stated. With regard to the Estimates which have been laid before the House, I am quite sure that the Government have endeavoured to bring down the expenditure to as reasonable a point as they possibly could in the interests of the colony. If we examine the Estimates of Expenditure for years past, it will be found that they have gradually increased. In fact, they must increase, and it is not possible to keep them down, because there are several departments which are increasing their business annually. In looking over the revenue estimates of each department, I am glad to see that that progress is almost universally exhibited, as should be the case in a new country, where the population is increasing. I have no doubt that the officers of the Customs department have calculated their estimates of revenue on a sound basis, and I trust that the full estimate will be realized. With regard to the railways, I must say that I do not think it is fair to the colony for honorable.
members to be making such statements as have been made regarding how badly our railways are managed. After looking through the returns, from which you, sir, quoted the other evening, regarding the English railways, I was surprised to find how favorably our railways compare with those of the mother country. What are the facts? In 1877, when Mr. Joseph Jones was Minister of Railways, the percentage of earnings on the capital cost in the United Kingdom, for the same year, was only 41 per cent. Again, in 1877, the expenditure in Victoria was 52½ per cent. of the revenue, while in the United Kingdom, under these £5,000-a-year managers, it was 54½ per cent. In 1878, when the honorable member for Castlemaine (Mr. Patterson) was Minister, the percentage of earnings in Victoria was 54½, while the average for the United Kingdom was 4½ per cent., and the expense of working and management here was 53½, as against 53½ per cent. in the United Kingdom. In the following year, the same Minister being in office, the expenditure in Victoria was 52½ per cent. as against 52½ per cent. in the United Kingdom. In 1880, when the present Minister of Railways held the same position for a portion of the year and the honorable member for Castlemaine (Mr. Patterson) was Minister during the rest of the period, the earnings were 54½ per cent. in Victoria as against 4½ per cent. in the United Kingdom, and the expenditure 54½ per cent. as against 51½ per cent. In 1881, under the régime of the honorable member for Brighton, our railway earnings were 4½ per cent. as against the same percentage in the United Kingdom, and our railway expenditure, excluding the cost of the Jolimont accident, was 52½ per cent. as against a precisely similar expenditure in the United Kingdom. In view of these facts, I think it is very unfair to the farmers across the border said they could not live. Arrangements of a fair and equitable nature were made on those points, and the honorable member for Borroodara referred to the border treaty with South Australia, and expressed his opinion that it was unsatisfactory and should be reconsidered. The present border treaty was entered into by the late Government, and, being cognizant of all the facts in connexion with it, I must say that the honorable member for Borroodara in his remarks displayed very small knowledge of the subject. The border treaty was originally entered into by the Berry Administration, and was considered a fair and equitable arrangement between two adjoining colonies. The treaty was carried out honestly and in its integrity, and the South Australian Government finding that we were entitled to £700 or £800 more than we claimed, because of the imperfect nature of our returns, paid us the amount. It was not Victoria but South Australia which complained of the operation of the treaty. They said it was in our favour, and stopped it. What was the result? That we were going to put officers along the border, which extends for nearly 400 miles, and from which an extremely small revenue was obtained. The South Australian Government, however, after some negotiations, agreed to continue the treaty if we made some modifications on our side, South Australia making modifications also on her part. Victoria was inundated with labour-saving machinery from the other side—a great deal of it of English manufacture, and some of it made in South Australia—while we on the other hand were inundating South Australia with our cheese and farm produce, so that the farmers across the border said they could not live. Arrangements of a fair and equitable nature were made on those points, and considering the enormous extent of territory along the border, the sparseness of the population, and the cost of maintaining Customs officials along the border line, I consider that the treaty is extremely beneficial, and I do not think the present Government need trouble themselves about it, because I believe they will not be benefiting the colony if they
interfere with it. There is but one other matter I wish to refer to. Since the abolition of the excise duty on beer there are eighteen officers in the Customs department—inspectors of liquors and excise—who have had a considerable amount of work saved, and I think they could be made available towards preventing the excessive trading in bad liquors which has been going on and is still going on. During the last two years a good deal of attention has been paid to this matter.

Mr. SERVICE.—You did your work well in that matter.

Mr. GRAVES.—I do not desire any praise for what I did towards grappling with a great and growing evil. I may say, however, that, although the Trade Marks Statute had been in force since 1876, no prosecutions had taken place under it until I took office. However, during the twenty months ending 7th March last there were 91 prosecutions under that Statute, resulting in fines being inflicted to the amount of £449, and during the same period 141 prosecutions were initiated under the Licensing Act, resulting in fines to the amount of £1,348. As these eighteen inspectors are still on the Estimates, I would suggest that their services should be utilized to further repress the sale of bad liquor, which is not only injurious to the people of the colony but is detrimental to legitimate and honest trading. The Minister in charge of the Customs department is not only Minister of Customs but also Minister of Trade, and he ought not to allow honest tradesmen to be injured by permitting such practices. Another very objectionable practice is that of blending spirits in bond, and I hope it will not be continued, as I am quite sure that it is injurious to honest traders.

Mr. BAKER.—Sir, there are one or two matters to which I wish to draw the attention of the Government. I have nothing to say about the late Ministry, except that there is one thing my constituency has to thank them for—namely, plenty of promises.

Mr. MASON.—Were they fulfilled?

Mr. BAKER.—If only half of them had been fulfilled there would not have been any complaint heard about the matter. I am not so sure, however, that their promises have not really benefited my constituency. Take, for instance, the vote of £100,000 placed on the Estimates for water supply. I trust the Government will consider seriously the desirability of submitting an adequate scheme of water supply, and providing sufficient money to carry out the whole of the head works, which ought to be under the control of the Government. I desire also to call attention to the great want of post-offices and postal communication in my district. Honorable members will be surprised to know that many of my constituents have to travel 25, 80, and even 40 miles to reach a post-office. To show the want of postal communication, I may mention that there are five or six places in my district where the people themselves have subscribed the money to carry a mail during the last twelve months, or else they would not have had a mail at all. I think it is manifestly unfair that a district which contributes a very large amount to the wealth of the colony should not receive more consideration. I trust the Government will consider the matter and afford some postal facilities to the outlying portions of the district. Horse mails once a week, or even once a fortnight, would be regarded as a great boon in some places where there are at present none at all. I trust also that in the matter of public works the district I represent will for the future receive a fair share of the expenditure, and I think the names of more places in the district might have appeared on the present estimates of the Public Works department. I observe that a sum of £12,000 appears on the Estimates for the extirpation of rabbits, but I would urge on the Government the necessity for adopting a more extensive scheme for the purpose of destroying these pests. I am glad to say that the late rains by flooding the rivers have killed millions of them, but I hope the Government will prosecute the work energetically.

The vote of £1,350 to complete the vote of £1,600 for the Legislative Council (see p. 226) was then agreed to, as were also the following votes:—£8,925 to complete the vote (£11,025) for the Legislative Assembly; £2,272 to complete the vote (£2,722) for the Library; £830 to complete the vote (£1,080) for the refreshment-rooms; and £14,673 to complete the vote (£17,823) for the Chief Secretary's office.

AGRICULTURAL STATISTICS.

On the vote of £3,941 to complete the vote (£4,541) for the Government Statist, Mr. RICHARDSON remarked that, during the debate on the Land Bill of last year, it was found that there was a great discrepancy between figures furnished by the Lands department and those supplied by the Government Statist. It would be
desirable to inquire into the matter and see where the fault lay.

Mr. BERRY stated that he would carry out the suggestion.

Mr. DERHAM observed that the farmers and grain traders of the colony had experienced great inconvenience for many years past, since the change took place in the mode of collecting the agricultural statistics. It would be a great improvement on the present state of things if the Government could arrange to relieve the local bodies of the duty of collecting these statistics, and transfer it to the Government Statist’s department, as under the old system he could state from experience that much more accurate results were obtained formerly than at present. The local bodies in many cases performed their duty in so perfunctory a manner that very loose returns were frequently sent in, which affected the totals to such an extent as to shake the confidence of those whose business it was to watch the returns. It would be a great source of satisfaction to farmers and traders in grain if some more certain system of collecting the returns were adopted. Would the Chief Secretary ask Mr. Hayter to express an opinion on the subject?

Mr. BERRY said it had been suggested to him that, instead of the returns being obtained, as at present, by collectors going round the country, they should be collected through the Post-office, a law being passed making it imperative on cultivators to fill in forms and return them. That plan might be worth consideration, and might save expense. He did not feel at all disposed, however, to relieve the local bodies of any portion of the expense they had to bear, and place it on the Government. The Government were already doing too much for the local bodies.

Mr. DERHAM said that, from personal knowledge, he could assure the Chief Secretary that an improvement in the system of collecting the agricultural statistics was very essential. The trifling expense which it would involve—probably not more than £2,000 per annum—was nothing compared with the advantage which the country would derive if the farming community knew at the proper seasons in which directions cultivation should be principally carried on. At present, the 31st March was the date to which the figures were made up. That was all very well when agriculture was confined mainly to the Ballarat and other districts, where the harvest was comparatively late, but now, when a large quantity of grain was produced in districts where it ripened much earlier, the effect of keeping to this date was that the statistics were published too late to be of service to farmers in guiding their operations for the following season, or to enable merchants to check or encourage exports. The matter was really one of a very serious character, and he thought the proper time to discuss it was during the consideration of the Estimates. He regretted that there were not more representatives of the agricultural interest present in the chamber, in order to back up his views on the subject.

Mr. BERRY promised that he would consult the Government Statist, and ascertain what alteration it would be desirable to make in the mode of collecting the agricultural statistics.

Mr. DUFFY expressed the hope that the Chief Secretary would not forget the matter. (Mr. Berry.—“I will see to it.”) It was asserted by men who were competent to express an opinion on the subject that the statistics were badly collected, and published at a time when they were useless for all practical purposes. An expenditure of £2,000 a year ought not to be allowed to stand in the way of the adoption of an improved method. The Chief Secretary ought to look carefully into the question, and not be content with merely trying to get the statistics collected through the Post-office, but have the work done in the best and most complete manner possible. He trusted that the honorable gentleman would be prepared with some satisfactory statement on the subject when the Supplementary Estimates were brought down.

Mr. RICHARDSON remarked that the agricultural statistics were collected under the provisions of the Local Government Act, and that if honorable members considered it desirable to alter the system of collecting them, an opportunity of doing so would be afforded when the Bill to amend that Act, which was at present under the consideration of the Legislative Council, was brought before the Assembly.

Mr. SERVICE said he had some knowledge, from a commercial point of view, of the importance of this question, and if the Chief Secretary would consult him, when considering it, he would be happy to give him all the assistance he could with the view to attain the object desired.

Mr. BAKER stated that the constituency which he represented was the largest wheat-growing district in the colony, and he was aware that under the existing system the
agricultural statistics were of no real utility. For practical purposes they were issued too late. He could fully endorse the remarks of the honorable member for Sandridge on this point.

The vote was agreed to, as was also the vote of £180,158 to complete the vote (£221,158) for the Police.

**PENAL DEPARTMENT.**

On the vote of £47,541 to complete the vote (£57,341) for penal establishments and gaols,

Mr. PEARSON called attention to an item for 110 warders, at 8s. 6d. per day, that being the maximum rate of payment for warders except those who were called "chief warders" or "senior warders." A rule had been adopted by which a warden received an increment of 6d. per day after he had been ten years in the service. A number of these men had been 20 years in the service, and they thought that they ought to receive a further increment of a similar amount after serving the extra ten years. He considered that there was a good deal of force in their argument, and he brought the matter under the notice of the Chief Secretary some time ago, but it appeared to have escaped the honorable gentleman's attention. He hoped that the honorable gentleman would promise to give it favorable consideration.

Mr. BERRY said he had no personal objection to comply with the request, except the necessity which he felt for resisting the constant demands which were made for increases of salary. When he was formerly in office he introduced the principle of long service pay for the warders in the Penal department, and he thought that the arrangement which he then made was considered to be a liberal and satisfactory one. However, in the preparation of any future Estimates, he would consider the representations made by the honorable member for East Bourke Boroughs.

Mr. ZOX urged upon the Chief Secretary the desirableness of taking immediate steps for the removal of the Melbourne Gaol. Ample accommodation for all the prisoners confined there could be found in the other gaols of the colony, and the expenditure of the Penal department would be considerably economized if the metropolitan gaol was abolished. The building was an eyesore to the city, and occupied a valuable site in a large centre of population.

Mr. BERRY said he had always been in favour of abolishing the Melbourne Gaol. When he was in office previously, he had had that gaol cleared of all prisoners except some females, whom it was impossible to remove; but, when a change of Government took place, the old system was reverted to, and as many prisoners as usual were sent there. He did not know what the views of his colleagues might be, but he would take an early opportunity of consulting them on the question. It was certain that either the Melbourne Gaol or some of the up-country gaols would have to be closed, because it was not possible to utilize all of them. (Mr. Mason—"The Geelong Gaol, for instance.") The Geelong establishment was really now more of an infirmary than a gaol. He found that the prison officials were in favour of having large gaols in centres of population, because the labour of the prisoners could be utilized much better where there was a great number of them kept than it could be in the small country gaols. In fact, the penal establishment at Pentridge and the Melbourne Gaol were the only gaols from which a return was obtained from prison labour; the country gaols were a dead loss to the State. However, he thought that the Melbourne Gaol ought to be removed, and, as he had already stated, he would bring the question under the consideration of his colleagues.

Mr. W. MADDEN stated that he concurred with the opinion that the Melbourne Gaol, which was a most unsightly building to be near the centre of the city, ought to be removed as soon as possible. One great advantage of removing it, besides reducing the cost of the maintenance of prisoners, would be that the magnificent site which it occupied could be sold for a large sum of money, and utilized for a much better purpose than a gaol.

The vote was agreed to.

**LUNATIC ASYLUMS.**

On the vote of £79,115 to complete the vote (£95,115) for hospitals for the insane, Mr. McLELLAN called the Chief Secretary's attention to the fact that the dispenser at the Ararat asylum was classified as a warden. He thought that the officer ought to have the same title as those who performed similar duties at the Yarra Bend and Kew asylums, namely, "dispenser."

Mr. BERRY promised to make a note of the suggestion.

Mr. BOSISTO objected to the officer in question being classified as a "dispenser" unless he was on the register of pharmaceutical chemists.
Mr. McLELLAN said the officer referred to had been dispensing drugs for the last twelve years, and could teach many chemists and druggists a lesson.

Mr. ZOX said he desired, as he had done on several previous occasions, to impress upon the Government the necessity for the appointment of a select committee or commission to inquire into the management of the charitable institutions of the colony, with the view to place it on a more satisfactory footing. Some of the institutions were grossly imposed upon by having to bear the entire cost of inmates who had relatives able to contribute to their maintenance. In the lunatic asylums there were some patients who had relatives rolling in riches—men who were to be seen riding in their carriages in Melbourne and the suburbs—and yet those wealthy men did not contribute towards the expense of the maintenance of their poor unfortunate insane relations. It was high time that a law was passed to compel them to do so.

Mr. BERRY said he quite agreed with the honorable member that matters in connexion with the lunatic asylums were not in a satisfactory state. When he was in office before, he endeavoured to obtain all the information he could about the asylums, and he appointed more than one board with the view of getting such information. No doubt the law required some alteration in the direction suggested by the honorable member, and he (Mr. Berry) was at present giving his attention to the matter. If he found that he could not obtain all the information necessary, on which to frame a Bill for the amendment of the lunacy law, he would be very happy, in conjunction with his colleagues, to recommend that a select committee, or a Royal commission, should be appointed to inquire into the whole subject.

Mr. MASON observed that it was impossible, without an alteration of the law, to compel the relatives of insane persons, outside certain degrees of affinity, to contribute towards their maintenance. The 150th section of the Lunacy Statute provided that—

“...if it shall appear to any two justices on application by or on behalf of the Master-in-Lunacy that any patient has not an estate, or any sufficient estate, applicable to his maintenance, it shall be lawful for such justices to make application in writing under their hands and seals to the father of such patient, or if the father be dead to his mother, or if such patient be a married woman to her husband, or to one or more of his or her children being of the age of 21 years or upwards, such father, mother, husband, child, or children being proved to the satisfaction of such justices to be of ability to maintain or contribute to the maintenance of such patient, for the payment of a reasonable sum weekly or monthly.” &c.

It would be seen that certain persons could be compelled to contribute towards the support of their insane relations. (An Honorable Member—“What about brothers?”) If the law did not go far enough it was defective, but that defect could be cured without the appointment of a Royal commission. To his own knowledge there were many persons in lunatic asylums, kept there as paupers at the public expense, who ought to be maintained at the cost of their relations. He trusted that a Bill would be speedily introduced to make the necessary amendment in the law.

MEDICAL COMFORTS.

Mr. JAMES called attention to an item of £360 for “allowance to chaplains.” He doubted whether religious instruction to the insane was of any use, but, at all events, the inclusion of such an item in the Estimates was a violation of the law, inasmuch as State aid to religion had been abolished by Act of Parliament. There was another item to which he thought special attention ought to be directed, namely, £2,420 for “medicines and medical comforts.” Medical comforts, it was well known, meant wine, brandy, whisky, and other intoxicants. He wanted to stop the distribution of bad brandy to patients in these institutions, and all brandy was bad. The term “medical comforts” was a gross misuse of words. (Mr. C. Young—“It includes beef-tea.”) He believed that medical comforts meant nothing but alcoholic drinks, and he did not think such drinks should be administered to the inmates of public institutions. A large number of the persons who were now inmates of lunatic asylums had become so in consequence of intemperance. He did not know how much of the £2,420 was intended for medicine, and how much for so-called medical comforts; but, in order to test the feeling of the committee as to whether it was desirable to give intoxicants to the inmates of lunatic asylums, he would draw the bow at a venture, and move that the item be reduced by £1,000.

Mr. McLELLAN expressed the hope that the amendment would not be agreed to. He knew many cases in which the doctors gave brandy as the sole support of patients whose digestive organs were destroyed. Surely the honorable member for Ballarat East (Mr. James) did not desire that such persons should die for want of nourishment.
Mr. C. YOUNG observed that the honorable member for Ballarat East (Mr. James) had drawn his bow at a venture, but he did not know whom he might kill. The honorable member might kill some of the unfortunate patients in the lunatic asylums if the amendment was carried. It would be most unwise to trespass on the functions of medical men in the manner proposed. Medical comforts included beef-tea, sago, and various other articles besides wine and spirits.

Mr. BELI. remarked that the honorable member for Ballarat East (Mr. James) had not only drawn his bow at a venture, but had made a shot in the dark. The honorable member did not know what either good or bad brandy was. It would be a serious thing to interfere with the administration of medical comforts to the unfortunate people who were inmates of lunatic asylums. The matter should be left to the discretion of the medical officers in charge of the institutions. It was to be hoped that the amendment would be withdrawn.

Mr. MASON stated that all the medical comforts given in the lunatic asylums were administered under the supervision of the medical men who had charge of the institutions, and it would be injudicious to interfere with their discretion in the matter.

Mr. LAURENS observed that the question of the use of medical comforts had been much debated in connexion with the Melbourne Hospital, and the lay managers of that institution found that it would be very difficult—in fact, improper—for them to interfere in the matter. If the medical officers in charge of the lunatic asylums were willing to try the experiment of abolishing the use of alcoholic stimulants in those institutions, there would be some propriety in passing the amendment, but, in the absence of any information of their readiness to do so, it would be very unwise for the committee to take the course desired by the honorable member for Ballarat East (Mr. James).

Dr. ROSE said it was a disgrace to Victoria that so much money was spent on alcohol in various public institutions of the country. The quantity of alcohol used in the Melbourne Hospital exceeded, he believed, that consumed in any similar institution in the world, having the like number of patients. In the Glasgow Hospital the amount formerly expended on alcohol had been reduced fully one-half, and in the Edinburgh Hospital a still greater diminution had been made. In a London hospital—which was one of the most successful hospitals in the world—where there were only 4½ per cent. of deaths the patients were treated without any alcohol whatever. The most advanced opinions of the day went to show that the use of alcohol retarded instead of assisting recovery, and, in many cases, led the patients into habits of the worst character. He held that the Legislature had no right to vote the public money for the consumption of intoxicating drinks in State institutions. It was high time that the country knew that money was being squandered on alcohol in such institutions, and especially in the Melbourne Hospital.

Mr. ZOX submitted that the remarks of the honorable member for North Melbourne (Dr. Rose) cast a reflection on the medical profession. Unless there was a consensus of medical opinion in favour of no stimulants being given to any of the patients in the lunatic asylums, the committee would incur a heavy responsibility by adopting the amendment.

Mr. NIMMO considered that the honorable member for North Melbourne (Dr. Rose) had not cast any reflection on the medical profession. It might as well be said that Harvey cast a reflection on the medical profession when he discovered the circulation of the blood. About 50 years ago it was broadly asserted throughout Great Britain and America that men could not live without alcoholic liquors—that such liquors were necessary as body-feeders—but it had since been proved that they could. It had, in fact, been demonstrated as a great truth that men could dispense with these liquors entirely as body-feeders, and, as they had been shown to be useless as body-feeders, it was quite within the range of possibility that they would be proved to be also useless as medicines. If the medical officers in charge of lunatic asylums and such institutions as the Melbourne Hospital were afforded the opportunity of treating patients without intoxicating liquors, they might discover that cures could be effected more effectually without the use of those liquors than with it.

Mr. RICHARDSON observed that the honorable member for East Melbourne (Mr. Zox), in assuming that the honorable member for North Melbourne (Dr. Rose) made an incorrect statement, afforded absolute proof that he himself was not abreast with the times. Nevertheless, it was not advisable to carry a proposition like that embodied in the amendment until the medical mind was equal to it. The general opinion was that medical men resorted too much to...
the use of stimulants as a method of treatment, but laymen could scarcely undertake to change the practice on their own authority.

Mr. BOSISTO said he had not the slightest objection to reduce the amount of alcohol consumed in hospitals for the insane, but to take such a course under existing circumstances would create a rather curious anomaly. The honorable member for North Melbourne (Dr. Rose) must surely know that the very basis of the system set out in the British Pharmacopoeia, on which he and other medical men acted, was absolute alcohol, and that very often the alcohol used was not of the very best description. Therefore, if his argument against the use of alcohol as a medicine was sound, it was clear that the very first step that ought to be taken in order to give it practical effect was for the medical profession to radically alter their standard authority by expunging from it all reference to the article.

Dr. ROSE remarked that of course the statement of the honorable member for Richmond (Mr. Bosisto) was perfectly correct, but the size of a dose frequently made all the difference in the world. For instance, a dram or a tea-spoonful was something quite distinct from a wine-glassful. Perhaps the honorable member was not aware that, although the preparations known as tinctures were usually concocted with alcohol, those used in the London Temperance Hospital were almost entirely made with glycerine. (Mr. Bosisto—"But the British Pharmacopoeia remains unaltered.") Everything must have a beginning. The foremost members of the medical profession were not always those accepted by the multitude.

Mr. MASON thought the honorable member for North Melbourne (Dr. Rose) had not met the point raised by the honorable member for Richmond (Mr. Bosisto), namely, that, as the Pharmacopoeia prescribed the use of alcohol, the medical profession had to act on the prescription.

Mr. JAMES observed that no greater mistake could be made by any honorable member than for him to suppose that he (Mr. James) was not in earnest on the present occasion. His whole life was a protest against the use of alcoholic liquors, and he invariably did all he could, both by precept and example, to discourage it. Nevertheless, it was obvious that the committee was not in favour of the amendment, and he would, therefore, withdraw it.

The amendment was withdrawn.

Mr. LAURENS stated that, having great sympathy with the views just expressed by his honorable colleague in the representation of North Melbourne, he would suggest a means by which the beginning the honorable member spoke of could be made. Inasmuch as the annual election of honorary physicians and surgeons of the Melbourne Hospital would take place in August, let him get eight or ten medical men of his way of thinking to offer themselves with him as candidates. The goodness of his case might then find itself subjected to a useful practical test.

The vote was agreed to.

INDUSTRIAL SCHOOLS.

On the vote of £38,895 to complete the vote (£46,895) for industrial and reformatory schools,

Mr. M. H. DAVIES asked the Chief Secretary to consider the propriety of raising the secretary of the Industrial Schools department from the 2nd to the 1st class.

Mr. BERRY thought the officer in question scarcely entitled to the promotion. He had been only eighteen months in the 2nd class, and had not yet reached its maximum. His (Mr. Berry's) rule was never to promote an officer to a higher class until he had reached the maximum of the one below it.

Mr. MASON begged to remind the Chief Secretary that this officer was the head of his department, and that there were very few heads of departments not in the 1st class. Moreover, the late Chief Secretary had written a letter clearly admitting that, when the secretary accepted his present post, he did so with the understanding that he would be placed in the 1st class. In fact the Estimates for 1882—8 originally contained a provision for his promotion to that class, but it was afterwards struck out. Surely a promise so publicly made ought to be redeemed.

Mr. C. YOUNG contended that there would be something like a breach of faith if this officer was not raised to the 1st class. He had shown aptitude for his work, and there was no reason whatever why the agreement entered into with regard to him should not be fulfilled.

Mr. BERRY said that when the late Government appointed the secretary was the proper time for them to raise him to the 1st class, if they intended to do so, whereas, as a matter of fact, they then placed him in the 2nd class. It was true that a few months later his promotion to the 1st class appeared on the Supplementary Estimates, but he
(Mr. Berry) regarded that as rather a monstrous proceeding, and he decided, in the exercise of his discretion, not to sanction it. Changes of that sort ought to be made in the annual Estimates, and not in the Supplementary Estimates. To increase salaries once a year was quite often enough. So long as he was a responsible Minister, he would never be constrained by any merely general promise on the part of any predecessor. Indeed, he really thought that a Minister ought not to make a promise which he was not in a condition to fulfil. He (Mr. Berry) never yet, when he retired from office, left any promise behind him for his successor to carry out. If he ever at such a time found himself unable to perform anything he had agreed to do, he took very good care that the department, at all events, should be utterly untrammeled in the matter. He was as kindly disposed towards the secretary as any one could be, but, in addition to the reasons he had given for not making the desired promotion, he was influenced by several others. For example, Mr. Neal, the inspector, being very ill, he had not yet had the advantage of consulting with him on certain contemplated alterations in the department, and he was very anxious to place it in the same order in which he left it two years ago—namely, with inspection kept totally distinct from management. But until that was accomplished, it would be embarrassing to have the secretary in the 1st class, because he would then be able to assume powers which it was not now open to him, he being a 2nd class officer, to exercise. What had been done in the present business had been done after the fullest possible consideration.

Mr. C. Young said he could not understand how it had become necessary to provide special agricultural instructors for the boys at Dookie and Macedon, because when they were originally sent up there the arrangement was that the local State school teacher should give them general instruction and the manager of the farm agricultural instruction. According to the vote as it stood there would be two instructors, one at each farm, and they would each receive £100 per annum, but that either of them could possibly earn the money was not very obvious. (Mr. Berry—"We are simply continuing an arrangement we found in operation.") The Chief Secretary must be mistaken on that point. The present Government found the boys in State school hands.

Mr. Berry stated that, if the honorable member for Kyneton would mention the subject when the vote was reported, he (Mr. Berry) would then make a further explanation with respect to it.

Mr. Zox observed that the parents who had from time to time successfully foisted their children on the industrial schools of the State were now some thousands of pounds in arrear with their contributions, and some effort ought to be made to force them to pay up the money due from them. Nothing, however, seemed to be doing towards the adoption of any regular plan on the subject. Mr. Neal had reported admirably with respect to it, but with what result? His recommendations, the preparation of which cost many hundreds of pounds, simply found their way to the waste-paper basket. Were the Service Government going to be as apathetic in this matter as were the various Governments that preceded them? The Premier, Chief Secretary, and Attorney-General had each in turn promised to take steps with respect to it. Would they carry out their pledges? That men and women who had got their children into the industrial schools, and did not pay for their maintenance there, should be allowed to walk about the streets at ease was a truly shameful arrangement. (Mr. Laurens—"What remedy would you apply?") He would have them put in prison. (Mr. Laurens—"But the law will not permit that to be done.") Then the law ought to be amended until it did permit it. Here was a tremendous social evil which could, in a young country like Victoria, be successfully nipped in the bud. Why was it not so treated? He wished the Government to understand, when he spoke to them in this strain, not that he was
antagonistic to them—on the contrary, he had every confidence in them—but that he was very much in earnest in urging them to take some action to prevent the parents or guardians of the children now in the industrial schools from evading their fair responsibilities.

Mr. BERRY thought the honorable member for East Melbourne (Mr. Zox) was very much mistaken with respect to many of his statements. Efforts of a regular character were constantly being made to put the law in force in every case in which there was the slightest chance of recovering money from the parents of industrial school children. In some instances disreputable parents had been sent to gaol, but with what result? That the cost of their maintenance was added to that of the maintenance of their children. It seemed to be in the nature of things for such parents to be unable, as well as unwilling, to maintain their offspring, and probably no law that could be passed would make them any different. As to the management of industrial school children, the State had by no means been still. There was no comparison between their condition now, and what it was when he (Mr. Berry) first took office. All the large schools were closed through the adoption of the boarding-out system, and the reformatories, which were formerly a disgrace, were now almost models for other countries to copy. For example, the Ballarat reformatory, under Captain Evans, would compare favorably with any similar institution in any part of the world. Again, the boarding-out system of the colony was a truly excellent one, and in connexion with it were numerous local committees, composed mostly of ladies, who took a deep and active interest in the children's welfare. In truth, he did not know where matters could be improved, except with regard to the expense, which was heavy. It might indeed be urged that the State did too much for the children. He, for one, believed that as soon as a child was taken charge of by the Government it was better fed, clothed, and looked after, with regard to its future way in the world, than were the average of the children of the parents belonging to the working classes who struggled with the difficulties of life without evading their responsibilities. Almost every day an effort was made to extend the period allotted for the detention of reformatory school children on the ground that it would be dangerous to allow them to return to their old associations until, having reached a maturer age, they were better able to take care of and protect themselves. No doubt, many of the public institutions of the colony were not all they should be, but its reformatory system could be regarded with satisfaction and pride. At the same time an advantage would unquestionably be gained if there was an intercolonial law to check the levanting of parents, by providing means whereby they could be compelled, under any Australian jurisdiction, to pay for the maintenance of their offspring.

Mr. KERFERD remarked that every honorable member recognised the warm interest taken in matters of the present kind by the honorable member for East Melbourne (Mr. Zox), but he appeared to have erroneous views as to the extent to which the relations of children could be forced to pay for their maintenance. Of course, it was highly proper that the parents and relations of children in the industrial schools should be pressed as much as possible to contribute in their behalf, and no doubt the Government officers concerned were very vigilant in the matter, but the scope of the law on the subject was, after all, very limited.

The vote was agreed to, as were also the votes of £3,583 to complete the vote (£4,263) for the Observatory; £1,790 to complete the vote (£2,150) for the department of the Government Botanist; £2,848 (total vote, £2,848) for the Shortland Writer’s department; £1,775 (total vote, £2,125) for Hansard; £6,358 (total vote, £7,708) for the Audit-office; £959 (total vote, £1,150) to meet the expenses of carrying out the Land Tax Act; £7,358 (total vote, £10,858) for the aborigines; and £260 (total vote, £320) for friendly societies.

**FREE LIBRARIES.**

On the vote of £10,700 for “grants,” Chief Secretary’s department,

Mr. JAMES called attention to one item of £3,000 for the “purchase of books for mechanics’ institutes or public libraries in country districts,” and to another of £6,000 for “adding the building funds of free libraries,” and stated, with respect to the first-mentioned amount, that it had not been increased for many years, and that consequently, the institutions among which the money was distributed having become very numerous, the individual share of each was very much reduced. At the same time there was no corresponding reduction in the grant to the Melbourne Public Library. With regard to the sum set apart for free library building purposes, very nearly