

do much good ; but it will certainly require amending. There is no great hurry for its passing, and if the hon. member, who has introduced it would take my suggestion, I think it would be wise to bring this bill under the notice of the members of the legal profession, especially of the equity men, who might be able to give some valuable information on the subject. This jurisdiction ought to be exercised in the Equity Court not in the common law court. I move :

That the debate be now adjourned.

Question resolved in the affirmative.

Debate adjourned.

House adjourned at 5.9 p.m.

## Legislative Assembly.

Wednesday, 4 July, 1900.

Questions and Answers (Land Exchange—Breach of Early-closing Act—Cargo and Orange Road—Land and Income Tax Department—Land Appraisalment Act—Re-appraisalment : Western Division Leases—Dromedary Gold-field—Property Left in Public Vehicles—Gratuities to Retired Officers—Metallurgical Works, Clyde—Public Works—Report of Savings Bank—Increments : Public Service—Increase of Salaries : Taxation Department—Nanima and Wandary Holdings—Allowances to the Police—Manufacture of Jam, &c.—Compensation : The Plague—Old-age Pensions—Electoral Rolls—The State of the Public Roads—Municipal Endowment—Electric Tram in Erskine-street—Road Contract—The Unemployed—Public Works Vouchers—Money owing by Banks—Grants to Municipalities—Accidents in Mines—Charitable Relief—Volunteer Corps—Accident at East Greta Colliery—The Adamstown Tramway—Appointment of Mr. Delohery)—Petitions—Papers—Municipalities Enabling Bill—Municipal District of Inverell Reduced Area Bill—Adjournment (Balmaln Tramway Service)—Land-tax (Assessment Books) Bill—Statutory Rules Publication Bill—Explosives Bill—Industrial Arbitration Bill (second reading)—Darling Harbour Wharves Resumption Bill (second reading)—Adjournment (Children Attending Schools).

Mr. SPEAKER took the chair.

### LAND EXCHANGE.

Mr. CHANTER asked the SECRETARY FOR LANDS,—(1.) Have applications been made by the owners of Caroonboon and Puckawidgee respectively, in the Deniliquin land district, for an exchange of land ? (2.) Are the lands proposed to be surrendered by the said owners situated in the Hay and Hillston land districts ? (3.) Does he approve of the policy of land in one district being exchanged for land

in another district distant from each other over 100 miles or more ? (4.) If not, will he in the future refuse to approve such applications, or to send such to any local land board for inquiry ?

Mr. HASSALL answered,—(1 and 2.) An application has been made by Messrs. J. and J. Dickson, the holders of Caroonboon holding to acquire land within that holding in the Deniliquin land district in exchange for lands in the Hay and Hillston land districts, and an application has been made by Messrs. Currie and Mackinon, the holders of Puckawidgee holding, to acquire land within that holding, which is situated partly within the land districts of Deniliquin and Hay, in exchange for lands within the Hay land district. (3 and 4.) There is nothing in the law opposed to an exchange of lands in different holdings or in different districts, and this fact I have felt compelled to bear in mind. I am not in favour of exchanges of lands remote from each other, but where local reports point to a certain proposal as advantageous to the Crown's interests I have thought it not undesirable to refer the case to the land board for full investigation, leaving the question whether the exchange shall be completed a matter for decision afterwards.

### BREACH OF EARLY-CLOSING ACT.

Dr. ROSS asked the MINISTER OF PUBLIC INSTRUCTION,—(1.) Is he aware that in a block of buildings on the Parramatta Road, Annandale, between Johnstone and Annandale Streets, there are two grocers who are compelled by law to close their shops at 6 o'clock four days per week—half-holiday on Wednesdays and 10 o'clock on Saturdays ? (2.) Is he aware that between these two grocers' shops, in the same street, is a so-called ham and beef shop, in which there is a good display of general groceries, teas, dairy produce, fresh pork and sausages, &c., and that close by is a butcher's shop also compelled by law to close at the same time as the two grocers ? (3.) Is he aware that the proprietor of the ham and beef shop keeps his place open daily until 8 or 9 o'clock, and 11 o'clock on Saturdays, and this ham and beef shop makes a special show of various lines, such as butter, tea, bacon, cheese, eggs, lard, condiments, when the two grocers' and butcher's shops are by law compelled to

close? (4.) Was it ever contemplated that such an anomaly should occur or exist under the Early-closing Act? (5.) Will he see that some steps are taken to have these anomalies rectified or amended, so as to place all persons in business on an equal footing and equality?

Mr. PERRY answered,—(1.) Yes. (2.) Yes. (3.) Yes; but the local police have observed that only cooked provisions are sold in the shop when the grocers are closed. (4 and 5.) This matter is dealt with in the amending bill.

Dr. ROSS asked the MINISTER OF PUBLIC INSTRUCTION,—(1.) Is it a fact that a poor man in a small grocery business in Surry Hills was lately fined £1 for selling a loaf of bread, under the Early-closing Act, to a child after hours, the mother having sent the child for the bread as the family had no bread in the house at the time? (2.) Did the Early-closing Act ever contemplate inflicting so cruel a hardship on poor families to be deprived, in a free Christian country, of the liberty of purchasing a loaf of bread and common necessities of life? (3.) Will he see that the act in this respect is amended in the interest of poor tradesmen and suffering families? (4.) If ham and beef shops are allowed to keep open after 6 o'clock, will he take steps to alter the law so that bakers and grocers, &c., will be allowed to sell bread (the staff of life) after 6 o'clock, especially to poor families that are starving or in want of the necessities of life?

Mr. PERRY answered,—(1.) No. Harris. Greenberg, general storekeeper, Goulburn and Nithsdale Streets, was summoned for not keeping his shop closed after the hour for closing on the 13th February last. He pleaded guilty, and was fined 5s., with 5s. 6d. costs. The officer who summoned him saw a girl leave the shop with bread on the date mentioned after prescribed hours. (2.) The Early-closing Act does not deprive, or does it contemplate depriving, "poor families of the liberty of purchasing a loaf of bread." The effect of the act is to require "poor families" and others to make their purchases at such hours as will not deprive other poor families, such as shopkeepers and shop-assistants, of a reasonable amount of liberty. (3 and 4.) The act will be amended in such directions as experience has shown to be necessary.

[*Dr. Ross.*

#### CARGO AND ORANGE ROAD.

Dr. ROSS asked the SECRETARY FOR PUBLIC WORKS,—(1.) The amount of money expended annually (if any) in the way of repairs on the road leading from Cargo and Orange Road to Cudal municipality boundary? (2.) The same information with regard to the road from Molong, *viâ* Boree and Bowan Park, to Cargo?

Mr. O'SULLIVAN answered,—(1.) There is a road known to the department as Murphy's Hill to Cudal (Murphy's Hill being on the Orange to Cargo Road), on which the average annual expenditure for the past five years has been £88 0s. 5d. (2.) Average annual expenditure for past five years, £120 17s. 10d.

#### LAND AND INCOME TAX DEPARTMENT.

Mr. NICHOLSON (for Mr. FERRIS) asked the COLONIAL TREASURER,—Is it the intention of the Government to place the officers of the Land-tax and Income Department on the permanent staff; if so, when?

Sir WILLIAM LYNE answered,—Yes. Legislative authority will be necessary, and that is at present receiving the consideration of the Government.

#### LAND APPRAISEMENT ACT.

Mr. BYRNE asked the SECRETARY FOR LANDS,—When does he intend to put into operation the provisions of the Land Appraisement Act?

Mr. HASSALL answered,—The matter has been carefully kept in view from the outset, but until very recently very few applications were received, so few indeed that any special expense would not have been warranted. Recently more activity has been displayed by selectors, and where a sufficient number of applications have been received steps have been taken, with a view to have them dealt with. It may be of interest to the hon. member to state that the latest information to hand shows an average of between four and five applications to have been received for each land district. The following are the figures:—Armidale land board district, comprising 5 land districts, 23; Bourke land board district, comprising 6 land districts, 15; Dubbo land board district, comprising 4 land districts, 4; Forbes land board district, comprising 6 land dis-

tricts, 33; Goulburn land board district, comprising 13 land districts, 103; Grafton land board district, comprising 7 land districts, 6; Hay land board district, comprising 8 land districts, 161; Maitland land board district, comprising 13 land districts, 4; Moree land board district, comprising 5 land districts, nil; Orange land board district, comprising 9 land districts, 19; Sydney land board district, comprising 11 land districts, 7; Tamworth land board district, comprising 5 land districts, 4; Wagga Wagga land board district, comprising 11 land districts, 71.

#### REAPPRAISEMENT: WESTERN DIVISION LEASES.

Mr. BYRNE asked the SECRETARY FOR LANDS,—(1.) Is it his intention to appoint valuers in connection with the Reappraisement of Lands Act; if so, when? (2.) When will the commission appointed to inquire into the western division leases commence their duties?

Mr. HASSALL answered,—(1.) Yes; and the matter is now under consideration so far as concerns districts in which a sufficient number of applications have been received. (2.) The commission having been appointed, no unnecessary delay will take place before they commence their duties.

#### DROMEDARY GOLD-FIELD.

Mr. CARROLL (for Mr. A. CHAPMAN) asked the SECRETARY FOR MINES AND AGRICULTURE,—(1.) Were there any gold leases taken for quartz or alluvial at Dromedary gold-field prior to F. R. Cowdroy's discovery, which was in March, 1877? (2.) If so, how many, and what amount of revenue did the department derive from the Dromedary gold-field (if such existed) during the stated period of fifteen years prior to March, 1877? (3.) When was Mount Dromedary proclaimed a gold-field? (4.) Was it proclaimed before or after March, 1877? (5.) How much revenue, including lease fees, survey fees, rents, miners' rights, business and mineral licenses, has the Mines Department derived from Mount Dromedary gold-field since F. R. Cowdroy's discovery, from March, 1877, up to March, 1900? (6.) Why has the Mines Department refused to supply F. R. Cowdroy with a copy of Warden Elliott's report on his application for the

discovery of Mount Dromedary reefing field? (7.) On whose information did Warden De Boos base his report when he stated that the alluvial flats at the foot of the mountain, together with the water-courses running down from it, had been worked fifteen years prior to March, 1877? (8.) Can the department prove the above statement to be correct? (9.) Can he or the department refute any one statement contained in F. R. Cowdroy's application, dated 17th April, 1900?

Mr. FEGAN answered,—(1 to 5.) It is not possible to supply the information at present, as it will take considerable research and time to prepare, and I would ask the hon. member to move for a return in the usual way. (6.) The report of Mr. Warden Elliott was supplied for the information and guidance of the department only, and is regarded as confidential. (7.) Mr. De Boos was warden of the district at the time, and no doubt based his report on his personal knowledge. (8.) The onus of disproving the statements rests with Mr. Cowdroy. (9.) Yes, for even were it admitted (which it is not) that Mr. Cowdroy was the discoverer, the terms of the reward were not complied with. The discovery was not less than 4 miles from the nearest gold workings, nor were 300 miners found employment within three months.

#### PROPERTY LEFT IN PUBLIC VEHICLES.

Mr. DACEY asked the COLONIAL SECRETARY,—(1.) Is it not a fact that all property left in public vehicles must be taken to the office of the Metropolitan Board of Transit Commissioners? (2.) How many articles have been deposited there during the last three months? (3.) What is the approximate cash value of the whole such articles? (4.) Is all unclaimed property sold by auction at the end of three months; if not, how often is it sold? (5.) What did the last sale realise? (6.) How long were the articles accumulating which were offered at the last sale?

Mr. SEE answered,—The following information has been furnished by the Registrar of the Metropolitan Transit Commission:—

(1.) Yes. (2.) Seventy-six, thirty-four of which have been returned to owners. (3.) Under £10. (4.) No. Generally twice a year. (5.) £10 8s. 3d. (6.) Nine months.

## GRATUITIES TO RETIRED OFFICERS.

Mr. J. C. L. FITZPATRICK asked the ATTORNEY-GENERAL,—(1.) Have their gratuities been paid to any officers in the state employment whose services were dispensed with on the occasion when the Public Service Board came into existence, but who have since been given permanent or temporary employment in their old or other departments? (2.) If such gratuities have been paid to and been retained by some officers, will he inform the House why others have been refused the same right? (3.) On what principle have these gratuities been granted and refused?

Mr. SEE answered,—(1.) Yes. (2.) It is difficult to answer a general question of this kind. In many cases where officers have been re-employed, the gratuities had been paid to them before such re-employment; and where the reappointment was to a permanent position, special arrangements were made with the officers that the amount of gratuity received by them should be refunded by instalments. It has, however, been determined that on the termination of the officers' permanent service, the gratuity is payable; and in the cases where officers have been re-employed, and have not received a gratuity, the money will be payable on their finally leaving the service. (2.) On the principles laid down in the Public Service Act.

## METALLURGICAL WORKS, CLYDE.

Mr. J. C. L. FITZPATRICK asked the SECRETARY FOR MINES AND AGRICULTURE,—(1.) Is it intended to close the Government metallurgical works at Clyde; and, if so, for what reason is this course to be pursued? (2.) What expenditure would need to be incurred so that the works might be fitted with such modern machinery and appliances as would enable it to be worked to the satisfaction of the mining community?

Mr. FEGAN answered,—I shall presently lay upon the table of the House copy of a report which gives the information desired by the hon. member.

## PUBLIC WORKS.

Mr. SPENCE asked the SECRETARY FOR PUBLIC WORKS,—(1.) Referring to a speech delivered by him, in which he stated that he had carried out a number of extra works,

will he state what those works were? (2.) Will he also state how much his department spent during the year 1899-1900; the same for the following years—1891, 1892, 1893, 1894, 1895-6, 1896-7, 1897-8, 1898-9? (3.) How much is the excess of loan expenditure by the Public Works Department for 1899-1900 over the previous year; why was this excess expenditure incurred? (4.) How much was the excess of revenue expenditure of the Public Works Department for 1899-1900 over that of the previous year; why was this excess incurred?

Mr. O'SULLIVAN answered,—In reply to the hon. member, I have to state as follows:—(1.) The extra works carried on by the Public Works Department during the past year were: On loan votes—by the starting of three new railways, six new tramways, the telephone tunnels, new bridges, new harbour works, new sewerage works and new buildings. (2.) The total expenditure in connection with the Public Works Department, irrespective of water and sewerage boards, in 1891, was £3,125,616 19s. 1d.; in 1892 it was £3,223,495 2s. 2d.; in 1893 it was £2,557,907 14s. 11d.; 1894 to 30th June, 1895 (18 months), £2,585,922 5s. 8d.; in 1895-6 it was £1,772,485 12s. 6d.; in 1896-7 it was £1,692,170 13s. 10d.; in 1897-8 it was £1,816,038 13s. 1d.; in 1898-9 it was £2,165,818 14s. 11d.; 1899-1900 (approximate) it was £2,285,682 9s. 8d. In connection with these figures it must be remembered that the road vote was reduced by over £300,000 in 1894 as compared with 1892, and has remained at more than £300,000 reduction ever since. (3.) The loan expenditure for 1899-1900 has only exceeded that of the previous year by £92,752 4s. 2d. This includes £45,000 for land resumption about Darling Island, and £30,000 for telephone tunnels—both unexpected extras that had to be met. The telephone tunnels expenditure formerly fell on the Postal Department, which has been relieved to the extent of £30,000. (4.) The revenue expenditure in connection with the Public Works Department for 1899-1900 only exceeded that of the previous year by £27,111 10s. 7d. This excess of expenditure on revenue votes was caused by the rise in price of materials owing to the war, by work being found for the unemployed (usually paid

out of Treasurer's advance) and by double shifts and eight-hour system on dredges, and by a rise in wages to labourers and skilled workmen all over New South Wales.

#### REPORT OF SAVINGS BANK.

MR. TERRY asked the COLONAL TREASURER,—(1.) Has he received the annual report of the auditors of the Government Savings Bank of New South Wales? (2.) If so, when will he be able to lay the same upon the table of the House for the information of hon. members?

Sir WILLIAM LYNE answered,—The annual balance-sheet of the Savings Bank of New South Wales for 1899 was presented to the Government on the 23rd January last, signed by the trustees and certified by the auditors, and was published in the *Government Gazette*, No. 99, of 2nd February, 1900.

#### INCREMENTS : PUBLIC SERVICE.

MR. NELSON asked the ATTORNEY-GENERAL,—(1.) What are the reasons which have prevented a system of annual increments being granted to the lower grades of the professional division of the public service, regulations granting annual increments to similar grades of the clerical division having been gazetted so far back as July, 1898? (2.) Considering that officers of the clerical division, receiving under £300 per annum, have already been granted two increments since regulations governing them were gazetted, will he cause regulations to be framed without delay granting annual increments to officers of the professional division of similar grades? (3.) And, if so, will he, in justice to a deserving body of public officers, and in order to place them on an equal footing with the clerical division, make provision on the estimates for paying such officers increments from 1st July, 1898?

MR. SEE answered,—If the hon. member will refer to the answer given to question No. 3 last night, it will be found that the information now desired was then supplied.

MR. CANN (for Mr. W. M. HUGHES) asked the ATTORNEY-GENERAL,—(1.) Is it intended to grant officers in the lower series of grades, who are at the top of their respective grades, increments for the year 1899–1900? (2.) If not, why not; and, if so, when?

MR. SEE answered,—It is not intended to grant increments to the officers referred to. By reference to the regulation it will be seen that promotions from grade to grade are only contemplated as vacancies occur. The regulation reads as follows:—

Provided that in all cases promotion shall only be made from one grade to another when a vacancy has occurred in the next higher grade. Should, however, the exigencies of the service so demand, the board may at any time declare that the number of officers in any grade requires to be increased, whereupon the number of officers in the grade specified shall be increased accordingly, and promotion from the lower grade shall be made of the officers entitled thereto, subject to the necessary provision being made by Parliament for the purpose.

It is true that the power of creating vacancies was exercised on the first year's working of the regulations, but it would be impossible, in justice to the state, to continue the practice. Special instances may, of course, arise where the power given by the regulations should be exercised, but it cannot be done as a regular thing.

#### INCREASE OF SALARIES : TAXATION DEPARTMENT.

MR. GILLIES (for Mr. McLEAN) asked the ATTORNEY-GENERAL,—(1.) Is it a fact that the First Commissioner for Taxation at the end of last year made certain recommendations for increases of salaries to various officers of his department who were underpaid? (2.) Did these recommendations emanate from a request made by the Public Service Board, namely, that a revision of salary list be made, and if there were any officers of the department underpaid to report on same? (3.) Have the commissioners' recommendations been adopted? (4.) If so, why have the increases not been paid?

MR. SEE answered,—The Public Service Board went very exhaustively into the question of the salaries of officers of the Taxation Department some time ago, and the whole of the salaries were then regraded. There are, however, a few cases still outstanding, and, before finally dealing with these, the board propose to make a personal investigation; but owing to the pressure of work they have not yet been able to do this. The matter will, however, be dealt with as soon as possible.

## NANIMA AND WANDARY HOLDINGS.

Mr. HOLMAN asked the SECRETARY FOR LANDS,—(1.) When the available area on Nanima holding, Forbes district, will be thrown open for selection? (2.) When the available area on the Wandary holding, Forbes district, will be similarly thrown open?

Mr. HASSALL answered,—(1.) It is proposed to set apart an area of 3,940 acres for additions to conditional purchase and conditional lease holdings on Nanima holding. The reserve partly covering the land will be revoked on the 7th instant, and the proposed action will be taken at the expiration of sixty days from that date. When the claims of adjoining holders are thus satisfied, it is proposed to deal with the balance of the area (about 1,770 acres). This balance is, however, affected by an exchange which is not yet completed. (2.) An area of 4,163 acres in ten blocks, ranging from 332 acres to 579½ acres, has been measured for home-stead selection. The covering reserves have been revoked, and the revocations will take effect on the 26th instant, when the chairman of the land board will be asked to suggest suitable dates for the setting apart of the land and the hearing of applications.

## ALLOWANCES TO THE POLICE.

Mr. HOLMAN asked the COLONIAL SECRETARY,—(1.) Whether he has come to any decision on the question of extra living allowances for police situated within the dividing line, but at distances from railways; if so, will he announce it? (2.) Whether it is not now the fact that other public servants similarly situated obtain such allowances?

Mr. SEE answered,—If the additional sum recommended on the current year's estimates is voted, the usual allowance will be paid to the police at those places where other public servants receive it.

## MANUFACTURE OF JAM, &amp;c.

Mr. NOBBS (for Mr. JESSEP) asked the COLONIAL TREASURER,—(1.) Is he aware that large orders for jams and preserved fruits have been placed by the War Office in Victoria, Tasmania, and South Australia, for export to South Africa, and that no orders for these goods

have been received by New South Wales manufacturers? (2.) Is it not a fact that in the colonies named every facility is given to local manufacturers, and that a drawback of the whole amount of the duty on sugar they pay is allowed on exportation of the goods, while no such drawback is allowed in this colony, although the duty on sugar is £3 per ton? (3.) Is he aware that the late Premier, the Right Hon. G. H. Reid, gave notice of a bill to so amend the Customs Act as to place manufacturers of jams and confectionery, &c., of this colony on the same footing in the export trade as the manufacturers of the adjoining colonies? (4.) If such notice was not given by the late Premier, will he introduce a bill on the lines indicated, and so give local manufacturers a chance to compete in the world's market?

Sir WILLIAM LYNE answered,—(1.) I understand that certain orders for these goods were placed with the adjacent colonies, but no official orders were supplied from here. (2.) The conditions are not similar to those in New South Wales, where large quantities of free sugar are locally produced. (3.) Yes. (4.) I have not yet seen the bill, but shall probably do as the hon. member desires.

## COMPENSATION: THE PLAGUE.

Mr. ASHTON asked the COLONIAL TREASURER,—(1.) Has any compensation been paid to anyone in connection with the quarantining of plague-stricken areas for interruption to business or damage to property? (2.) If so, what amount has been so paid?

Sir WILLIAM LYNE answered,—(1.) Yes. (2.) This information can be prepared and laid upon the table in the form of a return if moved for in the usual manner.

## OLD-AGE PENSIONS.

Mr. NEILD asked the COLONIAL TREASURER,—When is it intended to introduce the promised measure to establish a system of old-age pensions?

Sir WILLIAM LYNE answered,—It is intended to do so this session if possible.

## ELECTORAL ROLLS.

Mr. MCGOWEN: I desire to ask the Premier if he has made any arrangements to let the police re-compile the electoral

rolls, as suggested to him by various hon. members who, as a deputation, waited upon him a little time ago?

Sir WILLIAM LYNE: I laid upon the table last night a report on this question from the Electoral Commission, and I have received a report to-day from that body—in fact I had an interview with one member of it to-day—recommending that the work should be proceeded with at once, so as to have everything ready when legislation will have to take place; and that report was sent to the Inspector-General of Police for report a few minutes ago.

#### THE STATE OF THE PUBLIC ROADS.

Mr. LEVIEN: I desire to ask the Secretary for Public Works is he aware that all the roads of the colony are falling into a very bad state of disrepair, and is it his intention to put back the original amount which was granted for these roads, so that they shall become trafficable?

Mr. O'SULLIVAN: I am becoming painfully aware that many of the roads of this country are in a most disgraceful condition, brought about through the previous government cutting down the road vote by £250,000.

Mr. REID: They were in a worse state when we came in!

Mr. O'SULLIVAN: I have prepared a few figures on this matter. Referring to the road vote, I may say that it was voted as follows during the past eight years:—In 1892 it was £894,333; in 1893 it was £600,000; in 1894 it fell to £583,637; in 1895–6–7, it was £700,000 for eighteen months; in 1896–7 it went down again to £550,000; and remained at that figure for the two following years. It will thus be seen that the amount voted during the past few years was over £300,000 less than the amount voted in 1892. In 1899–1900 I raised it to £570,000. As we have now 11,000 miles more of roads to repair than in 1892, I hope soon to be able to materially increase the road vote, in order to repair roads that have been allowed to get into a disgraceful state of disrepair through the action of the previous government.

#### MUNICIPAL ENDOWMENT.

Mr. RIGG: I desire to ask the Colonial Secretary, in view of the promised allowance for the road vote, is it the intention

of the Government to provide a special subsidy for the various municipalities?

Sir WILLIAM LYNE: I will answer this question. I think, so far as I have seen the streets of Sydney, they should have a subsidy, and very shortly too. I had intended to have given a subsidy, and a considerable one, to the municipalities this year; but when I had to pay £250,000 unexpectedly to send away the contingents and to keep down the plague, it was absolutely impossible for me to do so.

#### ELECTRIC TRAM IN ERSKINE-STREET.

Mr. WILKS: Has the Secretary for Public Works arrived at any decision in regard to constructing an electric tram in Erskine-street, and, if so, is it his intention to have the terminus at the foot of that street.

Mr. O'SULLIVAN: I intended at one time to propose to proceed with the construction of that tram, but I have had so many protests in connection with the matter that it will take me some little time to consider and decide upon them.

#### ROAD CONTRACT.

Mr. McGOWEN: I desire to ask the Secretary for Public Works a question without notice; and, because of the manner in which he is answering some of the questions, I feel a certain amount of diffidence. Has he received any intimation in reply to the question I asked him about a Chinaman making a road at Mogil Mogil, in The Barwon electorate?

Mr. O'SULLIVAN: As I told the hon. member last night, I took prompt action when he first spoke to me about the matter. I wrote a minute at once to have the matter inquired into, as the hon. member will see when he refers to the papers. The reply to that minute was somewhat late in coming back—it got pigeon-holed somewhere—but it is to this effect:

The contractor informs me that he has three Chinamen on the contract on piecework. His reason for employing them was that he could not get other men. He also informed me that the men on the works are naturalised British subjects, and we are paying them 7s. a day. Such being the case, it appears to me there is no necessity for action by this department.

I wired back to the officer at once to make a thorough inquiry, and to see if this statement was correct or not. I may tell

the hon. member that it is impossible now for any man in this country to take a contract from my department to sweat, because I have a schedule which he has to sign, compelling him to pay 7s. per day for unskilled labour and the highest rate for skilled labour.

Mr. McGOWEN : I think the Minister is being misled.

Mr. SPEAKER : Order !

Mr. McGOWEN : The complaint I made was—and I gave the hon. gentleman the case I got from men in the district—to the effect that a certain European got this work at so much below the other tenderers, and then handed it over to a gang of Chinamen to do. Practically the charge was, not that the Chinamen were engaged, but that subletting was going on under the contract. When I brought the matter under the Minister's attention the Chinamen had arrived on the ground ; but the last letter I got yesterday stated that they have done a mile of work, and that the contract had been sublet.

Mr. O'SULLIVAN : If the hon. member will notice, I took immediate action.

Mr. McGOWEN : Did the hon. member do anything with the sub-contractor ?

Mr. O'SULLIVAN : I authorised the local officer to make a thorough inquiry to see if that statement was correct. It matters not whether a man takes a sub-contract or not now, he has to pay the highest rate of wages.

Mr. McGOWEN : The department do not allow them to sublet their contracts ?

Mr. O'SULLIVAN : If they violate that condition they are liable to a fine of £50, and they will very soon have to pay it.

#### THE UNEMPLOYED.

Mr. REID : I want to ask the Minister in charge of the Works Department whether he does not recollect promising a deputation that waited on him last Wednesday that work for 500 of the unemployed would be found by him within a week ? Is not the Minister aware that so far there has been work provided for only 80 men ?

Mr. O'SULLIVAN : The hon. member's advisers have misled him. 128 men went to work on last Monday, and I have given orders for other road work which

[*Mr. O'Sullivan.*]

will carry out the promise I made. That forms a great contrast to the action of the hon. member's Government which never did anything.

#### PUBLIC WORKS VOUCHERS.

Mr. DONALDSON : Is the Secretary for Public Works aware that vouchers for contract work done to the amount of about £1,700 have been sent into the Works Department, some dating as far back as the 26th May, and that not one shilling of that money has yet been paid ?

Mr. O'SULLIVAN : It is quite possible that a few vouchers have been delayed, because inquiry has to be made. I can tell the hon. member that I am now rolling in wealth and they will all be paid.

#### MONEY OWING BY BANKS.

Mr. ARTHUR GRIFFITH : I wish to ask the Colonial Treasurer if he is now in a position to answer a question which I put to him a fortnight ago, with reference to the amount of money owing by the Sydney banks to the Savings Bank of New South Wales ?

Sir WILLIAM LYNE : I have had no further communication from the bank on the subject ; the bank seems to decline to give that information, and I must get it in some other way if I want it.

#### GRANTS TO MUNICIPALITIES.

Mr. HAYNES : I wish to ask the Premier a question with reference to the anticipated decrease in the vote for the maintenance of roads in municipalities. Can he see his way to reduce the amount as far as the metropolitan area is concerned, with a view to giving a corresponding increase to municipalities in country districts ? About five times the amount of money which is spent in country districts is paid away in the metropolitan area.

Sir WILLIAM LYNE : I do not think it is possible to do so at present. The roads in the metropolitan area seem to me to have become very bad.

An HON. MEMBER : Not half as bad as the country roads !

Sir WILLIAM LYNE : I do not think I have seen country roads half as bad as some of the city streets. A certain amount of money is usually expended on



roads leading to the various suburbs. What I should like to do, and, if possible, I will do it, is to continue to spend the money on those roads, and also to increase the expenditure on roads throughout the interior.

#### ACCIDENTS IN MINES.

Mr. WATKINS: In view of our having to discuss shortly the measure providing a relief fund in connection with accidents to miners, will the Secretary for Mines and Agriculture lay on the table any information in his possession giving statistical returns as to accidents in mines? I believe an actuarial report on the subject was once laid on the table of the House.

Mr. FEGAN: I do not know whether such a report has ever been laid on the table, but if there is any information available in the department I shall be only too pleased to lay it on the table before hon. members discuss the bill.

*At a later stage:*

Mr. WADDELL: I wish to ask the Secretary for Mines and Agriculture, if he has received any suggestion from miners associations with reference to the way in which the Miners Accident Relief Fund Bill should be framed. If so will he have any objection to the communication being printed and laid on the table?

Mr. FEGAN: I have received some suggestions which would make it impossible to introduce the bill. Some of the suggestions were to the effect that the bill placed before the House is utterly useless. I believe, however, that some assistance is better than none.

#### CHARITABLE RELIEF.

Mr. A. CHAPMAN: I wish to ask the Colonial Secretary a question with reference to a recommendation made by a committee of which the present Secretary for Public Works was chairman, that the Government should board out a number of the old folks at present in the asylums, thus giving the old-age pension system a practical test?

Mr. SEE: I may say that the whole question of public charities is now under the consideration of the Government, and I honestly believe a very great improvement will be made in the present system when I am in a position to place the matter fully before my colleagues. I shall

lay all the papers before hon. members, and I hope to be able to establish a much better system at a lower cost than is now involved.

#### VOLUNTEER CORPS.

Mr. A. CHAPMAN: I wish to ask the Colonial Secretary what steps he intends to take with reference to the requests of numerous deputations to be allowed to form a volunteer corps in different country towns?

Mr. SEE: I think this is a question of which notice ought to be given, in order that I may be able to supply a proper answer.

#### ACCIDENT AT EAST GRETA COLLIERY.

Mr. EDDEN: I wish to ask the Secretary for Mines and Agriculture, will he lay on the table of the House the evidence tendered at the inquiry into the fatal accident which took place at the East Greta Colliery some months ago?

Mr. FEGAN: I think the report has already been laid on the table.

Mr. EDDEN: I want the evidence not the report!

Mr. FEGAN: If the evidence has not been laid on the table I will see that it is done.

#### THE ADAMSTOWN TRAMWAY.

Mr. EDDEN: I wish to know, from the Secretary for Public Works, if anything has been done in connection with a matter which I brought under his notice last week—the delay in the completion of the Adamstown tramway. Rain has set in in that district and traffic is practically blocked, because the tram-line is up waiting for two or three sets of points to be sent up from Sydney, and they have been waited for for some weeks. I want to know if the hon. member will hurry the work?

Mr. O'SULLIVAN: Some steps have been taken in regard to the matter, and I hope that by Monday the work will be completed.

#### APPOINTMENT OF MR. DELOHERY.

Mr. QUINN: I should like to know if Mr. Delohery has been appointed a member of the Public Service Commission for the residue of Mr. Coghlan's term of office, or for the full seven years for which commissioners were originally appointed?

Mr. WISE: I cannot remember. Will the hon. member give notice of his question?

#### PETITIONS.

Mr. NELSON presented a petition from certain tobacconists of Sydney and suburbs, representing that the Early-closing Act had been in operation for nearly six months; that the existing provisions which regulate the hours of closing of tobacconist shops are those that best meet the requirements of the trade and convenience of the general public; and praying the House not to amend the act in respect to the hours of closing retail tobacconists' shops.

Mr. EDDEN presented a petition from certain shopkeepers, tradespeople, and citizens of the city of Newcastle and of the adjacent municipalities, stating that petitioners were in accord with the objects of the Early-closing Act, in so far as the limitation of hours of employees were concerned; that they had no desire to increase the hours of labour or interfere with the weekly half-holiday; that in a spirit of justice a clause might be inserted in the act which would allow shopkeepers in the shopping district of Newcastle to keep open their places of business until the hour of 9 p.m. on pay Friday night, and the same hour on the night preceding the Sunday night when the public holiday falls on the Monday; and praying the House to make such amendments as will effect the desired relief.

Petitions received.

#### PAPERS.

Ministers laid upon the table the following papers:—

Notification of reduced rates on telegrams to the Australian Nursing Corps on service in South Africa.

Copies of *Gazette* notices setting forth the mode in which it is proposed to deal with the dedication of certain lands, in accordance with the provisions of the 105th section of the Act 48 Victoria, No. 18, the 41st section of the Act 53 Victoria, No. 21, and the 7th section of the Public Trusts Act, 1897.

Abstract of Crown lands authorised to be dedicated to public purposes, in accordance with the 104th section of the Act 48 Victoria, No. 18.

Report of the board appointed to deal with applications for the position of Government Metallurgist.

Amended regulations Nos. 254 to 271 and 274 to 277, under the Public Service Act of 1895.

Referred to the Printing Committee.

#### MUNICIPALITIES ENABLING BILL.

*Resolved* (on motion by Mr. J. C. L. FITZPATRICK):

That leave be given to bring in a bill to amend the Municipalities Act, to enable municipalities to raise the revenue at their option either by imposing rates on the unimproved value of land within their boundaries or upon the annual rental value.

#### MUNICIPAL DISTRICT OF INVERELL REDUCED AREA BILL.

Bill presented, and, on motion by Mr. Cruickshank, read the first time.

#### ADJOURNMENT.

##### BALMAIN TRAMWAY SERVICE.

Mr. SPEAKER: I have received an intimation from the hon. member for Balmain South that he desires to move the adjournment of the House, for the purpose of discussing a definite matter of urgent public importance, namely:—"The unwarrantable delay on the part of the Railway Commissioners in supplying Balmain's immense population and the residents of Lilyfield with a double line of tramway and a more efficient tram service."

*Five hon. members having risen in their places.*

Question proposed.

Mr. LAW (Balmain South) [5.18]: Notwithstanding the hubbub which some hon. members are raising, I have as keen an appreciation of the value of the time of this House as has any other hon. member; but I consider that the apathy of the Railway Commissioners to the interests of Balmain necessitates this very extreme step. If hon. members will listen for ten or fifteen minutes to what I have to say, I think I shall be able to demonstrate that I have good reason for the action I am now taking. I wish to express the just indignation of the 30,000 residents of Balmain, and the disgust of the people of Lilyfield at the unwarrantable delay of the Railway Commissioners in supplying Balmain with a double line of tramway, and a more frequent tram service. I will endeavour to prove that the action I am taking is in conformity with the interests of Balmain, and also that the Railway Commissioners have not shown themselves alive to the importance of that, the premier suburb of Sydney. The suburb contains 30,000 persons whose interests in the past have been entirely

ignored, and were I not to take the step I am taking to-night, I consider I should be unworthy the representation of Balmain and Lilyfield. The hon. member for Leichhardt will have an opportunity later on to express his opinion on the question if it affects his electorate.

MR. E. M. CLARK: Is this a federal speech?

MR. LAW: If I have an eye to the federal parliament, I am not the only one in this House who is in that position. Judging from those hon. members who are likely to stand for the district, I see no indication that I am not likely to come out on top.

MR. SPEAKER: Order. The hon. member is not in order in referring to the candidature of hon. members for the federal parliament.

MR. LAW: The people of Balmain are righteously indignant at the scurvy way in which they have been treated by the Railway Commissioners. Other hon. members who have travelled upon the Balmain line will be able to confirm what I am about to say as to the extreme inconvenience now suffered by the travelling public. Balmain has a population of 7,000 in excess of that of any other suburb of Sydney, and that being the case, I think the fact of its having a single line of tramway is the clearest proof possible that the Railway Commissioners are not alive to the interests of an important section of the community, and that it is time they had a little electricity put into them to induce them to extend fair play to the suburbs all round. Balmain is the only suburb of Sydney which has a single line, and, as a natural consequence, there is considerable interruption to the traffic. The trams have to be stopped at the Glebe, and at Annandale, frequently, to allow other trams to pass. It is also the only suburb which has a twenty minutes' service, and even that service is irregular in consequence of the single line. At times one can get a tram from Balmain only once an hour, because the three cars on the single line being so loaded, owing to the enormous population and the inadequate service, it frequently happens that they cannot ascend some of the inclines. The traffic is, therefore, impeded for a considerable time. The suburb of Newtown, the population of which is not half as large as

that of Balmain, has a five-minute service; Marrickville has also a five-minute service; Paddington has a five or six minute service; Waverley has a five or six minute service; and North Sydney has a ten-minute tram service. The population of these suburbs is in no instance one-half as big as that of Balmain, and as a representative of that district I demand, in the most forcible manner, that fair play should be meted out to it. I appeal to the representatives of Newtown and Waverley to say what would be the feeling of their constituents if, after waiting near the railway-station in George-street for about twenty minutes for a tram, they found it so crowded when it reached that point as to leave them no option but to stand during the journey or to sit upon some one else? Communications have been addressed to the Railway Commissioners on the subject, and deputation after deputation has waited upon them soliciting them to give the suburb a better service. The commissioners have been profuse in their promises, but their performances have amounted to nil. Two months ago I interviewed the Railway Commissioners on the subject, and was then informed that I should receive a reply in a few days. I waited patiently for a fortnight, but I received no reply; consequently I wrote to the Railway Commissioners, asking them to proceed with this work, and I received a reply from the Secretary for Railways informing me that it would be considered with a number of other important public matters in connection with the railways. As the Railway Commissioners were not within 100 miles of Sydney, it was clear to me that this communication was sent by one of their subordinates. I wrote again a fortnight afterwards, and I was told that the work would be carried out at an early date. Now, we have had sufficient experience of the Railway Commissioners to know what they mean by an early date. The commissioners have promised that the electric tram to Balmain shall commence running by the 1st November. As there is not a double line it will be absolutely impossible for the electric tram, with cars which only hold a few people, to carry the traffic. In fact, it is absolutely impossible for a population of 30,000 people to be served by a single line of tramway. I hope that several hon.

members, who have had to travel to and from Balmain, will see the utility of getting up and letting the Railway Commissioners know that they will have to show a little more vitality in these matters. If they treated other places in the same way that they have treated Balmain, the inhabitants of those places would come to the conclusion that they were a trio of nonogenarians, whose vitality and energy had entirely evaporated. After what I have said, no matter what other hon. members may think, the Prime Minister, who has no axe to grind, who is not one of those individuals who cares about the comments of a private member, will take the facts as he finds them; and when I tell the hon. gentleman that we have a population of 30,000 in Balmain—7,000 in excess of that of any other suburb—that we have an irregular tram service of twenty minutes, and that we have a single line, I think it ought to be indelibly fixed in the hon. gentleman's brain case that the Railway Commissioners are not dealing out common fair play to the people of Balmain. I consider that I should be wanting in my duty if I did not stand up on the floor of the House to-night and give vent to my feelings on this subject, expressing, as I do, the views of the people of Balmain. I trust the Prime Minister will see the utility of inoculating the Railway Commissioners with a little electricity with regard to the future. It is as clear as noon-day that, if we are to have an electric tram on a single line, with a twenty minutes service, and with the small cars that are used in connection with the electric system, in the near future the tramway traffic in the metropolitan area and suburbs of Sydney will be in a state of chaos, and in a condition not at all creditable to the Railway Commissioners. An hon. member asks what the present traffic is. The question is: what would the traffic be with an improved service? It would be as different as chalk from cheese. The hon. gentleman who asks the question is one of those who has had ocular demonstration of the fact that every tram running to Balmain is crowded, and that at holiday time intending passengers have only one alternative—they must either get into the tram and sit on somebody or get on top of the car. This state of things is a positive disgrace to the Railway Commissioners,

[*Mr. Law.*

and it is the bounden duty of the Prime Minister, after the statement I have made to-night, to cause some inquiry to be made, and to see that the Railway Commissioners who receive £2,000 a year, are real live men and act in conformity with the requirements of the country. It appears to me that since the Chief Commissioner has been away the other Railway Commissioners have been paralysed. If they treat every other place as they treat Balmain, we are forced to the conclusion that the only competent point about them is that they are capable of drawing their £2,000 a year.

Sir WILLIAM LYNE (The Hume), Colonial Treasurer [5.36]: I do not think the hon. gentleman need have shown so much heat on this question. One would imagine that Balmain has been altogether lost sight of.

AN HON. MEMBER: Where is Balmain?

Sir WILLIAM LYNE: Balmain is a suburb which has a tram service, and a ferry service too. If rulings already given in matters of this sort were adhered to, the hon. member would not have brought this matter forward to-night. I notice that on the 27th of last month, on a special motion of adjournment, he brought forward the same matter. There was a motion of adjournment in reference to the overcrowding of the trams, and the hon. member then spoke specially on the question of the non-duplication of the tram-line to Balmain. It is only a few days since he made that speech, and surely we are not going to have a repetition every week of a speech on the duplication of the trams to Balmain. If so, the time of the House will be occupied with nothing but motions of adjournment by the hon. member, and I think it has some more important business to deal with. As I understood late this afternoon that the hon. member was going to move the adjournment of the House, I took the opportunity of inquiring from the Railway Commissioners as to what truth there really was in the statements made on this subject. I find that the hon. member has made statements in reference to the Railway Commissioners which are not in accordance with the true state of matters. The Railway Commissioners are desirous, and have been for some time, of duplicating the line to Balmain.

Mr. LAW: For three years they have been desirous!

Sir WILLIAM LYNE: And during that time the Chief Commissioner was in Sydney, so that it is very unjust for the hon. member to say that the other commissioners have been paralysed since the Chief Commissioner has been away. The commissioners state that they are making arrangements as fast as they possibly can to duplicate the line to Balmain. They are preparing the rails for the electric tram which they intend to carry to Balmain, and if they were to run the heavy steam motors over these rails, it would, practically, destroy the work done up to the present stage. They have been doing so much in extending the electric tram system to the various suburbs that it has been quite impossible for them to carry electric trams into every suburb at once. They say they are very anxious, and expect very shortly to be able, to take up the Balmain duplication, which will not take long to complete, and they would commence it now but for the fact that they do not wish to run the heavy motors over the rails after they have been prepared for the electric system. The hon. member, I think, is making a very great deal more out of this matter than is necessary, because there is a good ferry service to Balmain.

Mr. WILKS: Private enterprise!

Sir WILLIAM LYNE: That is private enterprise; but it is a means of communication which does not extend to many other suburbs. I can assure the hon. member for Balmain South that so far as it is possible for the Government to further the extension of this tramway, it will be done, and is being done. But moving the adjournment of the House every night in the week will not cause the work to be hurried one minute more quickly.

Mr. LAW: I have moved the adjournment of the House four times in six years!

Sir WILLIAM LYNE: It is a fortunate thing that the hon. member cannot move the adjournment of the House again on this question.

Mr. HAYNES: The hon. member for Balmain North will be up to-morrow night!

Sir WILLIAM LYNE: We have very important business to be carried through to-night. I shall be much obliged if hon. members will not discuss this matter long,

so that we can proceed with two measures, one of which, at any rate, I want to get through to-night. I assure hon. members that there will be no opportunity missed of pushing forward this work.

Mr. WILKS (Balmain North) [5.42]: The last remark of the Premier practically gave what I think the hon. member for Balmain South is asking for. I take this occasion to pass a remark which I have a right to do. As the hon. member for Balmain South was apparently disconcerted during his remarks, and annoyed by a certain amount of levity which I displayed, I wish to say that I had no idea of disconcerting that gentleman; but, at the same time, I do not take it that he has the power of hectoring or advising any hon. member as to what he shall do. At all times motions for adjournment are inconvenient, mostly to the Government. I am led to believe that the Attorney-General wishes to-night to move the second reading of a bill of a most momentous character. The forms of the House are devised for the purpose of allowing hon. members to air certain grievances, and the hon. member for Balmain South has shown to this House and to the country certain grievances which a large suburb like Balmain has been labouring under too long. The position is very clear. The hon. member for Balmain South, in company with the representatives of surrounding districts, including myself, have used every constitutional means at our command to urge on the alteration and the improvement of this service, and apparently our effort has failed. But if this motion has done nothing else it has extracted from the Premier—a thing which must be of service to the people of Balmain—the reason why this faulty system is existing and the possibilities of an improvement being made. The Premier has been good enough to say that the Railway Commissioners are exercised as much as they can be to improve the service, and he has told us that at the earliest possible opportunity the work shall be achieved. It must be remembered that in the case of the people of that suburb their means of livelihood, whether in going or returning, depends upon a regular, quick, and effective tramway service. They had not a service of that kind to-day, and they have a right to force their grievances on the notice of the

authorities. I trust that the extension of the tram from its present terminus to the waters of the harbour will also meet with the approbation of the Premier.

Sir WILLIAM LYNE: I have promised that!

Mr. WILKS: I hope that the work will be incorporated with the other. The hon. member for Balmain South is usually good tempered, but on this occasion, probably because his constituents are exercised in the matter, he has not shown the urbanity which usually characterises him. This matter is of such importance to the district of Balmain and to the surrounding districts, not only to-day but in the future, and their industrial power is so strong and well established, that a powerful and well-conducted tram service must be immediately carried out. In reply to the remark of the Premier, I may state that the most effective and useful service in the harbour caters for a different population—for those who do not use the tramway. I trust that, after the remarks made by the hon. gentleman, the Railway Commissioners will see that the duplication of the line is immediately begun, and the conversion of the service from one system to the other will follow.

Mr. TERRY (Ryde) [5·45]: The subject-matter of this motion for adjournment affects a portion of my electorate, and I think the remarks made by the Premier are very satisfactory. As the people of Drummoyne are to get the electric tram extended to their suburb so soon as an electric service has been established to the terminus at Balmain, I feel very satisfied with the assurance that has been given to the House by the Premier.

Mr. HAYNES (Wellington) [5·46]: I am rather astonished at the sudden development of the position in which we find ourselves. When the hon. member for Balmain South, representing a crowded part of the suburbs, stands up and advocates some public improvement, another hon. member, who has not the same amount of brains or activity, immediately burns from head to foot with fury, and objects to his remarks and impedes him in every manner possible. I was rather surprised at the reception which my hon. and worthy friend, Mr. Law, met with from the other gentlemen, notably from the hon. member for Leichhardt, who attacked him in every

possible way, and imagined that no one else but he should have dared to consider the wants of the people out in that crowded centre, Lilyfield—I know very well that the hon. member for Balmain South is perfectly justified in the attitude he is taking; and, although a very important measure is on the business-paper waiting to be taken up by the Attorney-General, still I think that nothing will suffer in any way by the remarks of the hon. member for Balmain South, because the safety of human life is a matter for serious consideration. I was very glad to see the hon. member for Balmain North get up and explain his position, because the impression left on hon. members' minds was that he was consumed with jealousy because of his colleague's activity in this measure. I have recently traversed Balmain, and under great difficulty, because it takes half a day to get there in consequence of the irregular roundabout tram. To show the ridiculous position taken up in this tram matter, it was said to me by one of the residents that the Railway Commissioners would not duplicate this line, not because of the anticipated difficulty of laying the rails and running a lighter service eventually or within a few days, but because the place was crowded with starving stock—that the whole of the line was so infested with goats and other animals that it was absolutely dangerous to run a double service. That was the kind of rumour abroad to stop an improvement of this description, affecting the welfare and convenience of thousands of persons. It is astonishing that a district like Balmain has been served in the manner in which it has been. It is a long roundabout journey. The stopping of the trams at different points to allow of the passing of other trams prolongs the journey to an enormous extent.

Mr. KIDD: It is a tourist district!

Mr. HAYNES: A tourist district it may be; but most undoubtedly it is really too wearying to make that long journey. I am delighted to see the hon. member for Balmain South take this step; and if I were in his place, and were interrupted as he was, I would have replied in a different way from the mild manner in which he did; because what is it to the hon. member for Leichhardt if another hon. gentleman happens to be more active, and proposes to

[*Mr. Wilks.*]

serve the district he represents? Would I object, for instance, to the hon. member for Dubbo improving the railway service to Wellington, or being ahead of me in any respect—if that were possible. The hon. member for Balmain South should receive the strongest support. The answer of the Railway Commissioners is not quite satisfactory; but at the same time there is something in the statement of the Premier. There are 36,000 regular travellers by that tram, and they certainly should be considered. The service as far as Leichhardt is very fair; but to Lilyfield the service is almost as bad as it is to Balmain. I travelled recently on this Balmain line, and it took almost as long as going to Botany. The people on the tram were asking what had become of the representatives of the district. I told them that at any rate the hon. member for Balmain South was going to move in the matter; and although he may not have the support of other hon. members, for federal reasons, I ventured to say that they would get justice from the hon. member for Balmain South.

Mr. HOGUE (Glebe) [5·53]: I think the hon. member for Balmain South is to be commended for his action to-night; if he has done no other good, he is entitled to thanks for calling forth a flight of fancy from the hon. member for Wellington. I sincerely hope that the commissioners will pay some little attention to the subject which has been brought before us. Whether the hon. member was justified in moving the adjournment of the House on this subject is a matter of opinion, but there can be no question that the hon. gentleman has a substantial grievance on the part of himself and his constituents. The fact that the adjournment of the House has been moved twice this week to call attention to the deficiencies of our tram service shows that the resources of the department are certainly inadequate to the traffic. I have occasionally travelled on the Balmain line, and it is not an uncommon thing to find the tram brought to a standstill for eight or ten minutes. The difficulty really lies in the geographical position of Balmain. The people there are well served by the ferry, and if it were not better than the tram service I would pity the people living in that suburb, as they would either have to

walk or stay at home. A twenty-minutes' service for such a population is absurd. I scarcely think that the hon. member for Balmain South was justified in his severe castigation of the Railway Commissioners. The fact is that the resources at their command render it almost impossible to do justice to this particular suburb. It is only a single line for the most part, and it winds about in a ridiculous way. That, of course, cannot be helped, and the fact remains that an efficient tramway service for Balmain is almost impossible. That the Railway Commissioners are wilfully neglecting the interest of those in that suburb, I take leave to deny; but, at the same time, some sympathy is due to the hon. member for Balmain South, who has been representing this matter for years, and is no nearer having a double line now than before. I hope, in view of the Premier's statement, that some improvement will be made in this very defective service.

Mr. BRUNKER (East Maitland) [5·57]: Whatever may be said or thought to the contrary, I am sure the hon. member for Balmain South is entitled to commendation rather than condemnation. I travel on the Balmain line very frequently, and I do not hesitate to say that it is the worst-served line in any part of the metropolitan district. Whether it is owing to the neglect of the commissioners or otherwise, I am not prepared to say; but the service is inefficient; it is not capable of carrying traffic, nor is it as expeditious as it might be. What the hon. member for Glebe has said about the delays on the line is quite correct. Great inconvenience is inflicted on large numbers of the working-classes by whom this tram is used, who suffer greater inconvenience than would be the case with other sections of the community. I hope that after the promise made by the Premier, the matter will receive attention, because it certainly deserves it. From my knowledge of the action of the commissioners generally with regard to the railways and the trams, I believe that after this matter has been brought under their notice in this way, it will receive the attention it deserves.

[*Mr. Speaker left the chair at 6 p.m. The House resumed at 7 p.m.*]

Mr. COTTON (Newtown—Camperdown) [7·4]: I am hardly in sympathy with

the criticism which the Premier directed towards the hon. member for Balmain South for his action to-night, as though the hon. member had done something improper in moving the adjournment of the House. Whilst I recognise that our railway and tramway system is, very properly, outside direct ministerial control, and I thoroughly support that policy; yet, for that very reason, it seems to me that when any locality or district is suffering under a disability by reason of a deficient service, the only way in which a member can obtain a remedy of the state of affairs complained of is by bringing the matter publicly before the House. Balmain is not on an equality in the matter of tramway communication with other districts. The district which I represent has an excellent train service, and a very frequent tram service; but that is no reason why I should not assist the hon. member for Balmain South in bringing forward a legitimate grievance. In talking of Balmain, we are apt to think only of that portion of the suburb which fronts the harbour, and to which the ferries ply; but the Balmain tram serves a much larger area. On the road to Balmain, at Lilyfield, we have a large artisan population who, inasmuch as they are mostly living in their own houses, cannot, when a tram service does not suit them, remove to another suburb. Although the district to which I refer is outside the electorate of Balmain South, the hon. member showed great public spirit in taking the matter up, and in bringing it before the House. I can see no reason why a large population like that should be subjected to the inconvenience and loss of time which results from a twenty-minutes' tram service carried on on a single line of rails, when, I think I am right in saying, every other locality is served in better fashion, and I consider that I am doing a public duty in thoroughly supporting the hon. member in drawing attention to a grievance which should have been redressed long since.

Mr. HAWTHORNE (Leichhardt) [7-7]: Although I occasionally interrupted the hon. member for Balmain South in his speech, I am not, even now, prepared to say that he adopted the right course in moving the adjournment of the House to discuss this matter on a Government night, when a question affecting so large a num-

ber of people as the Industrial Arbitration Bill affects is to be brought forward for consideration. And I am inclined to think that if the hon. member for Balmain South had heard anyone else get up to block so important a matter, he would have been one of the first to find fault. Of course, we always find an hon. member backed up in any motion which obstructs Government business.

Mr. HAYNES: Is the hon. member in order in saying that?

Mr. SPEAKER: The hon. member is not in order.

Mr. HAWTHORNE: I did not say that the hon. member for Balmain South was obstructing, and, considering the very important interests at stake, the hon. member is, perhaps, not censurable for having taken this extreme course. I think, however, that those who know me well, know that I do not leave those whom I represent to the care of some other hon. member. If there is one thing which I try to do it is to stick to my electorate. The hon. member for Wellington was very eloquent in regard to the action which the hon. member for Balmain South had taken at the expense of the hon. member for Leichhardt; but if similar action were taken by some hon. member in regard to a matter affecting the Wellington electorate, his tone would be different. In my opinion, the Railway Commissioners have not been as active as they should have been in duplicating the Balmain line. I am not going to find fault with those gentlemen, and say they are doing it designedly; but we must remember that scarcely a week passes when we do not have some announcement in the press that a proposed extension of the North Shore tram-line is to take place.

Mr. HAYNES: That constituency is better represented!

Mr. HAWTHORNE: I do not think it is better represented. I am prepared to say that the hon. member for Balmain South and the hon. member for Balmain North do their best in the interests of their constituents. Whilst trying to get a duplication of this line, I am not going to find fault with the Railway Commissioners at present in the colony and praise the absent commissioner. Both Mr. Fehon and Mr. Kirkcaldie have spent a large proportion of their life in the railway ser-

[*Mr. Cotton.*



vice of the country, and I am prepared to admit that they are doing their utmost to manage not only the tramways, but also the railways, in a satisfactory manner. I think that I can speak for the people of Leichhardt and of Balmain when I say that we are quite satisfied that the Railway Commissioners are not intentionally doing anything wrong to the people of those places in keeping them so long without a duplication of this line; and I think that, after having heard the statement made by the Premier to-night, we are all satisfied that the Railway Commissioners will lose no time, and that the hon. gentleman as the political head of the department will see that there is no unnecessary delay before the duplication of this line takes place. I think that if hon. members knew the great inconvenience that a large number of the people living in Balmain and Leichhardt, as well as Forest Lodge, are put to every evening, in having to wait sometimes five or ten minutes for trams to go in the opposite direction, they would not in any way censure hon. members for taking up the time of the House in moving the adjournment on a Government night. Some hon. members have said that there is no need for a duplication of this line to Balmain or to Leichhardt, because those places have a ferry service. We all know that they have a ferry service; but some hon. members who have interjected in this respect represent constituencies that have not only got a good train service, but also a regular tram service.

Mr. WILLIS: Some have no trams at all!

Mr. HAWTHORNE: I admit that. But Newtown and Marrickville have one of the finest train services possible, and they have also a magnificent electric and steam tram service, and likewise a 'bus service. All those services are paying a good percentage on the money invested. We are not desirous of finding fault with other people's services, so long as our service is properly attended to.

Mr. HAYNES: It is a rubbishy service that the hon. member has!

Mr. HAWTHORNE: I do not say that it is a rubbishy service, but I say that the importance of an immense district like Balmain, Leichhardt, and Forest Lodge would certainly have warranted the commissioners in duplicating the line long before the present time.

Mr. WILKS: It is one of the best paying lines!

Mr. HAWTHORNE: I am quite satisfied that anyone who sees the large number of people who travel on that line daily must be convinced that it is one of the best paying lines. I think that the people of Balmain, and of the other districts I have named, are justified in thinking that they are not being properly treated in comparison with the aristocratic suburbs, which are being so well attended to. I refer particularly to the Rose Bay extension and the extension of the North Shore lines. What we complain of in regard to Balmain and Leichhardt would not be suffered by the people of the other districts I have named. The Railway Commissioners are evincing tremendous activity in connection with the tram-lines in those suburbs. For instance, there is the Neutral Bay extension. I ask any reasonable man in this House whether the extension from Neutral Bay to the North Shore line is as justifiable as the proposed duplication for which we are asking to-night? There is no comparison between the two. I would ask the Premier, when he is representing this matter to the Railway Commissioners, if he will also try to induce them, when they are duplicating the line beyond Johnston-street and Annandale, to also extend the section 200 or 300 yards to Flood's Hotel. We ask for an extension over what is, practically speaking, reclaimed land. There is not a single house from the present terminus of the first penny section at Annandale—almost where the double line terminates—to Flood's Hotel. There would not be any loss of revenue owing to the extension of the section. At present, the ferry service comes in between, and very often takes hundreds of passengers who would travel by the Government trams if the section were extended to Flood's Hotel. On a night like this, some hundreds of poor girls who work in factories at Sydney, and also youths learning their trades, when they are going home are compelled to get out at Johnston-street, and walk 300 or 400 yards over a wretched mud swamp, when there should not be any need for them to get out there. The section from Johnston-street to Balmain is, perhaps, longer than any other section in existence. The people of Balmain ask not only for a duplication of the line, but also that the commissioners

should extend that section to Flood's Hotel, the natural end of the section, which is not as long as sections on many other lines. I am arguing from a Lilyfield, as well as from a Balmain, standpoint.

Mr. HAYNES: What federal constituency does this line go through?

Mr. HAWTHORNE: In matters affecting the interests of our constituents, and when we think that by our advocacy of a common cause we can get them benefited in any way—either by the duplication of a tram-line, or a reduction of the tram-fares, or an extension of the sections, or anything else that ministers to their comfort—if there is one matter that we federate on, it is that. I am quite prepared to absolve my friend, the hon. member for Balmain South, from having any intentions with regard to the federal seat. I am also prepared to absolve my more modest friend, the hon. member for Balmain North, in the same way. They know full well that, even if they had their eye on that rather extended sphere of usefulness, we are not to lose sight while we are in the state parliament of matters affecting our state interests, and particularly the interests of those in our own electorates. I apologise to the hon. and learned member for Ashfield for having risen to speak; but he knows full well that, once this subject is started, we have to stick to it. The only thing I have to complain of is that the hon. member for Balmain South was not generous enough to consult me beforehand.

Mr. LAW: The hon. member was not here at the time!

Mr. HAWTHORNE: The hon. member knows that I was here at the commencement of to-day's sitting, and if he had been as generous to me as I would have been to him he would have consulted me, and then I should have advised him not to move the adjournment of the House this evening. We might have done, perhaps, more good if three or four of us had combined and waited on the Premier, for the hon. member for Annandale would, I am sure, have been only too pleased to accompany us, instead of interfering with a certain hon. gentleman who is going to deliver a speech on an important question this evening. I have had to break away from some festivities up-stairs to take part in this discussion. I am sure that por-

[*Mr. Hawthorne.*]

tion of my constituents who are interested will see that the hon. member for Leichhardt has not been neglecting them. The hon. member for Balmain South has been working for some time to influence the Railway Commissioners, and I have gone as far in the matter as I feel justified in doing. I have tried to induce them to bring about a remedy for the grievance under which people are complaining; but, like the hon. member for Balmain South, I am prepared to trust the Premier. I am also prepared to trust the Railway Commissioners, who, I think, thoroughly understand their business, and are not biassed in any way against the line, the duplication of which we are advocating. I feel sure that the discussion which has taken place will have the effect of bringing about as early as possible, not only the duplication of the line, but also the conversion at the earliest possible period of the present steam traction system into the more improved system of electric traction.

Mr. MAHONY (Annandale) [7:22]: I should like to say at the very inception that I deprecate the warmth that has characterised this debate to some extent, and I suppose the reason is that, as far as I am concerned, I do not intend to be a federal candidate. A great deal has been said about Lilyfield, and I may tell hon. members, as a man who does not intend to stand for the federal parliament, that it is the key to the federal position. This tram-line, which requires duplication, goes through my electorate from one end to the other, and I am very familiar with that part which requires duplication. The first difficulty arises in Mount Vernon-street, near the Glebe Town Hall. I have a very lively recollection of that loop-line, because about five years ago I was taking the present leader of the Opposition out to my electorate, when we missed the Forest Lodge and Balmain tram. We asked a guard, at the corner of King-street, what we had better do, and he said, "If you go down to George-street and get an omnibus you are bound to catch the tram at the Glebe Town Hall. If you get a cab I will guarantee that you will catch it." That is no exaggeration, because the Forest Lodge and Balmain trams used to be held up there for ten minutes or a quarter of an hour. I highly commend the hon.

member for Balmain South for bringing this matter forward. I do not pay the slightest regard to anything that has been said about the necessity for having this debate short, in order that we may deal with a matter of so much importance as that on which the Attorney-General has to speak. Moving the adjournment of the House is the method of ventilating grievances, and the only way in which the representatives of constituencies can demand satisfaction. I do not see that anything should have been said about the hon. member for Balmain South taking the course which he has done. As far as that duplication is concerned, I should like to say this: since I have been member for the district it has been my pleasure on more than one occasion to approach the Railway Commissioners in reference to the extension of the section. What I say in regard to the Railway Commissioners is that they are perfectly willing when you go to see them, and very polite; but they are exceedingly slow. I consider the answer which the Premier gave here to-night, no doubt supplied by the Railway Department, is absolutely no answer to the position. The real state of the case is this: that the duplication should have been done long ago. Then there would have been no talk about postponing it further to put down rails for the electric trams. When we come to look at it, I doubt the adequacy of electric trams for the traffic in that direction. The traffic on that line will be something tremendous. I do not know whether the Premier is familiar with the locality; but the tram to Balmain passes through the whole of Forest Lodge, through one end of Annandale; it touches one end of Leichhardt, and the celebrated Lilyfield, the key to the federal position, and goes practically through the heart of Balmain. Let anyone consider for a moment the enormous population in that area which the tram will have to provide for. My opinion is that ultimately, if the tram is duplicated, we shall have to devise some other means of providing for the traffic. Another thing which the Railway Commissioners should recollect in regard to the matter is the support which has always been accorded to the trams by the travelling public. A tram has never been carried into a suburb which did not get the support of the public from the very start. It seems to me that the

Railway Commissioners want occasionally such a stirring up as the hon. member for Balmain South has given them to-night.

Mr. JESSEP (Waverley) [7.26]: I would not have said anything on this subject but for some of the remarks which have fallen from several hon. members. One might think that Balmain is really the greatest centre of population in the metropolis. A great deal has been said in reference to the tardy action of the commissioners in regard to this matter. At the same time I notice that hon. members before concluding their speeches give a meed of praise to the commissioners for their splendid activity. I think that when a grievance of this kind is ventilated by members, they should be in a position to place before the House some of the real facts of the case. I do not think it ever occurred to the hon. member who introduced the matter to indicate that the Balmain tram service of to-day consists of no less than fifty or sixty trams going through daily, with a carrying capacity in the three cars of 210 passengers; or with a possibility of carrying an aggregate of 12,600 passengers a day. Then, in addition to that, there is the ferry service which, at the lowest estimate, is providing travelling accommodation for another 10,000 or 11,000 people. Are we to believe that there is a moving population between that suburb and Sydney aggregating something like 24,000 people daily? The thing is absurd. No doubt the hon. member for Balmain South has been unceasing in his efforts to bring about the duplication of this line, but I do not think that the whole of the credit should be given to that hon. member, because he has thought fit to move the adjournment of the House on the subject. We know that when the matter is properly placed before the Railway Commissioners they will deal with it in a proper way. They have to run the tramways on business lines, and to view them from an economical standpoint. As far as the Balmain residents are concerned ample provision is made for carrying them between that suburb and the city. It is rather hard that the conduct of the Railway Commissioners should be made the subject of attack in this way. I think when the Premier gives an opinion on the subject he must consult the Railway Commissioners to get hold of the

facts of the case. I can understand hon. members coming in that federal spirit indicated by the hon. member for Leichhardt. It is true that members do combine in an effort for the common good, and no doubt, in this instance, the members of these adjoining districts are pursuing that course. This House, however, should be put in possession of the true facts of the case, which the hon. member for Balmain South, having perhaps a little grudge against the Railway Commissioners, has thought fit to omit. I am generally willing to assist hon. members in their endeavours to procure the best accommodation for the travelling public; but due regard must be had for the position of the Railway Commissioners, who have shown a desire to consider every proposal put before them for meeting the wants of the travelling public.

Mr. SYDNEY SMITH (Canterbury) [7:32]: The matter brought forward to-night by the hon. member for Balmain South is important; but there is another aspect of the question besides those put forward by hon. members which I think should receive the consideration of the commissioners. While it may be true that the present route through the Glebe to Balmain is deserving of consideration, with a view to additional accommodation, I think a tramway might be constructed to Balmain over the new Glebe Island Bridge. I understand that that bridge is strong enough to carry a tramway. The route is well worth consideration, seeing that it is so much shorter than the route round by the Glebe. I do not object to the proposal for duplicating the existing tramway, because I think it is a very necessary work. I had occasion to travel on that line for many years, and I agree with the hon. member for Balmain South in urging the consideration of his suggestion. I quite sympathise with hon. members who require better tramway accommodation for their constituencies, because I myself represent a constituency which is also asking for an improved service.

Mr. EDDEN (Kahibah) [7:35]: I should not have arisen to speak to the question, but that I noticed several other hon. members attempting to do so. I do not blame the hon. member for Balmain South for bringing this matter forward; but having arrived at this stage, I think we can well

[*Mr. Jessop.*

afford to let the question rest, in order that we may proceed with the consideration of a very important measure, affecting the inhabitants, not only of Balmain, but of the whole community.

Mr. LAW (Balmain South) [7:36], in reply: I am extremely pleased to think that all the irritability which apparently prevailed when I arose to move the adjournment of the House to-night in consequence of the supposed interruption of the consideration of the Industrial Arbitration Bill, has now disappeared. We have our duties to perform to our constituents, and I feel that I have done my duty to my constituents to-night. We have had something in the nature of a semi-apology on behalf of the commissioners by the hon. member for Waverley, who seems to have been fortified by them with a certain number of figures, which do not prove anything at all. The hon. member's constituents, as I have already pointed out, have a 5-minute tramway service, whereas at Balmain we have an irregular service of twenty minutes, and it is often impossible for persons to leave Balmain by the tramway for an hour at a time. The Colonial Treasurer, having assured the House that the Railway Commissioners have promised to push the duplication of the line to Balmain on with all speed, I think I need not detain the House any longer.

Question resolved in the negative.

#### LAND TAX (ASSESSMENT BOOKS) BILL.

*Resolved* (on motion by Sir WILLIAM LYNE):

That this House will, on its next sitting day, resolve itself into a Committee of the Whole to consider the expediency of bringing in a bill to amend the provisions of the Land and Income Tax Assessment Act of 1895 with respect to land-tax assessments and assessment books and the collection of land-tax; to provide for better defining the persons liable to such tax and the deductions therefrom; and for purposes consequent on or incidental to those objects.

#### STATUTORY RULES PUBLICATION BILL.

*Resolved* (on motion by Sir WILLIAM LYNE):

That this House will, on its next sitting day, resolve itself into a Committee of the Whole to consider the expediency of bringing in a bill for the publication of statutory rules.

## EXPLOSIVES BILL.

*Resolved* (on motion by Sir WILLIAM LYNE):

That this House will, on its next sitting day, resolve itself into a Committee of the Whole to consider the expediency of bringing in a bill to consolidate and amend the law relating to explosives.

## INDUSTRIAL ARBITRATION BILL.

## SECOND READING.

Mr. WISE (Ashfield), Attorney-General [7.40], rose to move:

That this bill be now read the second time.

He said: Although I feel no resentment against those who occupied the time of the House for nearly two hours on a question of great national importance, I am compelled, in consequence, rather to throw myself on the indulgence of the House, because I feel that in moving the second reading of this measure, I am not only addressing members of this Chamber, but it is my duty to make a statement, even at the risk of losing something in rhetorical effect, which will carry weight to those who may read my remarks in the newspapers to-morrow; and I will ask the indulgence of hon. members further to allow me to make that statement as connectedly as possible; and, to assist in the following of my observations, I propose to direct the first part of my remarks to explaining the principles which underlie the method of this bill. In the second part I wish to explain the machinery which is adopted to give effect to that method, and in the third part I shall direct myself to considering the controversial question as to whether that machinery can be made compulsory or not. I believe it is very generally conceded that the most striking feature of the industrial revolution which, during the last 140 years, has effaced the system of domestic industries, and established the factory system, is the gradual growth of the liberty of combination. From the time, not so very long ago, when it was a criminal offence for workmen to meet together, even to consider the propriety of putting forward a demand for higher wages, down to the Trades-Union Act of 1871 and the Conspiracy and the Protection of Property Act of 1875—I am speaking of Great Britain—there has been a steady, growing conviction in the public mind that when a labourer came to make a bargain

about the disposal of his labour, he was only “free” to do so when he was acting in combination with others. This I believe to be the economic justification of trade-unionism. Now, sir, as the principle upon which the method of this bill rests proceeds upon an acceptance of that view, and as those who reject it, and those who are opposed to trade-unionism must inevitably oppose this bill, I think I may, without pedantry, devote a very short space of time at the outset of my remarks to elaborate the idea I have just thrown out. I have heard already, since this bill has been in print, objections raised which rest upon an economic theory that the bill interferes with the laws of supply and demand. Those who put forward notions of that kind seem to me altogether to ignore the circumstances under which those laws work, and forget that they can only have any practical application to life upon the assumption that there is an equality between the two contending parties. There is some approach to an equality between one who buys and one who sells commodities, because goods and capital can both be removed from place to place, so that the postponement of a sale and purchase only leads to loss of money. But between the labourer, who is not a member of a union, and who is unprotected by law, and the employer, equality very rarely exists. He seldom, if indeed ever, is in a position to make terms as to the price at which he shall sell his labour. Being seldom capable of more than one occupation he has to find work at that, or he has to starve. I believe that this disadvantage is very largely removed by trade-unionism, which is to the labourer what capital is to the employer—the machinery which enables him to wait until the market rises before he disposes of the labour he has to sell. If those views are sound, as I believe them to be, it becomes quite clear that a very great deal of confusion and ambiguity may lurk in the phrase “freedom of contract.” To my mind, freedom of contract necessarily implies freedom to refuse contract; and I ask those who are condemning this bill, because they say it interferes with the laws of supply and demand, and is an interruption of freedom of contract, “Has an isolated workman any power to refuse to contract?” Is not his position, if he stands

alone, that of a man who has no choice out to accept any price that may be offered for his labour? The capitalist is in quite a different position. By reason of the possession of capital he can delay a sale until the market rises. But the workman who has nothing to sell but his labour is obliged to take work or starve. Mr. Thornton, an economist of great repute, said many years ago :

Labourers cannot postpone the sale of their labour without incurring a loss corresponding exactly with the length of the postponement. So far as the morning's labour is concerned, it is of no use for them to know that the demand for labour will be twice as great in the afternoon as it is now, or that it is twice as great 20 miles off as it is here, for the morning's labour cannot be sold at all if they wait for the afternoon, or if they occupy the whole morning in walking to another place of sale. Owing to two causes—one, labour's inability to keep, the other, the habitual poverty of the labourers—labour is almost always sold without reservation of price.

Now, that is the state of things which trade-unionism endeavours to remedy. Trade-unionism is, as I have said, to the labourer what capital is to the employer ; and without trade-unionism we should not feel that there can be any real freedom of contract between the labourer and the employer. Freedom only exists when those on either side are free to accept or to reject the terms that are offered. To secure that freedom is the object of trade-unionism, because it recognises that in order to have a fair bargain made, each party to the bargain must be on a footing of equality. I have dwelt upon these views not because there is anything new in them. I have, in effect, been merely quoting words of my own that I first made public in 1887, and repeated in 1890. But as I recall very vividly the scorn and denunciation which fell about my head for uttering what I thought then, as I think now, were the simplest and truest of economic truisms, I entertain some fear that there may be persons, even now, who think them as startling as they thought them then. But I hope during the last ten years a great advance has been made. If there has been that advance, then I think we have got rid of one of the greatest obstacles that I anticipate to the passage of this bill, because we have got a recognition of the sound theory upon which this measure rests. The essential feature of the method of the measure is a recognition of

[*Mr. Wise.*

trade-unionism, resting on a belief that only by recognising trade-unionism can there be a real equality between labourer and employer. Under the influence of these ideas—recognising, I say, that real freedom of contract can only exist where the parties to industrial bargains stand towards each other on a footing of equality—the Parliament of Great Britain in 1871 and 1875 passed two acts which together are the Magna Charta of trade-unionism. It is a very noteworthy instance of the difference of temper which, until recently, at all events, prevailed in this colony in looking at industrial matters from that which prevails in Great Britain that we have not yet adopted the Conspiracy and Protection of Property Act (in spite of our boasted democracy), which was passed by a Conservative government in Great Britain thirty-five years ago. Twice I have carried that measure through this Chamber, and twice it has never come back. But I would appeal to those who hesitate to adopt a measure fraught, as I believe this measure to be, with incalculable advantages to the labouring classes, to look at the way in which industrial questions are treated in Great Britain, and to adopt something of the larger spirit of generosity, impartiality, and even charity which are found in the leaders of industry in that country. Now, the workmen in this country are exposed to the restrictions of an obsolete criminal law. But if that is so, they, nevertheless, have the act of 1871, which constitutes trade-unions, although that was not adopted here until the year 1880, and then, if my recollection serves me aright, owing to the influence of the present Chief Justice. The legal result—and I want hon. members to pay attention to this, because it is only by perceiving what the present state of the law is that the full effect of the alteration I propose can be understood—the legal result in this colony is very curious and anomalous. The workmen's right to combine is fully recognised. But, still, there are many things—and what I am saying now also applies to Great Britain, although in a lesser degree, because there they have the Conspiracy and Protection of Property Act, 1875, which we have not—still, I say, in this colony and also in Great Britain there are many things that a partnership of traders may do, as part of their business,

and in pursuit of their personal gain, which are not actionable; and yet, if the same things are done by the officers of trade-unions, in pursuance of a combination of workmen, they are actionable and probably criminal. It has been decided, for instance, by the House of Lords in 1892, in the case of McGregor against the Mogul Steamship Company, that it is not actionable for a combination of traders to boycott a steamship company unless it refuses to carry the goods of a rival trader; but the Court of Appeal, in the following year, in the case of Templeton and Russell, held that the officers of a trade-union were liable in damages to an employer for persuading workmen not to renew their engagements, although they were absolutely at liberty to renew or decline to renew them, even although no coercion or intimidation was alleged. Still, although unions of workmen labour under some disadvantages as compared with unions of employers, as regards liability to action and liability to criminal law, they are in a position of impregnable security when any attempt is made to enforce a liability against them. The Trade-union Act of 1871, which was adopted by this colony in 1880, only gave a trade-union a legal status for the purpose of protecting its property, and provided in express terms that a trade-union should not be liable to sue or be sued by any of its members for any contribution or fine or subscription or in respect of any agreement with another union, or with an employer, or with an association of employers. Trade-unions have only, in fact, been clothed with legal personality for the single purpose of protecting their funds against theft or embezzlement. They cannot force any of their members to pay a subscription, and they cannot be held to any bargain which they have made. They are thus in the anomalous position, to quote the minority report of the Labour Commission of 1894 in Great Britain, of "exercising collective action without legal collective responsibility." Of course there are good reasons for a state of things which at first sight appears very curious and one-sided, and I cannot express these reasons better than in the words of the trade-unions' representative who sat on that Labour Commission—and this report, I may say in passing, contains a mine of information on the subject of this

bill, to which I refer any hon. member who wishes to inform himself as to the details of industrial matters—

To expose the large amalgamated societies of the country with their accumulated funds sometimes reaching £250,000 sterling, to be sued for damages by any employers in any part of the country, or by any discontented member or non-unionist, for the action of some branch secretary or delegate, would be a great injustice. If every trades-union were liable to be perpetually harassed by actions at law on account of the doings of individual members; if trades-union funds were liable to be depleted by lawyers' fees and costs, if not even by damages and fines, it would go far to make trades-unions impossible for any but the most prosperous and experienced artisans.

AN HON. MEMBER: Who said that?

MR. WISE: I am sorry to say that I have mislaid the note of his name.

MR. EDDEN: Mr. Broadhurst!

MR. WISE: No, I think it is the secretary of the Engineers' Union—quite a young man, whose name has slipped me for the moment. When we remember that many trade-unions are also benefit societies, it is impossible not to sympathise with these ideas. At the same time—and this is a matter to which I ask the attention of representatives of trade-unionism in this House,—I think it must be recognised that this possession of power without responsibility may become a danger to the state, and a source of weakness to the interests of workmen themselves. Modern industrial development appears to me to be tending more and more in one direction, and to demand stability. The workmen need to be assured that what they have gained in one year by a costly and annoying agitation will not be lost to them in the next year when the funds of the union have been depleted. The employer equally needs an assurance that the basis of the contracts into which he has entered shall not be altered by a sudden demand for an increase in wages. On both sides what is needed is stability and a sense of security. But as the law stands now—and to alter the law in this respect is the principal object of this measure—as the law stands now, a trade-union can do very little indeed to bring about this desirable condition of tranquility. I am far from underrating the services rendered by trades-unions in the past, not only to their members, but to society at large. I may be pardoned, perhaps, for recalling to

the recollection of the House that I bore public testimony to these many years ago, when for a barrister to do so meant, as I found to my cost, the loss of his wealthiest clients. But I think it is open to very grave question whether, as the law stands now—unless that law is altered—trades-unions have not almost reached the limits of their beneficial influence. In the past they have been most useful both for purposes of offence and defence during a period of transition. What is needed now is to turn them into an instrument of construction which can be used for the rebuilding of the fabric of our industrial society. But as the law stands a trades-union can do very little work for industrial peace. At present they are powerful as a strike association; but they need to be something more. A trades-union can never fulfil its proper functions if it is a mere machinery of menace, exhausting its powers spasmodically, and debarred by its action from accumulating capital; but it must become also an instrument of industrial peace, by obtaining from Parliament the power to make a collective bargain with an employer, which shall not only be binding in honor, but will have behind it a legal sanction. So strongly has this necessity been recognised in the industrial districts of Great Britain that I find, looking again at this report to which I have already referred, that all the larger and more important trades in Great Britain are now regulated by a system of collective bargaining. The iron and coal trades in the north, the textile industries of Lancashire and Nottingham, the boot trade in Northampton, and many others are completely regulated by collective bargains. In all the more important industries, representatives of workmen on the one side and of the employers on the other meet together and determine the conditions under which the industry in any particular district shall be carried on. These conditions cover the rates of wages, the terms of engagement, the number of apprentices, the hours of labour, the lines of demarcation between trades, provision for the safety of workmen, and regulate the mode of carrying on a trade down to the very minutest detail. Many examples of these are given—some in the evidence attached to the report, and some in a more accessible form in the book written by Mr. and Mrs. Sidney Webb, called

[*Mr. Wise.*

"Industrial Democracy," to which I refer those who are interested in the subject. If that is a desirable condition of things in the industries of Great Britain, it is strong evidence that it is desirable that there should be some system of collective bargaining here. The first object of my measure is to enable collective bargains to be made. Then we have to consider the conditions on which collective bargains are possible. Again (of course, I am only stating the conclusions of others, principally of the members of this commission) it is found in practice that collective bargains can seldom be made, and can less frequently be adhered to, unless there is virtually compulsory trades-unionism—that is to say, if there is a district where a trade is carried on, on such conditions and requiring so much skill that practically all the applicants for employment belong to a union, then no employer will engage a workman unless he is a member of that union, because unionists would no more work alongside a non-unionist than a barrister would take a brief with a solicitor. Yet I shall be very much surprised if I find that those who condemn this measure as an improper interference with the freedom of workmen and non-unionists are not members of my own profession. Now the explanation is, that owing to the extent of the organisation of these industries, there is a compulsion, none the less strong because it is not enforced by law, but in a peaceful and decorous manner, on all who practise the industry to become members of a union. If there was a considerable non-unionist minority, it would be almost impossible to get a collective bargain, and it would be infinitely more difficult to enforce its terms. Even though the system involves this virtual compulsion, and what we may hear called by some persons an interference with freedom, so palpable are its advantages that five of the largest employers—I believe I would not be wrong if I said the five largest employers in Great Britain—who were members of that royal commission, brought in a report asking that the law of England should be altered to enable these collective bargains to be made within the law and have legal sanction attached to them. Now to those who think that this proposition which I am making is the proposition of a faddist and theorist, with no practical knowledge



of industry—and I plead guilty to that, although it may be true of industrial matters as of others, that lookers-on see most of the game—if there are those who are inclined to condemn this measure on the ground that it is not supported in this country by men of practical experience—I refer them to the words I am about to read. It is signed, first, by the Duke of Devonshire, one of the largest employers of labour in Great Britain, a man of singularly cautious judgment, a trained economist, a man who in all questions upon which he speaks carries a weight that is carried by hardly any other public man in Great Britain; by Sir David Dale, the great ironmaster of Darlington; Sir Thomas Ismay, chairman of the White Star line of steamers, which have just begun running to this port; Mr. George Livesey, a director of the London gas company. Surely if he signs such a recommendation our capitalists may be prepared to accept it! He was the man who fought the dockers, who organised the employers against the dockers when they struck, and he will not be considered to be a revolutionary by those who pose in this country as the champions of liberalism, and of the doctrines of freedom. Then it is signed by Sir William Tunstall, the director of many large railway companies. They propose to alter the law so that a collective agreement might be made by a trades-union and an association of employers, so that those bodies in their corporate capacities should be responsible in damages, for any breach of it by their members, and that they should be entitled, on the other hand, to recover such damages from the individuals who had infringed their treaty. These are their words:

In our opinion, the experience of the period which has elapsed since the year 1871, justifies some relaxation of the statutory restrictions on trades-unions. We think that the extension of the liberty to bodies of workmen or employers to acquire fuller legal personality than that which they at present possess is desirable in order to afford, when both parties wish it, the means of securing the observance, at least for fixed periods, of the collective agreements which are now as a matter of fact, made between them in so many cases.

We find that a considerable and very important part of British industry is conducted under collective agreements made in the most formal way between highly organised trade associations, and that the substitution of agreements between associations for agreements between individual

employers and industrial workmen is a growing practice, and one which is ultimately connected with the mode and scale upon which modern industry is at present carried on. It seems to us to be clear, from the evidence, both of employers and employed, that the advantages of this system greatly outweigh the disadvantages.

These gentlemen, whose names must carry weight, went farther, and recommended that the agreement should be enforceable at law. The matter is of such importance and the necessity of disarming opposition outside—which is, I think, sometimes founded upon a narrow view which may be corrected by experience and the larger views of men whose position compels them to take larger views—so great that even at the risk of wearying the House, and to get a report which is not generally accessible into type, I shall read four or five paragraphs referring to this matter. They say that

a further obstacle may frequently be found in the uncertainty which exists as to the observance of an award when given. If an arbitrator can only pronounce a decision which may or may not be followed according to the goodwill of the parties, the procedure is to some extent discredited. Although, as a rule, arbitration awards can be loyally accepted, and the acceptances may be very few, yet the possibility of such an exception occurring may make employers or workmen less willing to resort to a troublesome and elaborate process like formal arbitration. It has been shown that it is impossible to compel the observance of any award in these matters. It remains to be considered whether any better guarantee or motive for such observance can be obtained to supplement and strengthen the moral force which already exists.

In order to have arbitration in the strict sense of the word, there must be two or more parties capable of entering into a legal contract to submit present or future questions to arbitration, and there must be such submission. Then, by the ordinary principles of law, damages can be recovered from any party who refuses to go to arbitration, or declines to act on the award when made.

As things now stand, large bodies of workmen or employers cannot, as such bodies, enter into legal contracts of submission to arbitration, for want of legal personality, and, for the same reason, damages cannot be recovered from them, as such bodies, for refusal to go to arbitration after agreement to do so, or for refusal to accept the result of awards.

If, however, the suggestions which we have made were adopted, and it were put within the power of such bodies to acquire legal personality sufficient to enable them to enter into collective agreements, with the legal sanction of collective liability in damages for breach of such agreements, this difficulty would so far be solved.

If, under such circumstances, a body had agreed to submit future disputes on one or more

subjects to arbitration, and subsequently refused to do so and resorted to a strike or lock-out, it might be sued for damages; and the prospect of this, although it could not indeed prevent, would render less likely resort to such measures. If a strike or lock-out did take place, although it is true that any damages which could be recovered would probably not, except in the case of a small or partial conflict, be sufficient compensation, yet an action at law would render more visible the breach of contract, and serve to guide public opinion. The same observations will apply to the breach of an award made upon a submission under collective agreement. There would, in both cases, be the gain of a judgment publicly pronounced by a competent authority, and attended and emphasised by tangible results.

For instance, an employer might insist on a reduction of wages contrary to a collective agreement or to an arbitration award founded upon a collective agreement. Then, instead of striking, the workmen might continue to work at the reduced wages, and, through their association, sue the employer or his association for damages for the amount of their loss.

These gentlemen do not seem to anticipate an enormous difficulty with regard to the enforcement of awards, and they are all practical men.

Or, on the other hand, workmen might insist on a rise of wages, contrary to the collective agreement or the award. Then the employer, instead of locking out or discharging the men, might give the increase under protest, and sue their association for damages.

Or again, supposing that a collective agreement were in existence between an association of employers and an association of workmen, providing that no change in the rate of wages should take place without the sanction of a board of arbitration, then either side refusing to submit the question for arbitration or to abide by the result would be liable to be sued for damages. The judgment would be pronounced by a competent authority, would be made publicly, have tangible results, and thus greatly help to form public opinion.

Mr. CANN: What report is that?

Mr. WISE: It is the fifth and final report of the English Royal Commission on Labour, drawn up in 1894.

Mr. D. THOMSON: A majority report?

Mr. WISE: No; it is a minority report; but I shall read again the names of those who signed it:

The Duke of Devonshire, Sir David Dale, Sir Michael Hicks-Beach, Mr. Leonard Courtney, Sir Frederick Pollock, Sir Thomas Ismay, Mr. George Livesey, and Sir William Tunstall.

Do not let it be thought that I am trying to overbear the judgment of this House by authority. I am only using this report as an argument to show that the proposals that are contained in this portion of the bill are not the visionary dreams of the

theorist, but ideas which have recommended themselves to some of the most practical men in Great Britain, to some of the most learned—Sir Frederick Pollock is probably the most learned lawyer in England—to some of the most cautious and careful economists, of whom Mr. Leonard Courtney may be taken as an example; and to politicians of far-sighted wisdom, like the Duke of Devonshire. They are proposals which, by reason of the very language in which they are expressed, carry conviction. They show in the clearest manner that the proposal contained in the bill cannot be brushed lightly on one side by men who boast of their practice when it has the approval of the practical, far-sighted, and experienced capitalists who signed that report. It may be asked: why did not a report, signed by such weighty names, and supported by such weighty reasons, commend itself to the public opinion of Great Britain? The answer, I think, is this: That it failed because those who signed it went too far in one direction and not far enough in another. They went too far, because they recommended that trades-unions should be given complete legal responsibility—that is to say, that they should be made bodies corporate, with all the incidents of a corporation attaching to them, involving that very liability to have their funds frittered away in litigation which, as I have already said, has always been protested against by trades-unionists. Their proposals did not go far enough in another direction, because they made no provision for dealing with persons who, either as employers or as employees, refused to come into any common agreement. The measure which I have the honor to introduce endeavours to supply all the provisions which will remedy both those causes of failure. It is provided in the bill that, although a trades-union, by registering as an industrial union, is to become a body corporate, and to obtain a legal personality, it is only to get that position for the purpose of making a collective bargain. No liability whatever is imposed upon it outside the limits of the act, and outside the bargain that it has made. A trades-union, by applying to be registered as an industrial union, acquires a legal personality only for the purpose of making a collective bargain. Its funds are in no danger from

[Mr. Wise.

the ordinary process of a court, and it is only liable to be sued in respect of obligations incurred under the act, and then only for definite penalties awarded by the court, either in an award or for a breach of an agreement. That is a provision that obtains in New Zealand. It is a provision which has there removed the objection that was raised to these proposals by trade-unionists in Great Britain. Let me remind hon. members that the objections to this report did not come from the capitalists. It is not the capitalist members of the commission that refused to sign this; it was the labour members. The reason why these recommendations have not been adopted in Great Britain has been owing to the unwillingness of the leaders of trade-unions to put their societies, with their vast accumulated funds, in the position that has already been described in the extract I quoted at the outset of my remarks, which would have exposed them to the danger of having their capital frittered away through the indiscretion of some branch secretary, or because of proceedings that might be brought against them by way of injunction or action for libel in consequence of mistakes on the part of any of their officers. But in the present bill it is expressly and clearly provided by section 7 that a trade-union upon registration as an industrial union becomes a body corporate. It then acquires power to hold all sorts of property, both real and personal.

Provided that nothing in this act shall render the property of an industrial union, or of any member thereof, liable to be taken in execution by any process in law other than in pursuance of this act, or in respect of obligations incurred in the exercise of rights and powers conferred by this act.

If hon. members will turn to clauses 30 and 31 they will see what the penalties and liabilities under this act may be. By clause 30 the court is given power, in making any award, to give a direction that execution shall be levied against the property of the union up to the amount that may be necessary fully to satisfy the said award. It further provides that if the union has not sufficient property itself, the members who compose it shall be individually liable, but their liability is limited to the sum of £10. By clause 31 the court has power, if an award is broken, or if an agreement is broken, to impose a penalty

not exceeding £1,000 on the property of the union, and not exceeding £10 on every individual member. There can be no greater mistake than to suppose that this is a measure designed or likely to work solely in the interests of the employees. It is a measure that will punish wrong-doing if there is wrong-doing on the part of the employed, just as well as it will punish wrong-doing if there is wrong-doing on the part of the employer. It is a measure not designed in the interests either of trade-unionists or of capitalists, but in the interests of society at large.

MR. R. D. MEAGHER: Presuming that a member of the union has not goods to the extent of £10, is he liable to be sent to prison, or what means does the bill provide for recovering the penalty?

MR. WISE: That is a matter which will have to be dealt with by the court itself.

MR. R. D. MEAGHER: I think we ought to deal with it here!

MR. WISE: I have no objection to its being dealt with here. I claim that the provisions I have just referred to will give the utmost freedom to a trade-union to make a collective bargain on behalf of its members that can be enforced at law, without, at the same time, in any way endangering its financial stability.

MR. EDDEN: Is there anything in the bill to prevent an employer from refusing to employ a man because he belongs to a union?

MR. WISE: Yes, there is. I come now to the second division of my remarks. I claim that I have already said sufficient to justify the object of the first portion of the measure—which is, to enable collective bargains to be made. I claim to have shown that the making of collective bargains is in accordance with the trend of industrial development, that it is a necessary consequence of the theory on which trade-unionism rests, and that this measure contains provisions by which collective bargains may be made, free from the disadvantages that have attended other proposals for a similar purpose. But it must be clear that it would be of very little use having a bargain unless you had a tribunal to interpret it. A bargain would crumble away in a month if it were to be interpreted by each employer as he chose, and even if there were the most absolute

good faith on the part of those who interpreted the agreement—the individual employers—there might be changes of conditions, changes of circumstances, either in the quality of the raw material or in the conditions under which the process of trade had to be carried on, or from any other of the varying circumstances attending production, which would make it very hard to say how far the original agreement should apply to the new conditions. I am speaking in the presence of those who know well—much better than I do—the practical difficulties that do arise in interpreting an agreement, such, for instance, as the coal-miners' agreement at Newcastle, and how difficult it is, even with the utmost good faith on either side, to say to what extent the provisions of the agreement shall be applicable to new conditions. Once admit that there must be a tribunal, the question arises what is that tribunal to be? Can you resort to the ordinary courts of law? Certainly, no one would be more willing than I would, if it were possible that the ordinary courts should be the interpreters of these agreements; but I believe that those who have most experience of courts of law will be the first to admit that their machinery is unsuitable for dealing with these subjects. Not only are they overburdened with business—and so there would be delay where urgency was of the utmost importance if we would prevent industrial warfare—but their forms of procedure and their rules do not readily lend themselves to dealing with these delicate questions, half of fact or entirely of fact, that would have to be determined by the tribunal called upon to interpret an industrial agreement. It is not our judges who determine facts under our system, but our juries; and surely everyone will see that there would be a waste of time, a needless cost, and in the end a most unsatisfactory result, if it were necessary to refer on every occasion to a jury, or even to a bench of lawyers, the question whether or not an industrial agreement had been broken, or whether the altered conditions of a trade required the rate of wages to be lowered or raised. I shall have the concurrence of all members, if they once admit the necessity of establishing a tribunal, that the tribunal must be a special tribunal outside the present law. On the

[*Mr. Wise.*

other hand, in matters of this kind the tribunal must be one that commands universal respect. And I do not know how that attribute can be better obtained than by the appointment as president of a judge of the Supreme Court; and fortunately there is more than one judge on the bench who has had a commercial training. Granting that the president must be a judge of the Supreme Court, the question arises how are the other members to be appointed; and here, following the provisions of the New Zealand act, I propose that both members be appointed by the Government for three years; that one member shall be appointed on the recommendation of industrial unions of employers, and the other on the recommendation of industrial unions of the employed. I attach some importance to this, because the right to vote for the nomination of one of the judges of this powerful and dignified tribunal will I hope be an inducement to both employers and employees to register as industrial unions, since the right to vote will be limited to industrial unions.

Mr. McGOWEN: Will they have the right to make only one nomination on each side?

Mr. WISE: They may make as many nominations as they please. The Government have finally to choose, and the Executive will choose from amongst the persons nominated by the employers' industrial unions one member, and one from amongst the persons nominated by the employees' industrial unions. I do not think that is a bad thing; because remember that these men who nominate entrust very important interests of their own to the decision of their nominees. And if they cannot choose a man they have confidence in—and the essence of the success of this measure is that confidence should be inspired in those who are to be subject to the decisions of this court—if I say they cannot select a man who commands their confidence, how is it likely that the Executive Government can do it? When the court is established, I am of opinion that remuneration of the members should be such as to attract the best men. I should myself have liked to have made the remuneration higher; but, as the bill is, it is the same as is paid to a barrister who takes an arbitration case, or to any architect or engineer who sits as an arbitrator—£10 10s. for a court day of five hours.

The court itself will be paid by the Government. There will be nothing to prevent the court from directing that the costs be paid by the losing party. It is a matter which deserves consideration whether it will not be better in every case that the fees of the judges be paid out of the consolidated revenue, and not be included in the costs awarded against a losing party. I have mentioned that I have fixed one rate having regard to the amount paid to professional men, barristers, engineers, and architects. If private individuals would pay these gentlemen much larger sums, surely the state, where the interest involved is so infinitely larger than the interest of a small commercial dispute, need not be stingy in regard to remuneration of men who are called on to perform such high functions. Having established the court in this position, which I hope to be one of impartiality and integrity, I proceed in the bill to give them very large powers; and I apprehend that the chief objection to those powers will be raised on the ground that the court can throw its nets so widely that it will have power to bring before it, in a dispute between a union and the employers, men who apparently have no connection with the dispute. The reason is this: that unless powers are given to the court to bring all persons interested in the particular industry in the district before it, there can be no common rule laid down for the carrying on of that trade, and unless there is a common rule it is obvious that those who are bound to carry it on under rigid conditions are at a disadvantage as against those who carry it on under lax conditions. I further provide in the bill that the court shall have a very elastic procedure. It is required to hear and determine according to equity and good conscience. It is given the fullest powers to make its own rules.

Mr. CARRUTHERS: What is the tenure of office of the arbitrators?

Mr. WISE: Three years.

Mr. CARRUTHERS: Of the president?

Mr. WISE: Yes, of all of them.

Mr. J. C. WATSON: They would hold office for three years; but it is not to be assumed that the judge will leave the Supreme Court bench?

Mr. WISE: No. He is a judge of the Supreme Court, and would perform his

duties as such when he is not sitting in the arbitration court. I think it desirable that there should be one judge, who should hold office, and, if he has commercial experience, so much the better. I have not called attention to one provision with regard to the tenure of office of these judges. It is as secure as the tenure of office of a judge of the Supreme Court. I expressly provide that they cannot be removed from office during their three years for any reason other than those for which a judge can be removed from the Supreme Court; so that every possible legal device has been resorted to to put this court in a position of dignity and impartiality. They have power further to summon assessors, to refer technical matters to experts, and—which will be a great saving of time—to deal with their reports as if they were evidence. They have power to dismiss any proceedings without giving any decision if, in their opinion, it is a trivial matter which ought not to have been brought before them. They have power to dismiss any proceedings if, in their opinion, the case is one in which the parties ought and can come to an amicable settlement. They have power to conduct proceedings in private if, in their opinion, or at the request of one of the parties, which they think reasonable, such a step is necessary. They have power to deal with witnesses, to summon witnesses, to enforce orders under the act, and all executive officers of the other courts, bailiffs and sheriffs of the Supreme Court, the district court, and the court of petty sessions are made officers of this court for the purpose of enforcing its awards. That limits the expense, to a considerable degree, of the working of this court, and offers facilities for carrying the awards into effect. Further, to limit expenses, I have provided that under no circumstances, though the court has power to order costs to be paid, shall a losing party be made to pay the costs of any representative, agent, solicitor, or barrister that the parties may employ. Parties may employ them if they like; but that is a luxury of litigation, the expense of which they themselves must bear.

Mr. R. D. MEAGHER: Will the hon. member tell me whether the decision of the court is final, or whether there may be an appeal from it?

Mr. WISE: The decision is final—absolutely final. The right of appeal to

the Privy Council will remain, in the exercise of her Majesty's prerogative. There will be no appeal, however, to the Federal Court, or to the Supreme Court of the state. I will now call attention to clauses 25 and 26. Judging from comments made in one of the newspapers, an extraordinary misconception of the meaning of clause 25 has arisen. Clause 25 provides that during the pendency of any proceedings in court, no party to the proceedings shall on account of such dispute do any act or thing in the nature of a lock-out or a strike. The reason of that must be obvious. If we are going to have any matters settled by a court or to try to get them settled by a court, we must prohibit the doing of those very acts which the holding of the court is intended to prevent. It is to prevent industrial warfare that these matters are referred to the court. It would be a mockery of all the provisions of the bill if, while a matter were being dealt with by the court, the parties were allowed to take the law into their own hands. But I was seriously asked by a leading article in a newspaper the other day, how it was proposed to enforce this clause; how I proposed, for example, if a man were ill, to make him work? No such ridiculous idea ever entered my head, or the head of any one who has had to do with this bill. The proviso of the clause makes the matter perfectly clear:

But nothing herein prohibits the suspension or discontinuance of any industry, or the working of any persons therein, for any other good cause.

If the supply of raw material failed, if a contract came to an end, if there were an epidemic among the workmen, no doubt there would be a suspension, but it is for the court to determine whether there is or is not a good cause. If hon. members think the members of the court are going to be three arbitrary fools instead of three reasonable men we might as well throw the bill under the table of the House at once. The whole foundation of the bill rests on the assumption that the court will consist of three reasonable men, all of whom will be inspired with the desire to do justice equally between the conflicting parties.

Mr. ARTHUR GRIFFITH: What is the legal scope of "pendency." Does it mean after proceedings have commenced?

Mr. WISE: Yes.

[*Mr. Wise.*

Mr. ASHTON: Could the employees discontinue work after an award has been given, without a penalty?

Mr. WISE: That would depend entirely upon the nature of the award. I am not foolish enough to say that any award can compel persons to work if they do not want to; but I am satisfied that the provisions of the bill will be practically effective—much more effective than public opinion.

Mr. COOK: There is no provision to compel parties to arbitrate!

Mr. WISE: That is true; but, as I shall point out later on, there is power, if one party likes, to compel the other party to arbitrate. Clause 26 is not in the New Zealand act. It seems to me to be a clause of obvious justice. It provides that an employer shall not be allowed to wreak vengeance upon a workman for invoking the jurisdiction of the court, and it provides that if any dispute is pending, or if any award has been made, the benefit of which the workman gets, the employer shall not cheat him out of the legal rights which the court has decided to be his by its award, or which this act declares to be his by allowing him to bring a matter before the court by dismissing him from his employment. It is quite clear that this clause requires to be very carefully hedged around because it would not be sufficient merely to say that no employer might dismiss a workman merely because he had invoked the aid of the court, or merely because the court had found in his favour. It might not be possible to discover whether that was the motive. The employer could always say that he had some other reason, therefore the clause goes on to say:

In every case it shall lie on the employer to satisfy the court that such employee was so dismissed by reason of some facts other than those above-mentioned in this section.

Here again, I say, we must trust to the good sense of the court to do no injustice to the employer. If you have a tribunal at all, if you allow a reference to be made by workmen to a tribunal of this kind, you must make some provision to prevent the employer from, in effect, neutralising all that has been done by Parliament by dismissing a man from his occupation because he availed himself of those legal rights which Parliament has given him.

I think I have now dealt at sufficient length with the constitution of this court. I come now to another division of my subject, and one about which I apprehend controversy will chiefly range, namely, how far it is possible to enforce the award given by the court? Before I proceed to answer that question I should like to read to the House, and more particularly to bring under the notice of those who think that compulsion is impossible, what has actually occurred, according to the sworn testimony of witnesses before the Royal Commission in Great Britain.

The General Secretary of the United Society of Boilermakers deposed: "We had a case at Hartlepool a short time since, where a vessel was in for repairing, and the men knew that the vessel was in a hurry, and thought there was a very good chance to get an advance in their wages; so they went to the foreman and made a demand for 2s. a week advance. The foreman, knowing the arrangement between our association and the employers' association, refused to give the advance, and at once wired to me at Newcastle, and, by the orders of the council, I sent back to to say that the employer was to give the men the advance as asked for, because we did not want to stop the work. As the ship was in a hurry, we wanted to get her off. The employer gave the men the advance as asked for, and we at once sent to the firm requesting the firm to tell us the amount of money they had paid to the men as advances of wages on that job. When the job was completed those particulars and details were sent to us at Newcastle, and also the names of the men who were engaged upon the job, and who had made the demand. As soon as that was done our Council ordered the members who received the money to refund that again to the society, and we sent a cheque from the head office to that firm equal to the amount of the advances given. In another case men, knowing that their employer was under a time limit for the completion of a ship, made a sudden demand for a rise. Precisely the same action was taken by the union, and the men were also fined for dishonorable behaviour to employer under contract to deliver."

If that could be done by a strong union as a matter of honor, what is there to prevent a court enforcing it upon a weak union as a matter of duty? That it is a right act no one will question. That it is a good act that to its fullest completion can be carried out is proved by the fact that it has been carried out; and the moral influence that enabled that act of reparation and justice to be done will be none the less effective because it has behind it the sanction of a court. The claim to use legal sanction to give effect to arrangements between employers and their workmen, and to secure that those

arrangements are fair, rests in the first place upon the broad ground of principle; namely, that the state—that is the community as a whole—is vitally interested in preventing industrial warfare. It rests; secondly, upon the ground of practical expediency, because if the court has no power to bring before it anyone except those who come of their own free will, then the court will be utterly unable to establish any standard or common rule; and the result will be that a few men by holding out of a collective agreement will be able to profit in trade competition at the expense of those who are trying to conduct their business fairly, and to maintain the industrial conditions at a high level. Can it be seriously questioned that the community at large has a vital interest in the prevention of industrial strikes, and, to do it, may even interfere with a man's freedom? Surely it is forgotten what these industrial strikes really are, and what they result in. Two men, I suppose, may fight in their own back yard as long as they please, and no one will interfere with their freedom; but if the same two men come into the public street, I do not think the strongest advocate of what is called "freedom" would object to one or both of them being deprived of their liberty for a short time. Surely it is a mockery of the word "freedom" to declare that men ought to be free to wage industrial warfare. Free to do what? Free to dislocate the national industries; free to drive trades from this country to another; free to cause untold embarrassment and loss. All that might, perhaps, be permitted if the loss fell only on the combatants. But we know well that in an industrial war it is not the combatants who are the chief sufferers. Who will recompense the unoffending tradesmen who are driven into the Bankruptcy Court by the impoverishment of their customers? Who can calculate the patient misery of the women who see their homes gradually despoiled of every article which makes a home; and who can calculate the suffering of the children, and the loss to the working power of future generations from the seeds of suffering and disease which are sown by famine? And who will look callously upon the intensification and perpetuation of the bitterness of class hatreds, which are the inevitable legacy of protracted strife? I ask, and

I believe the question will be repeated with growing force by all who recognise that citizens have duties as well as rights, why cannot a legal method be found of preventing this appalling result? Why cannot some reasonable and clearly defined conditions be imposed by a legal tribunal which will make strikes and lock-outs, if not impossible, at least more difficult? The answer given is, it cannot be done—an answer, I think, that is often given by those who do not wish to find a way out, and which is certainly a most impotent reply to a clamorous and weighty demand. But to this answer I make a further reply—it has been done. The colony of New Zealand offers us the example. I admit to the full that we cannot press the example of New Zealand too far. I admit that the conditions of industry there differ to a very considerable extent from ours. I admit, further, that the years during which the enforcement of industrial awards has been permitted in New Zealand have been years of very great prosperity, which, perhaps, do not furnish a full test of the measure. But I assert that a large number of industrial struggles have been prevented in New Zealand, and I assert also that that has been done without any great injury to the community. I know it is almost as difficult to get facts about New Zealand as it is to get facts about Ireland. When you meet one set of people they will tell you that New Zealand is in the height of prosperity, and another set will tell you that it is in the lowest depths of commercial distress. But I prefer to take figures, about which there can be no dispute either as to their accuracy or as to their meaning; and I find that there is not the slightest evidence—to put it in the mildest way—that this regulation of industry, by means of decisions of courts of law, which is said to be such a disastrous thing for commerce, has produced any of the unfortunate results that were anticipated. The evidence is, in fact, all the other way. I find, for instance—and I am quoting from a letter by Mr. Reeves to the *Times* of January 6th, 1899—that there were seventy-five large financial and industrial companies in New Zealand—Mr. Reeves says he has only taken the largest. Of these, only three paid no dividends last year; two paid only 4 per cent. eight paid 5 per cent., and the remainder

[*Mr. Wise.*

paid dividends at rates from 6 to 17½ per cent. That is to say, sixty-two companies out of seventy-five paid dividends of from 6 to 17½ per cent. That does not look as if the industries were crushed by this provision for regulating industry. But I suppose there is even a better test, and that is the returns which are given from the income-tax. In New Zealand during the last three years—those are the three years during which the Enforcement of Awards Act has been in operation—the rate of income-tax has not been altered. It is the same rate now as it was three years ago, and the returns from the income-tax have increased 25 per cent. in those three years; showing in the plainest possible manner the distribution all through the community of a very solid prosperity. I find, too, that a trade, measured by imports and exports, increased 40 per cent.; the number of factory hands has gone up from 36,000 to 39,000 in three years. Whatever evidence you take as generally accepted evidence of prosperity, it disproves the theory that these regulations will militate against prosperity. I throw the charge of theorists back upon those who oppose the measure. It is they who are the theorists. It is they who are conjuring up fancy pictures in their imaginations of the ruin which is going to happen to this country if this measure, the justice of which they do not deny, but only its practicability, be passed—it is they who are the theorists and the spinners of wild dreams when they say the expedients which they admit to be desirable cannot be carried out in the face of the evidence which has been afforded to the contrary in the colony of New Zealand. I can go further. I find that the principle of enforcing awards has been in operation in Victoria—unobserved operation—for five or six years, and it has not produced any terrible consequences there. There is a great deal, after all, in a name, and I fancy if the members of the Legislative Council in Victoria had been told that they were passing a compulsory arbitration act in the year 1896 they would have shrieked till they were hoarse against this interference with freedom and “freedom of contract”; but they did it without knowing, because it was called by another name. It was called the Factories and Shops Act of 1896; and there-



are sections, from which I shall read in a moment, which give practical power to certain officials to fix the rate of wages by law; which give them power to determine the conditions of employment, and which punish everybody who breaks their regulations. Section 15 of the Factories and Shops Act of 1896 provides that, in order to determine the lowest price or rate which may be paid to any person for wholly or partially preparing or manufacturing, either inside or outside a factory or workroom any particular articles of clothing or wearing apparel or furniture, or for bread-making or baking, the Governor-in-Council may, if he think fit, from time to time, appoint a special board, to consist half of representatives of employers and half of employed. The board may then prescribe the minimum rates to be paid for any particular article by piece-work, for home work, and by either time or piece for factory work. Any employer paying less than the minimum thus fixed is made liable to a fine, and on a third offence, the registration of his factory or workroom, without which he cannot carry on business, shall, without further or other authority than this act, be forthwith cancelled by the chief officer. I want to know where you can get a more complete code for the enforcement of industrial regulations than is provided by this section? The only difference between that section and the clause which is proposed in this bill is that it is a power given to a far inferior tribunal, the exercise of which is not hedged round with the numerous safeguards which are provided here; but the principle is the same. There is a power to enforce industrial regulations on unwilling persons, and I have not yet heard that that has been productive of any of the consequences which are prophesied in respect of this bill. The reports of the Labour Department of New Zealand, which are in the library of the House, contain every year a long account of the different disputes which have been dealt with by this act. It would be wearisome were I to read them all to the House, but I think I can take one as showing how the measure works in practice.

MR. EDDEN: Can the hon. member tell us the greatest number of men who have been involved in a dispute in New Zealand at any one time?

MR. WISE: I cannot; but there has been a very large number, because there

was a dispute with the Seamen's Union. I have not been able to get the exact figures, but so far as I can learn there have been forty cases dealt with. The difference between their act and this bill is chiefly that their act provides for an intermediate court of conciliation. That has proved an absolute failure on the admission of the Department of Labour, on the admission of the workmen, and on the admission of the employers. The Department of Labour admit that it is only kept up for the purpose of providing fees for the officers of unions. Anyhow, the measure has not been a success. All the cases of any importance—all, I think, except seven—have gone on from the Court of Conciliation to the final Court of Compulsory Award.

MR. CANN: The answer to the hon. member is that they do not go out on strike there; the parties settle the dispute without striking!

MR. WISE: I am coming to that in a moment. The case I refer to now is only mentioned by way of illustration.

The Consolidated Gold-fields Company.—This was a dispute, commencing on the 30th May, 1896, between the company and the miners. The company had lowered the wages of its men from 10s. to 8s. 4d. a day. The miners held a meeting, discontinued work for three weeks, and then, forming themselves into an industrial union, referred their case to the Conciliation Board, they meanwhile returning to their work at 9s. a day while the case was *sub judice*. The Conciliation Board gave judgment for 9s. a day; but the decision was appealed from, and referred to the Arbitration Court. After a large amount of evidence had been taken the judge gave his decision to the effect that the reduction of wages was premature, but that, looking to the large amount of money that was being expended by the Consolidated Gold-fields Company in prospecting and opening up new ground (these being non-paying operations), the miners should consent to take a lower wage for a limited period, after which it should be permitted to reopen the whole question. The wages of the miners in the service of the company were therefore fixed at 9s. 6d. per diem up till the 30th June, 1897.

These reports are full of instances, and I earnestly commend them to the attention of any hon. member who thinks that there is any practical difficulty in dealing with these questions. I may say that they have the further advantage of showing in actual practice how the measure works.

MR. QUINN: Has any award ever been given in New Zealand against any union?

Mr. WISE: One of the first awards given was against either the Seamen's Union or the Miners' Union.

Mr. SAMUEL SMITH: The Seamen's Union!

Mr. WISE: I think, sir, that much of the confusion arises from a wrong use of words. People talk about compulsory arbitration, and they ask, "How are you going to compel men to work?" and they seem to reason as if we were proposing by this bill to have an army of policemen to force open the gates, or even the cash-box, of the employer; or as if we were going to open gaols in every district for the purpose of imprisoning bodies of men who decline to go to work at wages which they think insufficient. Those who speak like that absolutely forget what is the motive power behind almost every strike and every lock-out. Men do not strike, masters do not lock their men out, in order, on the one part, that they shall refrain absolutely from work, or, on the other, that they shall always keep their factories closed; but they strike, or they lock-out, in the hope of getting an arrangement which will be more favourable to them than the present. Now the question is, as it is put by opponents—if an employer refuses to carry on his business, or if a union, pains and penalties notwithstanding, simply refuses to labour under the conditions imposed by the court, what possible system can force the one side to carry on business or the other side to work? And if none, they say, "Is not that going back to the strike and the lock-out?" The answer is, as I have said, that we must remember what is the object of a strike, what is the object of a lock-out? Under present arrangements a suspension of labour or business takes place in the belief that it is but temporary, and that it will starve the opposing side into submission. But there is no object in a strike or lock-out in New Zealand, because you cannot starve an arbitration court into submission. If an employer shuts up there rather than obey the court, he has to retire from his business. If men leave off labour there, they have to change their occupation, unless they will resume it under the conditions laid down by the court. This is an application under a wider form of the principles of the Victorian Factories Act. I ask that hon. members should pay particu-

lar regard to clause 28. In introducing the bill in Committee, I said that this clause had been suggested to me by Mr. and Mrs. Sidney Webb. It appears to me to be the most logical, complete, and effective method of enforcing the awards. It provides that the court may do exactly what the board does under the Factories Act in Victoria. The court may declare that certain conditions, under which the trade is carried on, shall be observed as part of the industry, and shall be the common rule of the district. That is done now under the Factories Act, and there is very large power given to the Governor to make regulations under the Factories Act, which are gradually extending the scope of that measure, gradually creating new conditions under which any particular industry must be carried out.

Mr. COOK: There must be an agreement!

Mr. WISE: Exactly. The object of that provision is this: believing, as I do, that the whole tendency of modern industrialism is towards making bargains collectively on one side or the other, I regard this collective agreement as an instrument by means of which industrial society may be levelled up, stage by stage, so that industrial agreements will, as it were, crystallise the current industrial morality—if I may use the term—in every trade for the time-being. The court then gives effect to it as between individuals, and if the court thinks fit—the matter is again absolutely in the discretion of the court—it may declare that it shall apply to all other members of the industry in the district, and the conditions shall be applied so as to level up the industry in the whole district, and establish a proper standard. That clause, therefore, can only apply, and is only intended to apply, where there is a collective agreement. The court has power to entertain two classes of disputes, the first are disputes on industrial matters pure and simple, the others are disputes which arise out of an industrial agreement. Where they decide a dispute arising out of an ordinary industrial matter, they simply do justice between the two parties, and they have power, when occasion arises,—which I think will be seldom—to call in other persons who they think are interested in the decision that will be arrived at. I, therefore, ask the House, not to accept without examination the current idea that there is any essential diffi-

[*Mr. Wise.*]

culty in enforcing these awards. Matters of the utmost complexity are decided every day in the courts of law. It seems to argue a great want of respect for the law to say that in a law-abiding community like ours, the decisions of a court of this kind would be disregarded. I ask the House further to regard as of great importance the educational influence of public opinion, which an inquiry before a court of this kind must necessarily have. With the weapon of pecuniary punishment behind it, and also the weapon of public opinion, I believe that most, if not all, of our present industrial difficulties will be avoided.

MR. J. C. WATSON: Will the hon. gentleman refer to the preference to be given to unionists?

MR. WISE: I provide in the bill that the court shall have power to decree that preference shall be given to unionists. Personally, it seems to me that that clause requires very little justification, for this reason: If one once admits that the whole foundation of the bill rests on the admission that unionism is a necessary protection to the workman, and that the method of unionism is by collective bargaining—then it follows that you cannot have any effective collective bargain if you have any outside minority of non-unionists always cutting away at it and reducing its terms. Therefore, as one of the objects of the bill is the protection and levelling up of each particular industry, and the conditions under which it must be carried on, it seems to me to follow that you must have, in connection with that industry, an organised body of workmen upon whom, because they are organised, and only because they are organised, the orders of the court can take effect. If you had a mere disorganised mob, a mere mass of isolated individuals, I admit that no effective compulsion could be employed. But the bill rests upon the assumption that no workmen can be registered as an industrial union unless they form themselves into a trades-union. We allow an individual employer to be a party to a dispute; but even an individual employer cannot be registered—it must be a certain number of employers. I propose to make it clear that the court has power to join, as party to an industrial dispute, any particular union that is not registered, because I want to make it quite clear that no

trades-union will get any advantage from non-registration. The court has power to make a trades-union a party, if not registered; so that if a trades-union does not register it will be exposed to all the penalties under the act without any of the benefits of being able to recover subscriptions and to hold property.

MR. EDDEN: In this clause—sub-clause b—it says:

The members of a union shall be employed, other things being equal.

What is the meaning of the words “other things being equal”?

MR. WISE: I mean that if there are two men equally competent, and of equally good record, and an employer says, “I do not care which man I employ,” the court has power to say that the man belonging to a union shall be chosen, because he belongs to a union.

MR. WATKINS: Why does not the bill allow a single employer to be registered?

MR. WISE: There is no advantage in doing so; you can get at him all the same. The object is this: we desire as much as possible to encourage what I believe to be the true tendency of industrialism, the making of collective bargains between bodies of workmen and bodies of employers, and inasmuch as an industrial agreement can only be made between two industrial unions, we want to get bodies of employers in the particular trade registered as an industrial union, and making the collective agreement.

MR. COOK: ———

MR. WISE: The act operates only upon organised labour.

MR. CANN: As a matter of experience, there is no dispute anywhere else!

MR. WISE: That is the experience. In conclusion, I commend to the attention of the House a very interesting statement by the Hon. J. McGregor, a member of the Legislative Council in New Zealand, who led the opposition to the principle of this measure from its inception. Writing in the last October number of the *National Review*, he says:

Whilst it must be admitted that the experiment has not been as successful as was hoped, it would be premature to pronounce it a failure. Whilst it has caused some mischief, it has also done some good, and its ultimate success or failure must depend largely upon the spirit in which the act is worked by the trades-unions, and administered by the Court of Arbitration. What-

ever measure of success has been achieved, is entirely due to the fact that there has existed, on the part of the general public and employers, a desire to give it a fair trial.

With these words, which are very significant as coming from a pronounced opponent of the bill, I, in the main agree. I do not put forward this bill as a panacea for all industrial evils. On the contrary, I admit that all legislation of this kind must necessarily be experimental; but I contend that it is an experiment in the right direction; and that the known evils of the present system are far more serious than the possible risks of that which I am introducing. Indeed, I know no greater evils in the industrial world than those which are produced from conflicts between capital and labour, and I refuse to believe, until experience proves the contrary, that an orderly and legal method of defining the points at issue and apportioning the blame will not, on the whole, tend to industrial peace. I know well that there must always be disputes between capital and labour which no court can ever settle, just as there must always be quarrels between nations, which can only be determined by the sword. But I believe that time for inquiry, investigation, reflection, and criticism by an impartial tribunal will serve the purposes of diplomacy among nations, and prevent many industrial disputes from ripening into open war. I know well that we cannot by this or any other act of Parliament enter into an elysium of industrial peace; but I contend that this measure provides legal machinery which, with proper motive power, and proper guiding intelligence, can be made effective for the highest social purposes. I agree, too, with Mr. McGregor that its success must depend very largely on the desire of the general public and employers to give it a fair trial. The secret of political reform lies always in individual character, and not in legislative mechanism, and every measure that deals with industry must depend, for its final and complete success, upon the temper, the good faith, and the honesty of those who use it. I say to the employers that they will have—some of them—to change their views; that they can no longer regard themselves as entitled to do as they like with men because they pay them wages; but that they must rise to the higher con-

[*Mr. Wise.*

ception of an industrial partnership between themselves and their employees. And on the other hand, may I be permitted to say, that the "ethics of war" which some years ago were invoked to justify wrongdoing must give way to the ethics of an older system which teaches that the foundation of success in dealing with our fellow-men depends upon the recognition of two simple maxims—"Speak the truth"; and, "Keep your word"? In submitting this measure to the House, I would say through this Chamber to both employers and employed,—should differences arise, as arise they must, let each party look at them from the standpoint of the other. If they appear irreconcilable then, I submit to them that they have not either of them fared so well under the old system of industrial warfare that they can afford to spurn the method and the opportunity of peace which is offered by this measure. I submit the bill to the consideration of the House with the knowledge that it is a serious, and a well-considered effort to grapple with practical difficulties, and in the earnest hope that it may remove many causes of industrial strife, and, in every instance, mitigate its evil consequences.

Question proposed.

Mr. COOK (Hartley) [9:27]: I rise to suggest to the hon. and learned member that he should permit the adjournment of the debate at this stage. He has made a very able and lucid speech, upon which I desire to congratulate him very heartily; and I think that the importance of his speech will be enhanced by calm contemplation of what he has said. There are a great many people outside who require to carefully look at this measure, and to read it in the light of the hon. and learned member's remarks, so that I think it would be only fair to adjourn the debate until Wednesday next, in order to give all who are interested a full opportunity to do so. I therefore move:

That the debate be now adjourned.

Mr. WISE (Ashfield), Attorney-General [9:28]: I am quite willing to accept the suggestion of the hon. member. I agree with him that it is very desirable that a bill which contains so many novelties as this does should have time to be thoroughly appreciated by the people interested in it.

Motion agreed to; debate adjourned.

Motion (by Mr. WISE) agreed to :

That the resumption of the debate stand an order of the day for Wednesday next.

Mr. EDDEN: I wish to ask the Premier if the speech of the hon. and learned member for Ashfield cannot be printed in pamphlet form, because *Hansard* may not be out until next Tuesday.

Sir WILLIAM LYNE: *Hansard* will probably be out on Saturday; but I have no objection to the course which the hon. member suggests.

# DARLING HARBOUR WHARVES RESUMPTION BILL.

## SECOND READING.

Sir WILLIAM LYNE (The Hume), Colonial Treasurer [9.30], rose to move :

That this bill be now read the second time.

He said : In moving the second reading of this bill I do not intend to detain the House by speaking at any great length. I recognise that the speech that has just been delivered by my hon. colleague, the Attorney-General, is one that has demanded the attention of hon. members, and that they have given to it an attention such as is seldom given to a speech in this House. Last week, when I was moving a previous motion in connection with this bill, I dealt somewhat in detail with the various provisions of the measure; therefore, I shall now simply, as concisely as I can, refer hon. members to the provisions of the various clauses of the bill, because it is not necessary for me to go into past history in connection with the reasons for these resumptions, and the effect they are likely to have. It is known to all hon. members that the Government have resumed a large area in connection with the water frontage of Darling Harbour, and round nearly to Circular Quay, and that in carrying out that resumption we have also had to resume, for the purpose of widening one street at any rate and of dealing with some premises that are not fit for habitation, a block of land up as far as Kent-street. It has been asserted that the resumption is technically illegal. I think that is a mistake. My impression is that it is technically legal. As I stated the other night, there was, as required by law, a sum of about £20,000 in hand, for the purpose of the resumption of wharfage in Darling Harbour, and there is nothing to prevent

that money, if so desired, from being expended in connection with a portion of these improvements. But so that there should be no possibility of the owners taking any technical point in reference to these resumptions in this bill, which is only a short one of fourteen clauses, I have, in clause 2, made special provision for dealing with the validation of previous resumptions, and if there has been any illegality, that illegality is overcome by the provisions of that clause. In clause 3 there is a provision, in connection with resumptions we have made, that, either for the purpose of widening the streets adjoining, or adding to the business part at the end of the wharves, there shall be power to make further resumptions. Those resumptions, of course, will not be made unless it is absolutely necessary to make them; but it is essential in this bill to deal with this matter in a manner that will not hamper the Government or those who have to deal with this question in the future. In regard to that part of the city round about Sussex-street and Erskine-street, and up as far as Kent-street, it is absolutely necessary that there should be a widening of the streets and a reorganisation of the whole of that part of the city. It is necessary, therefore, that this provision should be inserted in the bill. Clause 4 provides for compensation for these resumptions. It is simply a clause giving us the necessary power to deal with the question of compensation for these resumptions. I should like to inform hon. members that at the present moment, pending the passing of this measure, every effort is being made to see that no claims accrue in any way, and we are actively looking out for and engaged in meeting any cases where there might possibly be in the future a claim, either regarding the leaseholds, the leasing of the wharves, dealing with all matters connected with the wharves or with contracts which have been made by some owners of wharves. In some cases we are carrying on the works so that there shall be no claims from the contractors, and in all cases we are dealing with the whole of the resumption in such a way as to prevent anything accruing in the interim between the time when we made the resumptions and the passing of this bill, when we can have a permanent body dealing with a matter

that will cost the country a large sum of money. I may add that even the sparse information which I have received has shown me that the resumptions will pay the taxpayers a great deal better than has been supposed by anybody. Many developments have taken place recently that have disclosed to me a state of things I was unaware of up to the present moment—leakages of revenue of various kinds, which I think it will be found will ultimately come to an immense sum of money. In reference to this particular phase of the question, I have no doubt that objection will be raised by parties who have been obtaining some advantage in the past in connection with this matter of leakage; but at the same time it is only right that the taxpayers should not lose money in this respect, and that this resumption should be turned to the very best account. I believe, therefore, that it will pay better than has been thought up to the present time. I may also say that the Government took action before this resumption was completed to secure the services of the best valuers we could get in this city to deal with such a large question, because we recognised that we should require the best expert evidence we could obtain in dealing with a matter that involves millions of pounds. To have refrained from taking such action for the sake of saving a few thousand pounds would have been, I think, a sin, to say the least of it, against the taxpayers of the country. We have therefore protected ourselves by obtaining the services of the largest firms of valuers in the city. We have also done this in connection with the resumptions and the work at the resumptions; we have kept an accurate account of every premises and of every wharf, and have photographs of everything which has been resumed by the Government, and which is likely to be destroyed, in order to show what condition these properties were in at that particular stage; so that hereafter, in going to court, if there is any occasion to do so, we shall not have evidence brought in regard to facts which did not exist at the time the resumptions took place. There is a proviso in clause 5 to the effect that supposing we cannot come to any understanding or agreement with the owners of these properties, we shall not take the cases through the ordinary routine of the Supreme Court,

[*Sir William Lyne.*

but shall take them for appeal into the Land Appeal Court. I venture to think that it is a more equitable thing to do, and that the matter can be more easily dealt with and practically adjusted in that way than by allowing the cases to go through the ordinary course of procedure in the courts of the colony, and thus entailing immense sums of money for expenses on one side or the other, which can be avoided by an appeal to the Land Appeal Court. Then comes the very important question as to how these resumptions are to be paid for, and I have provided in the bill that they can be paid for in three different ways—either by temporary bills, if thought advisable, by payment in inscribed stock, or by payment in funded stock; and that the Treasury bills may be covered by the inscribed stock. The amount provided for will be up to £4,000,000, at 4 per cent. interest. It may be that the whole of that will not be required. I am sure that the whole of it will not be required for payments in the first instance, but portions may afterwards be required to carry on certain works up to the amount of £4,000,000.

Mr. WILKS: Will these works be submitted to the Public Works Committee?

Sir WILLIAM LYNE: I do not think they will if the harbour trust is of the character that I anticipate it will be, and I shall proceed with the bill on the first opportunity. If the Harbour Trust Bill is carried, there will be provision in it showing the way in which the works are to be dealt with.

Mr. WILKS: The harbour trust is the sequel to this!

Sir WILLIAM LYNE: Yes; at present I should not like to say that these works will be works that must go to the Public Works Committee. The harbour trust will be a body that will have full charge of all these works, the carrying out generally of the works of the harbour, and the only thing that I am reserving to Parliament is the voting of the money and the control practically of the expenditure of that money. We shall not give the harbour trust power to raise money on their properties.

Mr. WILKS: It will be a body similar to the Railway Commissioners?

Sir WILLIAM LYNE: Yes.

Mr. J. H. YOUNG: Will they have power to make alterations in the wharfage rates?

Sir WILLIAM LYNE: They will have all power in connection with wharfage, and everything of that kind.

Mr. J. H. YOUNG: Giving discount on wharfage rates?

Sir WILLIAM LYNE: That is a matter of policy, a different thing altogether. I am speaking of works in connection with the harbour. The hon. member refers to the question of wharfage rates; but I think that under the federal parliament these matters will have to be of a general character. Therefore that will not come in this bill, it will have to be provided for in connection with the Harbour Trust Bill, and I need not go into the question now. Clauses 7, 8, 9, 10, and 11, simply deal with the expenditure of this £4,000,000; it is to be secured on the consolidated revenue, the loan being brought under the ordinary provision, the money to form part of the general loan account, and the stock being declared Government security. These are all details which are usual in cases of this kind. The power to construct works is given in clause 12, which says:

This act shall be a sufficient authority for the commencing and constructing of the works in respect of which loans may be raised under this act, and such works shall be deemed to be authorised works within the meaning of the Public Works Act of 1888 and the carrying out of such works shall be deemed to have been sanctioned under that act; and the Secretary for Public Works shall in respect of such works be deemed to be the constructing authority under that act, and to have the powers of such constructing authority.

That is the clause under which the works would be carried out—of course, under the supervision of the harbour trust.

Mr. J. H. YOUNG: Practically taking away the necessity for going before the Public Works Committee!

Sir WILLIAM LYNE: I think so.

An HON. MEMBER: Or Parliament either!

Sir WILLIAM LYNE: No. Parliament will have to vote the money in all cases when works are required to be done. I am reserving, under the Harbour Trust Bill, the right of Parliament to vote the money, and there is to be no power for the harbour trust to raise money on their property, as is done in Victoria and elsewhere.

An HON. MEMBER: A portion of the £4,000,000 will be used for the erection of stores and so on!

Sir WILLIAM LYNE: A portion of it may be, but that is not really the intention. The intention with regard to the £4,000,000, mainly is to pay in the first instance for resumptions. Of course it can be used in other ways.

An HON. MEMBER: In dredging?

Sir WILLIAM LYNE: For dredging and, say, building one or two wharves at the head of Darling Harbour; or the money may be utilised for replacing buildings. Take that block for the purpose of widening Sussex-street. We shall have to pull buildings down, and erect others. Then towards Kent-street we shall have to do certain work there. Some of the money can be utilised for these purposes, but the main portion of it will be for the purpose of paying for resumptions, and I take it that we shall not have to float very much of this on the market. I have already received applications from some of the largest people to be paid the money by Treasury bills or inscribed stock. If we can make arrangements in that way to pay £500,000 to a particular firm, it will be better to do that if we can with satisfaction to the Government, than to go to all the expense and trouble of floating the money on the market. I have already received several applications, and a large proportion, no doubt, will be paid in Treasury bills or inscribed stock. The next provision, in clause 13, is a very important one.

Mr. RIGG: It is the weakest of the lot!

Sir WILLIAM LYNE: I think it is one of the strongest. The hon. member must be a holder of considerable property in that neighbourhood if he says that. The provision in the act which compels the Government, until there is a satisfactory arrangement made, to pay 6 per cent is repealed, and 4 per cent is the amount of interest which will be paid from the time of resumption until payment is made by the Government.

Mr. McLAUGHLIN: Is not that repudiation?

Sir WILLIAM LYNE: No matter what it is, it is a fair thing; I do not think it is repudiation. I am amazed to think how long the taxpayers of the country have stood this payment of 6 per cent, when they can get money at 4 per cent,

3½ per cent., and 3 per cent. It has caused bargains to be deliberately kept open for months and years. Since I came into office this time I have had to pay some large sums of money that have been standing over for the last eight or nine years, and which should have been settled years ago. I refer to several cases near Darling Island. The purchase of frontages has remained in abeyance ever since I was in office before. I thought then that I had settled them, but points have been raised and the matters have been kept open; the parties did not want to settle them, because they could not get 6 per cent elsewhere. We have had to pay this amount for all that time. The proviso is to the effect that the interest shall be at a fair rate. A party who has a large sum of money invested in these frontages at Darling Harbour, or round Miller's Point, cannot get more than 4 per cent, and if he says "I will let it remain," it will not do any harm to the Government, and there will be no unfairness in the transaction. The hon. member for St. Peters Division said this was the weakest clause of the lot. So it is, if it is looked at from the standpoint of a man who has large properties in that locality.

Mr. RIGG: I am not objecting to the provision, I approve of it!

Sir WILLIAM LYNE: The last clause is clause 14. It validates certain quarantine regulations and proclamations made by the Government. Hon. members are aware that I had to take in many cases very extreme steps regarding the cleansing of the city, and in sending contacts and others to the Quarantine Station. It may or may not be that some of these acts were slightly illegal, and this clause is intended to cover such acts, so that the taxpayers may not pay more than a fair and legitimate sum in respect of anything suffered under the proclamations and regulations. I shall not weary the House by going into further details. I explained the provisions of the bill pretty fully at a previous stage. The bill is a short, simple, straightforward measure, and I feel satisfied that it will meet with the unanimous concurrence of hon. members. I hope there will be no long delay in passing it. It is desirable that it should become law as early as possible, so that we may deal with these matters in a practical and proper manner.

Question proposed.

[*Sir William Lyne.*

Mr. D. THOMSON (Warringah) [9:53]: I do not intend to detain the House long. Although I was one of those who refused to sign the round-robin—because I do not believe in government by round-robin—I heartily agree with the action of the Government. If there be any reflection upon the Government of New South Wales—one that does not rest upon this particular Government, but upon all the governments within the last twenty-five years—it is that they have not taken the action which has been taken by the present Premier. Unfortunately, a good many of those proposals which have been brought forward in Sydney from time to time have been met with a sort of constitutional inertia in the governing authorities. This has prevented them from acting until forced to do so by panic, or as the result of some serious injury to the community. Under these circumstances alone have they taken action which it has been manifest for years was wise and proper. I regret also that the matter to which I called the attention of more governments than one, did not receive attention before this resumption took place—that is to say, that the Wharfage Rates Act was not amended. I objected to a bill brought before this House by the last and by the present Government, because it contained clauses which affected only some of our wharfage rates. I claimed that there ought to be an amending bill dealing with the whole of the rates. The effect of our not passing a bill of that description years ago is that the revenues from our wharves have been unduly inflated owing to the absurd wharfage rates. A very much larger sum will have to be paid by the Government for wharfage properties than they would otherwise have to pay, because owing to the high rates charged the value of the wharves has been inflated. It is a matter which this Government or some other government will have to deal with as soon as possible. It is absurd that 6s., 7s., and 8s.—in other cases 10s.—and in a few instances 15s. per ton should be paid upon goods for merely passing over our wharves in Sydney Harbour. Such charges cannot be justified, especially in a port where an expenditure so comparatively small has had to be incurred in order to provide the wharfage.

Mr. J. C. WATSON: The percentage upon the Government expenditure upon wharves is not so very high!



Mr. D. THOMSON : The Government have had to pay high rates for the resumptions, in connection with some of their wharves, but the Circular Quay wharves, notwithstanding that a large sum was paid for the resumptions, return a very good percentage to the Government. One evidence that many of our wharfage rates are too high is that rebates up to 50 per cent. are made to British ship-owners, or to a British ship-owners' ring, upon the wharfage collected, in order to induce them to load at particular wharves. That is the best evidence that some of the wharfage rates are too high for the port. I do not say they are all too high under the Wharfage Rates Act, but many are too high. In some cases more is paid for taking loads over the wharves in Sydney than is paid for bringing them from England.

Sir WILLIAM LYNE : Are not the rates higher in Victoria than they are here ?

Mr. D. THOMSON : Some of them are higher, but others are lower ; generally they are higher ; but they have reason to be higher because the expenditure upon the port has been enormously greater than that in Sydney. It would pay and does pay to take some goods from Melbourne under existing circumstances up to Newcastle, to land them in Newcastle and to ship them from Newcastle to Sydney. They arrive here at a lower rate than would be paid if they were shipped direct from Melbourne to Sydney. There is no wharfage rate in Newcastle, and the Newcastle companies land goods on the wharves without charging wharfage to the consignee. That is another evidence that the rates are too high. They may have been suited to the time at which they were imposed, but they are not suited to the present time. Had they been altered the Government would have been saved a large amount which they will now have to pay for resumptions. The present wharf-owners will get no special advantage in some cases from the increased amount paid, because they purchased their wharves or obtained the right to use the frontage in view of the amount which might be realised under the rates and charges sanctioned by the Wharfage and Tonnage Act, and they paid very large sums of money. I allude to that matter, because the Premier has stated that he has discovered a great many leakages, and that by the stoppage

of these leakages he anticipates raising a revenue that will assist to pay for the wharf resumptions, and also for the improvements the Government think necessary. I quite agree with the Government as to the desirableness of making the operation pay. I would suggest to the hon. gentleman that he should be very careful if he proposes to impose rates which the present wharf-owners held in abeyance, because they considered they were encouraging trade by so doing.

Mr. J. C. WATSON : But they got them out of the freight !

Mr. D. THOMSON : I am not aware that they did.

Mr. J. C. WATSON : I know they did in some cases !

Mr. D. THOMSON : The export wharfage rates have not been charged, principally because if they were an advantage would be given to other ports. I am not alluding to inward rates which are charged to intercolonial steamers, but are not charged as a rule to boats running between local ports. I allude principally to export wharfage rates, as to which the Premier now finds there is a leakage, and which were not charged chiefly because it was found that to do so would drive trade to another port. Any reasonable return the law would allow should be got from the wharves, but care must be exercised that in so doing we do not drive trade away from the port of Sydney. As to the trust which is proposed, I will only say this, that if there is to be a trust, and I think the matter is large enough to be taken out of the hands of the Minister and of the department in order to insure a more direct handling, and especially as no ministers could be expected to maintain a continuity of following, I trust that no large harbour board will be created. I think if three members of varying capacities were appointed —

Sir WILLIAM LYNE : Would the hon. gentleman make the trust partially elective, or would he propose that the members should be appointed ?

Mr. D. THOMSON : Judging by results in the other colonies, I am quite against the system of election. Questions are decided, as we find in the case of the Melbourne Harbour Trust, very largely with one eye on the electors. It is not a simple question of business as to what is

the best thing to do in the interests of the community ; but rather a question of what is the best thing to do in the interest of the trust—what is the best thing to do to secure the votes of so-and-so ; it may be the votes of shipowners, or it may be the votes of others. Under the election system where business management is required, the existence of certain active constituents is always dwelling in the minds of the elected members. For this reason, I should not desire to see an elective trust. I believe that in almost all the colonies where the system has been tried, elective harbour trusts have been failures more or less. A business affair, such as this must be, would be much better managed, and a much more desirable continuity of policy would be set up, if it were intrusted to say three men of varying capacities. It might be composed of a shipping man, who knew what provision would have to be made for berthing ships ; and a civil engineer, used to the construction of works such as the wharves required ; and, perhaps, a commercial man. I am only suggesting these things, but varying capacities are required for such a management, and the men should be appointed, not elected. That is what I hope to see, as I believe it will yield the best results to the community and the best results to those who have to do business with the board and on whose exertions a good deal of the trade of the city is depending. I understand that there is at present a very undesirable uncertainty among the occupiers of wharves as to what is to occur during the interregnum which must exist between the time of the resumption and such time as the Government are ready to put forward their policy of dealing with the whole of the wharves.

Sir WILLIAM LYNE : In what direction ?

Mr. D. THOMSON : There must be an interregnum, and in the meantime there is a desire—I have heard it expressed, and I think it is only a reasonable desire, and one in the interests of the Government as well as of those who use the wharves at present—there is a desire expressed that they should know something of how they are to be dealt with during any interregnum—that is, if a firm is at a wharf just now that it is likely to be there on certain conditions named by the Government until they decide upon their wharfage policy, and this board is appointed.

[*Mr. D. Thomson.*

Sir WILLIAM LYNE : That has been decided !

Mr. D. THOMSON : I understand that it has not. I understand that there is an advisory board, but that it has no power of decision.

Sir WILLIAM LYNE : No ; I have the power of decision !

Mr. D. THOMSON : A number of occupiers of wharves have had notice.

Sir WILLIAM LYNE : Because they cannot come to terms as to payment !

Mr. D. THOMSON : I understand that some of them, desiring to know their position during this period, have not been able to ascertain what it will be—that some of them who are at wharves do not know whether they are to stay there ; while others who have not returned to their wharves yet do not know whether or when they can return. They have appealed, I understand, to the advisory board, and that board is not in a position to give any answer. Probably it is not meant that it should. They had not heard up to a few days ago from the Government or the Premier as to what is to be their position until a board is appointed. If the fault is their own, there can be no complaint ; but if there is delay on the side of the Government, I think it is very important in the interests of both sides that it should receive attention.

Sir WILLIAM LYNE : I have tried to have it settled as soon as possible. There is one case—Huddart Parker and Company—where the wharf has had to be pulled up, and the company had to be sent to another wharf pending the erection of a wharf to suit them.

Mr. D. THOMSON : I understand that the Union Company do not know that there is any arrangement made to extend the period of the creation of the trust. However, I have mentioned the matter for the Premier's consideration. I think the hon. gentleman stated that under the bill he can resume and deal with property on "The Rocks." Is that so ?

Sir WILLIAM LYNE : Not under this bill !

Mr. D. THOMSON : I misunderstood the hon. member, for I do not see any provision of that sort in the bill.

Mr. J. C. WATSON (Young) [10·8] : I have no intention to discuss the bill as a whole. I did not sign that rather famous petition which was presented to

the Premier, though all along I have felt very strongly in favour of the Government taking possession of the whole of the wharf frontages. There are one or two points to which, I think, at this stage attention might be drawn, and the principal one which occurs to me is that clause 12 gives power to the Secretary for Public Works to proceed with the construction of works without any inquiry by the authority which is laid down in the Public Works Act of 1888—the Public Works Committee. I personally, of course, do not object so much on that point. I think the House ought to bear in mind what it is proposed should be done. Everyone will acknowledge, I think, that any proper plan for the reconstruction or rearrangement of the wharfage accommodation of Sydney should be a good one before it is entered upon. I do not think that anything in the nature of a large expenditure in a piecemeal fashion would be to the benefit of the community generally.

Sir WILLIAM LYNE: That is not going to be done!

Mr. J. C. WATSON: I wish to ascertain what is contemplated under this bill. The Secretary for Public Works has power under the Public Works Act to spend up to £20,000 without going through any form of inquiry, so long as the money is voted by Parliament in the shape of a loan vote. But that does not presuppose any inquiry outside the officers of the Public Works Department and the Ministry. In that case, a vote may go through this House for £20,000 in the small hours of the morning without any discussion. We should be extremely careful as to the manner in which these works are carried out. I believe, in view of some inquiries on which the Public Works Committee were engaged recently, that there is a possibility, with a proper plan for dealing with the area now resumed in conjunction with the wharves under the control of the Government at Darling Island, Circular Quay, and Woolloomooloo, of providing quite sufficiently for the needs of Sydney for many years to come. That, however, cannot be done, unless a proper plan is first drawn up.

Sir WILLIAM LYNE: It is intended that nothing shall be done of a material character until a systematic plan is prepared!

Mr. J. C. WATSON: In that case, I fail to understand the necessity for passing clause 12, and I would like the Premier, in his reply, to explain why it is necessary to pass that clause if it is only intended to deal with small works which would not cost £20,000.

Sir WILLIAM LYNE: It is intended to proceed at once with the widening of the street, and rebuilding some houses which had to be pulled down!

Mr. J. C. WATSON: I do not know that it would not be economical to suffer a temporary loss of revenue owing to houses not being rebuilt, rather than hamper a comprehensive plan which has yet to be decided upon. I imagine that the Government would attempt to get assistance from outside in dealing with so large a matter. I merely wish to draw attention to this particular clause before the bill goes through Committee, so that we can fully understand what is proposed to be done under it, and how far it might interfere with the careful consideration of a comprehensive scheme for utilising the wharves. With respect to the remarks of the hon. member for Warringah, I trust the Government will not vary the wharfage rates hurriedly. It is true that the wharfage rates may seem to people who look carelessly at the matter rather high; but the operation upon which the Government have now entered is of such large financial proportions that it would not be wise of them to throw overboard any chance of getting revenue until they can see exactly how they will be situated.

Mr. D. THOMSON: They are losing trade at these wharves!

Mr. J. C. WATSON: I am not quite so sure of that. I do not think that a charge of 10d. per ton, which is the principal charge taken exception to recently, would be sufficient to alter the destination of many tons of goods.

Mr. D. THOMSON: I am speaking of the import trade!

Mr. J. C. WATSON: I thought the hon. member said in his speech that he was referring more particularly to the export trade.

Mr. D. THOMSON: That was in connection with another argument. I say that the Government are now losing trade in Sydney because dues are charged here when no dues are charged at Newcastle!

Mr. J. C. WATSON : I admit that it is an anomaly that no dues should be charged at Newcastle when dues are charged in Sydney. The Newcastle and north coast steamers, and similar steamers, did not charge wharfage on cargo landed in Sydney; but their case is different from that of wharf owners who are not freight carriers, and who merely desire to be recompensed for the expenditure which they have gone to in providing facilities for the cheap and easy handling of goods. With regard to the wharves which the Government hold in Woolloomooloo Bay, Circular Quay, and Darling Harbour, they have not, on the whole, been getting an exorbitant return from them if the cost of resumptions and other expenditure is taken into account. It is true that from the Circular Quay wharves a very large return is obtained, as compared with the expenditure, because the extreme desirability of the position, from an advertising standpoint and for other reasons, makes the agents for the large mail steamers prepared to pay more than they would pay for the same facilities elsewhere; but, from the wharves on both sides of Woolloomooloo Bay and at Darling Harbour, the return is extremely small, though I am willing to admit that that return has not reached its full limit yet, because those wharves have not been brought into full occupation. Although, as the hon. member for Warringah has pointed out, it is true that some private wharf-owners were giving rebates of 50 per cent. on the amounts collected from consignees by way of wharfage dues, those rebates were given, not so much because it was unnecessary to charge the full amount in order to obtain a fair return on their investments, but because the lack of conveniences at their wharves, as compared with those at the Government wharves, was such that, if they did not give those rebates, they would get no return at all.

Mr. D. THOMSON : Some of the best private wharves in the harbour were giving those rebates!

Mr. J. C. WATSON : I think that the hon. member's memory or information does not serve him correctly, because the evidence is that during the past few years rebates have only been given by a very few of the unimportant private wharves. At all of the wharves whose owners belong

to the Wharf-owners' Association the full rates charged by the Government have been charged. The point is this: that the owners of private wharves were constrained to give these rebates, because they had to face the competition of the Government wharves, which provided all facilities for working cargo, and perhaps allowed of the discharge of four, five, and even six hatchways at one time, when it was not possible to discharge from more than two or three hatchways at a private wharf. I think that until lately there was only one private wharf here at which it was possible to work all the hatches of one of the big steamers at the one time. At all the other wharfs they had to be worked piecemeal; and, when steamers are running away with a good many pounds every day in the shape of wages and other expenses, it is not profitable to keep them any longer than one can help at a wharf.

Mr. W. M. HUGHES : The hon. member does not defend the rebate system!

Mr. J. C. WATSON : Not at all. What I am saying is, that the fact that rebates were given is no argument that the rates as a whole were too high. My argument is, that it would be most unwise on the part of the Government to give away one fraction of possible revenue in respect of wharfage until they know what their position is in view of the scheme they will probably shortly adopt to deal with the wharves as a whole. Once they know what their expenditure is, and what their annual expense for up-keep is, I can go with the hon. member for Warringah and say that they should not then do more than collect enough revenue to keep things going, and pay interest on cost of construction. No one desires that a large amount should be made by way of investment out of the trade of the port; but I say that it would be very unwise to give up a fraction of revenue until we know how things are going to turn out. I presume—although the matter is very interesting—that this is hardly the time to discuss the general question of the control of the wharves. I understand that another bill is to be introduced dealing with the matter of forming a harbour trust, and also dealing generally with the question of wharfage accommodation, and I rather agree with the remarks of the hon. member for Warringah in that regard; but

[*Mr. J. C. Watson.*]

our experience of elected bodies dealing with works that have been paid for with Government money has not been such during the last few years in this colony, or, so far as we can read, in other colonies, as would justify us in repeating the experiment here too often. I am rather inclined to think, from what has happened in New Zealand with harbour boards and trusts, and what has happened in Victoria, and what has happened here in connection with the Wollongong trust and other bodies of a similar description, that we are not likely to get much encouragement for the formation of a similar body to control the most important interests of a harbour like that of Sydney. But I admit that the proper time to debate that will be when the matter comes up. In the meantime, I make no objection to this measure.

Mr. GORMLY (Wagga Wagga) [10.24]: This resumption which, it is estimated by the Premier in bringing forward this bill, will cost probably about £4,000,000 should be well considered by this House, and I think we should have more information than we have before us at the present time. In my estimation there is one thing the Premier has neglected. I think that plans of the property that has been resumed should be placed before the House, so as to enable hon. members to understand what has been resumed, and to say not only whether it was too large but whether it was sufficient. I say that plans should be laid before the House showing the extent of these resumptions, and my reason is that we know that a great portion of Darling Harbour is very inaccessible, and the value of the property will be greatly enhanced when proper access is given to the wharves. But how can we understand how this will be provided without plans of the proposed resumptions? It is all very well to read the *Gazette* notice stating that certain resumptions have taken place, bounded by certain streets, certain lines, and certain properties; but that is not sufficient. Another thing which the Premier might well have placed before the House is how he proposes to get a return from this outlay. I am thoroughly in accord with the proposal to resume these wharves; but I wish to understand how it is intended to be done, and how we shall get a return for the large amount of money that we are supposed to

pay. I should like to know what is intended to be done with the land which will be resumed in front of the wharves, whether it is intended to sell or lease the land, whether it is to be sold or leased for building purposes, and what return we are likely to get from the land. Paragraph c of clause 4 says:

But in no case shall this sub-section operate so as to require any payment to be made by such person to the Minister in consideration of such enhancement in value; and the Secretary for Public Works may lease any land not required for the purpose for which the same was purchased, appropriated, or resumed, or may sell and dispose of the same, and shall apply the rent or the purchase money, as the case may be, in such manner as the Governor may direct.

I should have thought it more desirable that a sinking fund should be set apart out of the proceeds of the wharfage rates, rents or sales of lands, to ultimately liquidate the amount that will be borrowed to carry out the resumptions. I certainly think that the information which has been placed before the House is not sufficient to enable hon. members to thoroughly understand the real nature of the resumptions, whether it will be a profitable investment, or whether it will lead to great loss on the amount expended. I should like to see an open quay from the head of Darling Harbour round to Circular Quay, and the whole of those frontages resumed. The bill provides that certain lands shall be resumed first. I think it would be better understood if we had a chart of those resumptions, and a full explanation as to the purpose to which it is intended to apply the land. In one portion of the bill, it is provided that no compensation shall be given for the closing of streets. I think that is a very wise provision, provided that no persons' property is seriously injured by the closing of the streets. I think it would be wise to resume sufficient land to have frontages available for leasing by the state. If that were done, there would be a return in the shape of annual income to pay the interest on the cost of the resumptions; but the information which we have before us is not very clear. Perhaps, the Premier, in his reply, may be able to show exactly what spaces there will be for sale or lease, and any information he can give will enable us to deal more intelligently with the bill in Committee.

Mr. WILKS (Balmain North) [10:30]: On the motion for leave to introduce this measure, the debate was fairly exhaustive. Reference has been made to the question of validation. I think the public have themselves validated the action of the Government by the approval of the scheme which they have evinced during the last few months. The history of the question is well known. For many years back the Government have been recommended to take an important step with regard to the resumption of the wharves; but it was not until a panic occurred in consequence of the outbreak of the plague that action on the part of the Government was forced, and Sir William Lyne, happening to be in power at the time, took up the idea. Members of Parliament went out of the ordinary course and signed a well-known paper called a "round-robin." This was afterwards followed up by a deputation, at which I had the honor to be present. On that occasion, I suggested to the Premier, by way of interjection, that the scheme might be made profitable to the community from a commercial point of view; but the Premier then said that he did not believe that would be the case. I am glad that after reflection and advice from his responsible officers, the Premier is now able to tell the House that while the community will be protected in the future, as far as our water frontages are concerned, from a recurrence of the bubonic plague, and from any danger arising from the collection of typhoid germs, the State will stand in such a position that this will be a profitable investment. There is no doubt that the wharfage rates imposed in the past have been iniquitous. The officers of large commercial firms in Sydney have displayed an aptitude for evasion which has been regarded, not as a breach of commercial morality, but as an evidence of commercial astuteness. The Premier having been advised of this state of things has wakened up to the necessity of seeing that the leakage in the wharfage rates, which has been of a serious nature, shall not be repeated in the future, the department being prepared to show a vigilance in this respect not exercised in the past. The Harbour Trust Bill has been incidentally referred to as the sequel to this measure. In answer to the hon. member for Young, in reference to clause

8, which relates to the authority to construct works, the Premier pointed out that the harbour trust would be the constructing authority, and that any future works for the utilisation of this property would not be submitted to the Public Works Committee. It is not my duty now to refer to the personnel of the proposed harbour trust, or to the question of whether it should be elective or otherwise. I think it is a wise thing to simply provide a certain sum to recoup the Government for the resumptions, and for the construction of a few other works which are inseparable, such as the replacement of sheds pulled down. But the expenditure of any larger sum required over and beyond that should be by vote of Parliament, entrusted to the discretion of a harbour trust which is to be provided for hereafter. I trust that while the Premier wishes to remodel the water frontages, so as to give better facilities to shipping interests, and to abolish certain eyesores in the city, he will take the advice of an expert engineer who has had experience under similar conditions. During the last few years we have had a sum of £11,500,000 expended in Glasgow under the direction of a board. They employed expert civil engineers to advise them, and the money was expended with profit to the board. Again, we have the example of the Manchester canal, as well as the Melbourne harbour works, with all their disadvantages. With all due respect to the engineering ability of New South Wales, with all due respect to the civil engineers who practice here, I do trust, so far as an advisory engineer is concerned, the Premier, in view of the large expenditure, will obtain the services of the most expert civil engineer who is obtainable, and who has had experience on similar work. Another objection is as to the amount of interest provided in clause 13. I think that objection can be simply removed by a rather commonplace remark that 4 per cent. is many shades above the average rate of interest which obtains in our banks at interest. It is well known that it is difficult for a man to place capital at all in the banks at interest. The banks are not inviting investments of capital, and if the capitalists do get a shade above ordinary banking rates they ought to be satisfied. I think it is the duty of the Premier to protect the public in this

matter, because we cannot afford to pay high rates of interest on our loans. Under this scheme, as I pointed out the other night, the gas-works have not been resumed. The answer which was made then, I think by the Postmaster-General, was that the company require too much, or that the plant would be of no use to the Government. The same argument would apply to all other resumptions. That gap is a serious defect in this scheme. We are told in this bill that the object is to prevent a recurrence of the bubonic plague; and we are told by the evidence before us that the wharves are in such a faulty condition that rats are able to-day to congregate there and breed, and from that source they can disseminate disease. The leader of the Opposition made a strong point the other night when he said that, according to the best scientific authorities, this disease is not conveyed by human individuals, but was disseminated by means of rats. We know that the wharves have been the habitat of rats for many years. The stone embankment which we are led to believe is going to be constructed similar to that round Darling Island must either have a gap at the gas-works or else the Government are prepared to put a stone embankment, free of cost, in front of the gas-works. The same remark applies to other portions of the scheme. The Premier referred to portions of Erskine-street and Sussex-street. The hon. member for Lang Division, in the most vivid and graphic manner a fortnight ago, gave us a very sad portrayal of the condition of affairs in that neighbourhood. It is not necessary for me to improve upon his description. I need only say that I think the Premier's suggestion is a sound one—that certain tenements there should be demolished. It must be known to the Colonial Secretary, from his business experience there, and his knowledge of the grain trade in Sussex-street, that one of the very best features of this scheme would be the opening up of a free road along Sussex-street round to Circular Quay by means of a railway, which would convey all the goods now carried on lorries. To-day we find that along George and Pitt streets the heaviest traffic is conveyed. No other city in the world would put up with such a state of affairs. In those streets we see heavily-loaded lorries, drawn by four horses, while at the same time the

electric trams are running. In some parts of the world stringent regulations are enforced, preventing vehicles carrying more than a certain tonnage from passing through the principal streets. This evil can be easily cured by means of the power of resumption in this bill, enabling the Government to go 300 feet back from the water-line. The Government would then be in a position to construct a free road; and give an opportunity for erecting warehouses up to date, and grain elevators, which have been talked about so much. That ought to be a strong argument in asking country members to support this measure. One good reason for saying that this will be a profitable scheme is the fact that enormous reclamations will be carried out, which will go a long way towards meeting the cost of the necessary works. There is a bight in the harbour in Gipps Division, where there will be a great deal of reclamation, and the land reclaimed will be of enormous value. There is no necessity for being secret about the fact that many of the wharves now held by private individuals are held without any valid title. The Government are aware that at Miller's Point that is the case. I hope the Government will recognise that fact, and that they will not hesitate to resume such properties. I hope the Government will not be foolish enough by any insidious means to stay their power of resumption. We are here to protect the interests of the state, not those of certain private individuals. Sub-section c of clause 4 provides that where any enhancement of value is caused by the resumptions, it should be taken into consideration as a set-off. That I consider a wise provision. I also think that it is a wise thing to provide that the Land Appeal Court, whose members are accustomed to deal with disputes in connection with land matters, should deal with disputes in regard to these resumptions. We must compliment the Premier upon his action in resuming these wharves, and I hope that this bill will be the forerunner of measures of a similar character, and that the Premier will take up the rôle of the late Baron Haussmann, who remodelled Paris.

Mr. REID: Without parliamentary authority?

Mr. WILKS: No. I suggested to a reporter of the *Daily Telegraph* that

Parliament should have been summoned to deal with this matter, in the interests of the thousands of people who were compelled to pass by the infected area, and in the interests of the trading community, and also to rehabilitate the port after the serious charges against its healthiness which were made throughout the length and breadth of the whole world. However, the resumption has been made, and the action of the Government has met with the unanimous approval of the public. As the matter of wharfage rates has been referred to, I may say that I see no reason for increasing the wharfage rates; but such rates should certainly be collected. The hon. member for Young stated, incidentally, that he was not in favour of a harbour trust being created on an elective basis; but, in my opinion, it should be semi-elective. I consider that the interests of the public are well conserved by the bill, and although the objection may be used against it that it is retrospective, if all retrospective legislation were no more evil in its action the public interests would not suffer. The validation of certain proclamations provided for in clause 4, is, I consider, a very wise provision, because, without it, the action which the Government have taken might involve them in litigation. However, the whole subject has been pretty well threshed out; but, as I know that there are other hon. members who desire to speak, I would suggest to the Premier the desirability of adjourning the debate.

Mr. W. M. HUGHES (Sydney—Lang) [10·50]: This is a matter of very great importance, and as it is a matter that I take some interest in, and very deeply affects the district I have the honor to represent, I object very strongly to proceeding with it at this hour of the night. No one will accuse me of wishing to delay legislation; but no useful purpose can be served by going on with this very important matter at this hour of the night. The bill deals with the expenditure of some millions of pounds, and with the transference of properties the ownership of which is largely in question. We have a right to expect that such a matter shall be discussed at an hour of the evening when, at any rate, there is a decent House; and I venture to say that there is not a quorum present, or, if there is, it is barely a quorum.

[*Mr. Wilks.*

rum. At this stage of the session, when we have been sitting scarcely three weeks, and there has been no unnecessary delay in the transaction of business, and when the Premier has got one step forward with his main bill for the session—the Industrial Arbitration Bill—he might very well show us some consideration. If he will not, it will put us to great inconvenience, and will necessitate my saying what I have to say at very great inconvenience to myself. I have a very bad cold, and the hour is very late. I ask the Premier to consent to an adjournment. So far as I and other hon. members are concerned, there is no wish to prolong discussion of the matter; but it is not right to discuss it at this hour. I do not profess to represent the owners of property affected by the bill; but I certainly do represent a very large number of those who have leases of business and other premises in the resumed area, and I think that they have as much right to have their views presented to the public as have those gentlemen who have freehold titles to various portions of the property. I think the Premier might give way and allow us to discuss this matter at a reasonable hour.

Mr. REID (Sydney—King) [10·55]: I hope I shall not be considered offensive if I join in the request for an adjournment. I can assure the hon. member in charge of the bill that the House is thoroughly with him in regard to the second reading, and there is not the slightest desire to raise any opposition to the measure. There are, however, a number of matters which a bill of such great importance deals with affecting more than the £4,000,000 involved in these resumptions. A large number of hon. members were under the impression that the Industrial Bill would take up the whole of this sitting, and I had myself mentioned to several that the other bill would not come on to-night.

Sir WILLIAM LYNE: Is the right hon. gentleman conducting the business?

Mr. REID: I only mention that as a proof of what I am saying. Hon. members have a right to converse with one another. In view of the large amount of money involved, and the great interest attaching to the matter, it is not an unreasonable thing to ask for an adjournment. I believe that an adjournment would save time. My comments will not be in the nature of opposition to the bill, but more in the way



of suggestion to the Government, and I suppose a man may be in a position to make suggestions to the Government, however experienced they may be. I, in a friendly spirit, ask the hon. member to agree to an adjournment of the debate.

Mr. MCGOWEN (Redfern) [10:57]: I fail to see the utility of adjourning if there is any truth in a statement made by the Prime Minister, and the opinion held by a number of hon. members, that the order of leave does not cover some of the clauses of the bill. I am thoroughly in accord with the main principles of the bill, but there is a provision in the bill which I do not favour, and I shall do my utmost to get it struck out. I understand from the Premier's answer to the leader of the Opposition that he fears a point of order.

Sir WILLIAM LYNE: No, I do not; but I know he is going to raise one!

Mr. MCGOWEN: The hon. member has heard that a point of order is going to be raised. What is the good of adjourning if a point of order is likely to be taken that may be fatal to the bill? If no one else will take the point of order I will take it now, in order to save the time of the House. The point of order I wish to take is that sub-section *d* of clause 4, which gives the Secretary for Public Works power to resume land and then sell it, is not covered by the order of leave. There is nothing in the first part of the bill to enable the Government to do more than validate certain action in regard to the resumption of certain land. The preamble says it is a bill

to validate certain notifications of appropriation and resumption in connection with a system of public wharves and approaches thereto; to provide for other appropriations and resumptions and purchases for the extension of such system; to provide for the compensation for resumptions and purchases made or to be made for those purposes, and for the raising of loans for such resumptions and purchases and in respect of certain public works and services; to authorise and sanction the commencing and constructing of certain public works; to fix the interest payable under the Lands for Public Purposes Acquisition Act; to amend the Public Works Act of 1888; and to validate certain proclamations of quarantine stations, and certain acts done within such stations.

What I want to say is there is nothing in that act which gives them power to sell.

Sir WILLIAM LYNE: The hon. member will find that clause 45 of the Public Works Act gives that power!

Mr. MCGOWEN: I am taking my action in the interests of the bill, and to save time. There is nothing in the title, which corresponds with the order of leave, covering a provision giving the Minister power to resell lands which he has resumed. Sub-clause *d* of clause 4 gives the Government power to lease or sell such land as may not be required by them. It has been the custom, as far as I am aware, for an order of leave to cover all the principal powers sought to be conferred upon the Government by a bill. I take the point now, in order to conserve the time of Parliament, and, if an adjournment of the debate be allowed until next week, to prevent the same point from being taken then, with the result that considerable delay might result in the passing of the measure.

Mr. McLAUGHLIN: I may as well mention another point of order which has been suggested to me by another hon. member!

Mr. SPEAKER: I will first decide the point of order which has been raised by the hon. member for Redfern. I would point out that if every small detail of a bill were set out in its title, the title would be of inordinate length. I have discovered a case which, I think, covers the case of this particular bill. I refer to the case of the Totalisator Bill. I find that the hon. member for Raleigh requested the ruling of the Chair upon the point that the order of leave did not contain any reference to the repeal of the Betting Houses Suppression Act, whereas the bill proposed to partially repeal that act. Mr. Speaker ruled the bill in order. I do not think the point raised by the hon. member of sufficient importance to warrant me in ruling the bill out of order.

Mr. McLAUGHLIN: I would direct the attention of Mr. Speaker to paragraph 2, of sub-clause *b*, of clause 4. That sub-clause is as follows:—

Where, on the land in respect of which compensation is payable, a house is, at the time of the notification of the resumption, standing, in respect of which a publican's license is then in force, and an agreement has been made as hereinbefore mentioned, the licensing court shall, without inquiry (except as to whether the accommodation at such house is in accordance with the law regulating the removal of such licenses), and without hearing any objections thereto, except as to the matter aforesaid, make an order removing the license to the premises situate on the land leased or agreed to be leased by the Minister as aforesaid.

It appears to me to amount to an amendment of the Licensing Act.

MR. SPEAKER: I think the ruling I have already given will cover the point now raised by the hon. member.

Sir WILLIAM LYNE (The Hume), Colonial Treasurer [11:3]: Since to-night is the first Government night of the week I am prepared to agree to the adjournment of the debate; but I wish to impress upon hon. members that this bill has been in their hands since last week. It is a short, plain, matter of fact, business bill, and it is necessary that it should become law as early as possible, and I hope hon. members will not endeavour to delay the passing of it. I have no wish to curb discussion. The hon. member for Lang Division thought I referred to his obstruction of the bill just now, but I was not doing so at all. We had a motion of adjournment which took up a good deal of our time to-night, otherwise we should have had another hour to discuss this question. There seems to be no general objection to the measure, and I shall be glad to hear such suggestions as hon. members have to make for its amendment as early as possible. I hope the question will not be allowed to remain in abeyance any longer than is necessary, but that the bill will become law at the earliest possible date, thereby saving a considerable sum of money.

Debate adjourned.

#### ADJOURNMENT.

##### CHILDREN ATTENDING SCHOOLS.

Motion (by Sir WILLIAM LYNE) proposed:

That this House do now adjourn.

Mr. J. C. L. FITZPATRICK (Rylstone) [11:6]: A couple of weeks ago reference was made to the fact that a number of children were not attending schools with that regularity with which they were supposed to attend, and no reason was given for their absence. I should like to bring under the notice of the Minister of Public Instruction, this little circumstance of which he might take notice. There are a number of schools scattered throughout New South Wales called "private schools" where there is no record kept of the attendance of the children. At some future time the Minister might introduce legislation for the purpose of compelling the proprietors of private schools to keep a record of the number of children attending, and to submit the pupils to some sort of

[Mr. McGowen.

examination. The fact I mention will account to a very great extent for the number of children not shown to be attending school as required by the Public Instruction Act.

Question resolved in the affirmative.

House adjourned at 11:8 p.m.

## Legislative Council.

Thursday, 5 July, 1900.

Holt-Sutherland Estate Bill—Petition—Daily publication of *Hansard*—Tramway Electric Traction along Elizabeth-street—Annexation of Hawaii to the United States—Stanford Coal-mining Railway Bill (second reading)—Newcastle Episcopal Residence Leasing Bill—Indecent Publications Bill (second reading).

The PRESIDENT took the chair.

#### HOLT-SUTHERLAND ESTATE BILL.

Bill referred to select committee.

#### PETITION.

The Hon. J. HUGHES presented a petition from William Brown, of Newcastle, praying that this bill may not pass into law until he has an opportunity of giving evidence on oath touching certain matters set forth in the said petition.

Petition received.

#### DAILY PUBLICATION OF *HANSARD*.

The Hon. B. BACKHOUSE asked the VICE-PRESIDENT OF THE EXECUTIVE COUNCIL,—Whether the Government will give effect to the views and promises of the late Vice-President of the Executive Council, Colonel Mackay, by at once taking steps for the publication and issue to members of Parliament of a daily *Hansard*?

The Hon. F. B. SUTTON answered,—I am informed that there are certain difficulties in the way of a daily issue of *Hansard*; but the matter will, however, receive consideration. I may add that I have no knowledge of any promise made by my predecessor in this connection.

#### TRAMWAY ELECTRIC TRACTION ALONG ELIZABETH-STREET.

The Hon. B. BACKHOUSE asked the VICE-PRESIDENT OF THE EXECUTIVE COUNCIL,—As a matter of urgency, will the