

would adjourn after passing the other Bill. On that understanding we did not debate it in Committee.

The PREMIER: I understand such a statement was made, but without authority. However, in the circumstances we will adjourn.

Order of the Day postponed.

House adjourned at 11 p.m.

Legislative Council,

Wednesday, 10th December, 1913.

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

QUESTION—ELECTORAL ROLLS.

Hon. H. P. COLEBATCH asked the Colonial Secretary (without notice): Is the Minister yet in a position to make any statement with regard to the method to be followed in connection with the preparation of electoral rolls, in accordance with his statement a few days ago?

The COLONIAL SECRETARY replied: No.

PAPERS — POWELLISED SLEEPERS, CONTRACTS FOR CARRIAGE.

Hon. A. G. JENKINS (Metropolitan) moved—

That there be laid on the Table of the House all papers in connection with the contracts or agreements entered into between the State Government and Messrs. P. McArdell and James Bell & Co. for the carriage of powellised sleepers, including all tenders received for the same.

He said: I have tabled this motion following upon the answers I received to certain questions asked in this Chamber a few days ago. Those answers appear on the minutes of the proceedings of the 4th December. It appears, so far as I can gather, that quite recently a contract or an agreement, involving a huge sum of money, between £50,000 and £60,000, has been let by the State Government for the conveyance of powellised sleepers, and tenders were not publicly advertised or called for, but the method followed seems to have been simply that some officer of the department went around to a few shipping firms and other people and asked them to quote prices. One would have thought, in regard to a contract of this magnitude, which I understand would take about three years to complete, and involving such a large sum of money, the Government would have advertised not only in this State in as public a manner as possible, but I should almost think throughout the whole of the Commonwealth, so that everybody desirous of tendering for that contract should have an opportunity of doing so. I am informed that when this officer went around he got quotations from certain people and the result was, apparently, that a person who, so far as I can ascertain, is quite unknown in the shipping world, and has never been heard of either as a shipping agent or the owner of steamships, or in any way as connected with shipping companies, has obtained this very large contract. I am further informed—I do not know whether it is right or wrong—that on these tenders being asked for, four

people tendered and the highest tender was from one of the steamship companies and was about 26s. James Bell & Company quoted 24s. 9d., another man at Fremantle, whose name I forget, 24s. 3d., and some people called McArdell Brothers 24s. When the tenders closed I believe the lowest tender, that of the said McArdell Brothers, did not comply with the necessary conditions of the tender in that they had not provided for sureties; but between the Friday and the Monday they were allowed time to comply with the conditions by finding sureties, although the tenderer who was second lowest, 24s. 3d., had been called upon to put up a deposit of £5,000, and did put it up. We find that by Monday this lowest tender of McArdell Brothers changes into the name of Mr. P. McArdell and his guarantors are Bell & Company, who were previous tenderers at 24s. 9d. That was not a very nice look about it. I do not say that a dummy tender was put in but it looks as though, if the tender of Bell and Company at 24s. 9d. had been the next lowest, nothing would have been heard of the tender of 24s. as that had been put in without guarantors or complying with the necessary requirements, but when Bell & Company were informed that that tender was not accepted they themselves come in as guarantors of the tender of 24s. If that is so, I think it is a matter that demands investigation. There is a lot more I might say but I prefer not to say it at the present time, as when the papers are laid on the Table of the House perhaps some of the information supplied to me may turn out to be incorrect, and we might find that everything is quite as it should be. Therefore, at the present time I prefer to say nothing more about it, except to express the hope that the Government will not offer any opposition to placing the whole of these papers, including the successful and unsuccessful tenders, on the Table of the House, giving the whole of the file, so that hon. members may have an opportunity of investigating and seeing how this rather extraordinary set of circumstances was arrived at.

On motion by the Colonial Secretary debate adjourned.

BILLS (2)—THIRD READING.

1, Boulder Lots 313 and 1727 and Kalgoorlie Lot 883 Revesting.

2, Money Lenders Act Amendment.

Read a third time and *passed*.

BILL—FACTORIES ACT AMENDMENT.

Second Reading—Amendment, six months.

Debate resumed from the 9th December.

Hon. H. P. COLEBATCH (East): It is my intention, before resuming my seat, to submit an amendment to the motion now before the House, and I trust I shall be able to give sufficient reasons to justify me in taking that action. A few moments ago, within the last five minutes I think, there has been placed upon the benches a reprint of an Act with what is called an explanatory note, as follows:—

Attached hereto is a reprint of the Factories Act, 1904, embodying the amendments proposed to be made by the Factories Amendment Bill now before Parliament. It has been thought desirable to provide this reprint now in order that it may be seen at a glance what will be the effect of the principal Act and the amendments.

I have not had much opportunity but only time for one glance at this reprint, but I confess it does not make things so plain to me as the explanatory note would seem to indicate. I confess, after looking through a few pages of this Bill, or Act, or whatever it is, that I do not know what it is intended to be. There are in this reprint clauses that are in the existing Act and that are not included in the present Bill. There are also probably the whole of these clauses in the present Bill. For the moment I am at a loss to express an opinion whether it is likely to make things more clear or confusing to hon. members who wish to see the alterations that are proposed to be made. My main reason for objecting to the passing of the second reading of this Bill is that we have had no demand for it, and also that in view of the lateness of the session and the congested

state of the Notice Paper, not only here but elsewhere, it will be impossible to take into consideration a Bill of great volume such as this, which includes some 95 clauses and a number of schedules, a Bill which must affect to a large extent all the secondary industries in all parts of this State. In matters of this kind it is desirable and necessary, not only that Parliament should have ample time to consider such a measure, but that there should be adequate opportunity afforded for the country and the people interested to consider the matter carefully and express an opinion upon it. These people are entitled to be heard. We who sit here do not profess to be experts in all of the industries affected, and therefore it seems to me that one of the principles that this House should stand by is that it will not pass legislation until the people who are going to be affected have had an opportunity at all events of stating their case. We may be competent to judge the case when we have heard it, but I doubt if we are competent to put up a case for these people, and it is because these people have not had that opportunity of putting forward their case that I object to the measure being passed at this stage of the session. There are three parties affected by the measure—the employers in factories (and under the definition of factories practically all the secondary industries are included) the employees in factories, and the public. So far as this Bill is concerned I think I have every justification for saying that the interests of only one of these sections has been considered, namely, the interests of the employees, and without hesitation I make the complaint that the employers have been treated unfairly and discourteously in regard to this particular measure. The Bill was read a first time in another place on the 18th September of this year; the second reading took place on the 30th October, and it was not until the 1st November that the employers section of the public had any opportunity of becoming acquainted with the provisions of the Bill. I am in a position to state that on the 1st November, directly the Bill was made available to the public,

at least one representative section of the employers affected by the Bill secured a copy of it, and appointed a committee to consider its provisions. Having given the matter careful consideration from their point of view, on the 10th November—I would ask hon. members to keep the dates well in mind—they made application through the member for Perth for an interview with the Minister who was in charge of the Bill, in order that their case might be stated. It may astonish members to learn that in spite of that and further applications, it was not until the 5th December that these people had an opportunity of stating their case to the Minister, and by that time of course the Bill had completed its passage through another place and was on its way to this Chamber. On that date they were able to arrange an interview with the Honorary Minister. I am not going to presume to dictate to Ministers as to how they should manage their affairs, but I think I am entitled to express an opinion. On this occasion there were two important sections of the employers who requested that the Minister should receive them as a deputation. I may say that each section was of sufficient importance and sufficiently interested in the measure to be entitled to an independent hearing. Time, however, did not permit of two or three sections of the employers discussing the question with the Minister, and the Minister appointed one hour for receiving both the deputations which had to deal with entirely different matters. I will leave hon. members to judge as to the Minister's conduct when I tell them that he also invited the operatives in these particular industries to attend that deputation.

Hon. R. G. Ardagh: What section of the employees?

Hon. H. P. COLEBATCH: Those engaged in the baking trade. Again I say I do not wish to dictate to the Minister as to what he should do. He is at liberty to do as he pleases, but as a matter of right, if a section of employers wishes to approach the Minister openly for the purpose of objecting to a measure which is being introduced to Parliament, that

section is entitled to be heard independently, and if the Minister chooses to invite the operatives to attend the same deputation in order to carry on a sort of dialogue, instead of the deputation which the employers desired, we are entitled to say that the employers did not have the hearing which ought to have been given to them.

Hon. R. G. Ardagh: What section of the employers?

Hon. H. P. COLEBATCH: The master bakers and the pastry cooks were one section, and the other section were from the Chamber of Manufactures, which was dealing with an entirely different portion of the Bill. I was present at the deputation which lasted from 11 o'clock in the morning until 20 minutes to two in the afternoon, and many of the members of the deputation were unable, because of the shortness of the time at the disposal of the Minister, to give proper consideration to the requests they had to make, or to discuss the matter as fully and as freely as was desired. I want to repeat again that I do not care how a Minister manages the affairs of his office, but I hold that we cannot consider that these people who waited upon him were fairly heard. Had the Minister given each deputation an independent hearing it might then have been said that their views had been listened to.

Hon. J. E. Dodd (Honorary Minister): So far as I know the employers and the employees agreed to come in together.

Hon. H. P. COLEBATCH: I do not know that anything of the kind has ever happened before, that when persons engaged in one section of an industry wishing to interview a Minister of the Crown with regard to a Bill, that Minister has sent to the other side and invited them to come along, and practically said, "Let us have a debate on the matter."

Hon. J. E. Dodd (Honorary Minister): The same thing happened with the employees' deputation.

Hon. H. P. COLEBATCH: It did not. During the course of that deputation on Friday last it was stated that a deputation of employees would subsequently be heard, and the secretary of the master

bakers' union put to the Minister the question, "Will you inform us of this deputation and allow us to be present?" The Minister replied in the affirmative, and that deputation of employees was held yesterday, and one or two of the master bakers were there because the employees had told them that the deputation was going to interview the Minister. The secretary of the union, however, was not informed, and the master bakers were not officially represented. Individual employers may have been informed, and they may have gone along to the deputation, but the promise of the Minister that he would inform the official organisation of the employers was not kept. Apparently the Minister does not recognise organisations when they are organisations of employers.

Hon. J. E. Dodd (Honorary Minister): That is absolutely incorrect.

Hon. H. P. COLEBATCH: I was told to-day by the secretary of the master bakers' association that he was not informed of the deputation and he was not present at it, whereas, in the case of the employers the Minister sent along to the organisation of employees and suggested that they should be represented.

Hon. J. E. Dodd (Honorary Minister): May I here be permitted to make an explanation. When Mr. Allen, M.L.A. came to me to introduce that deputation I asked him whether he would have any objection to the employees coming along. No objection was raised, and what I stated there was that I would have no objection to the employees being present if the other side did not object. Mr. Allen said he could see no objection, and when the deputation was introduced and the parties were there no objection was raised.

Hon. H. P. COLEBATCH: I am not going to argue with the Minister on the matter. The only point I want to make is that the employing section have not had a fair opportunity of placing their case before the Minister or before the public, if for no other reason, that the time necessitated the forming of these two deputations into one. This fact made it impracticable for the deputation to

state the whole of their case. The deputation was a large and influential one, but I would like to point out that only city employers were represented. This Bill applies to employers of labour all over the State, and I venture to think if this Chamber acts as the Minister would have it do, we will pass into law a measure before the opportunity is given to the people who are interested to state their case, and before a number will have ever heard of it. If all had heard of it the deputation of employers would have been ten times as large, and the protests against some of the provisions would have been ten times as numerous. I do not think I need emphasise the necessity for doing all we can to protect these industries. Without taking a pessimistic view, I think I may safely venture to say that the secondary industries in the State are making very slow progress. People are not eager to invest their money in these industries, and we are going to impose a condition of affairs which will not merely mean the placing of harassing conditions on the statute-book, but will let it go abroad that we are carrying legislation without the employers being given time to make their views heard. This is the last thing we should do when, chiefly in the interests of the workers themselves, we want people to come along with capital and establish industries from one end of the country to the other. I am not going to attempt any exhaustive criticism of this Bill. I have been deluged with objections, largely of a technical nature, from a great number of industries; some are general and some are objections which apply only to particular industries.

Hon. R. G. Ardagh: Put it alongside the Esperance Railway Bill.

Hon. H. P. COLEBATCH: That would be a good place for it. The Honorary Minister told the deputation which waited on him that this Bill had been prepared under expert advice. I do not know whether it was intended that that remark should apply to the whole Bill or only to those particular provisions regarding the trades which were then under discussion. I want to know who the experts

were, because we had a statement definitely made at the deputation that the employers knew nothing about it. Are all these experts amongst the operatives? Is it only one section that is called upon to give advice when legislation of this kind is being prepared? This is just an instance of the one-sidedness in which Bills of this kind are drafted. I do not think members will get much information from the explanatory reprint which we have before us, but if they look at the original Act they will find that Section 5 provides—

Every inspector shall be furnished with a certificate of his appointment, and on applying for admission to a factory he shall, if required, produce such certificate to the occupier.

This surely is a very reasonable provision, but I have looked in vain for it in the amending Bill. It is a trifling thing, and I have no doubt that the Minister will say that there would be no objection to putting it in the Bill, but I want to know why are such things omitted, and why should it be left to us to find out these omissions.

Hon. J. E. Dodd (Honorary Minister): You will find it in just the same position in the Bill.

Hon. H. P. COLEBATCH: Will the Honorary Minister tell me where it is? It forms Clause 7 of the reprint, but where is it in the Bill which is submitted to us for consideration? I cannot find a copy of that Section 5, and I think I have looked very carefully through the Bill we are considering.

Hon. J. E. Dodd (Honorary Minister): Why should we want it there when it is in the original Act?

Hon. H. P. COLEBATCH: Then if the Bill is passed that will not be repealed?

Hon. J. E. Dodd (Honorary Minister): That is so.

Hon. H. P. COLEBATCH: I thank the Minister for that information. I was treating this as a consolidating Bill, but apparently it is to be read in conjunction with the existing Act. If that is so that objection falls to the ground, and I apologise for having raised the point. I do not know exactly what course will

be followed. The sections repealed are in the first schedule. However, I have not compared that with the original Act. Turning now to the interpretation clause, we find that "employed" or "engaged" means engaged in work of any kind whether physical or mental, and whether for pay or not, and it includes in its application both occupier and employee. Therefore, it includes the proprietor of the factory. "Employee" means any person who works in a factory, whether for wages or not, and at any kind of work, whether physical or mental. Obviously it is intended to cover both employer and employee. If we turn to Clause 28 we find that subject to the provisions of the Act a male worker shall not be employed in or about a factory—and "male worker" would include the employer—for more than 48 hours, including meal times, in any one week or $8\frac{3}{4}$ hours in any one day. Clause 35 provides that nothing in the measure shall be deemed to prevent any person from being employed in a printing office on a half holiday for the purpose of printing or publishing a newspaper, or on one evening a week for the purpose of printing or publishing a weekly newspaper. There may be something in the original Act not repealed by this, but apparently this exemption does not apply to a newspaper published twice a week. Therefore my friend, Mr. Cullen, for instance, would come under the provisions of the measure and would have to alter his regular habit, which I understand is to arrive at Katanning at 6 o'clock in the morning and work until late on the Friday night. This would be an offence against the Act, for it would be an offence for him to work for more than $8\frac{3}{4}$ hours on any one day, and, according to the wording of the clause, in its reference to mental work, it would also be an offence for him to think after the hours specified in the Bill. It may be an extreme view to take, but I strongly object, and I think other members will strongly object, to any attempt being made to limit the hours that employers themselves may work. How

are businesses to be built up in the near future if we are going to do that? How have businesses been built up in the past, particularly in country districts? Almost without exception they have had small beginnings, in which perhaps the proprietor and one man have been engaged, the employer himself working 16 hours a day building up the business. If we are going to say that an employer shall not work more than eight hours, we are going to stop the development of our small businesses and, with them, of the country. Now we come to the definition of factories. Under the existing Act "factory" means a place in which six persons are employed. Under the Bill it means a place where two persons are employed, including the employer himself. So a man and his son establishing a small business, as, for instance, that of a blacksmith, in a country district will have to register as a factory, and never work more than eight hours a day, even though he realises, as other people have realised, that he requires to work a good deal more than that if he is to get ahead of it and do any good for himself and the country. Clause 29 provides a limitation of hours of labour for women and boys, the hours being limited to 44 per week instead of 48 as under the existing Act. I am not going to debate the question of whether it should be 44 hours or 48 hours, but I say that it is a matter for the Arbitration Court to decide. If the Bill is passed it will override certain existing awards of the Arbitration Court. I am not in a position to specify the exact directions in which it will override these existing awards, but the statement was made, and was not contradicted, at the deputation on Friday last. What would be said from one end of the country to another if, in the face of an award of the Arbitration Court, which had been given and which was very favourable to the workers, Parliament was to proceed to deprive the workers of the benefits of that award? What would be said under such circumstances? I say the awards, whether they appear to favour the worker or the employer, should

be observed until the court sees fit to alter them. I would like to draw attention to Clause 91, which seeks to place on the statute-book that principle to which such strong objection has been taken in regard to many recently introduced measures, namely, that the averment of the prosecutor shall be deemed to be proved in the absence of evidence to the contrary. Is it the policy of the party in power that every person shall be deemed guilty until he proves himself innocent? Have they the courage to come forward and alter the whole system of justice? In every case where the employer is supposed to have committed an offence the onus of proving himself innocent is cast upon him. Surely they will admit that the law must be consistent? Are they prepared to bring forward a Bill altering in all our legislation that fundamental principle of British justice that a man is deemed to be innocent until proved to be guilty? Are they prepared to alter it and say that every man shall be deemed to be guilty until proved innocent? We have this gold stealing case brought up over and over again, and our friend always admits that a man is not deemed to be guilty until he is in the possession of something which he ought not to have. I think that in this the Act oversteps the principle of British justice; but there is this excuse offered, that a man must be in the possession of something which he ought not to have before he gets into trouble. Even if that were not so I would still object to this principle that the averment of the prosecutor taken on oath shall be deemed to be proved in the absence of evidence to the contrary. Many of the penalties provided in the Bill are very severe. In Clause 15, which has to do with the registration of factories, it is provided that except as hereinafter provided it shall not be lawful for any person to occupy or use as a factory any building, premises, or place unless the same is duly registered as a factory under the Act; and a daily penalty of £5 is to be imposed. That is a very severe penalty. Clause 85 provides very heavy continuous penalties, not ex-

ceeding £5 for every day during which the offence continues after the first day, and in Clause 28 there is provision that on a second conviction of the occupier of the factory the Minister may in his discretion cancel the registration of the factory, and it shall not be again registered without the sanction of the Minister. Has a clause of such extremity ever been placed in an Act of Parliament before? No matter how trivial the second conviction may be the Minister may close the factory and keep it closed as long as he likes. What an instrument of oppression this might be made! Under the Licensing Act there must be three convictions for serious offences before the license is in jeopardy, and then a court has to deal with it; but under the Bill, on a second conviction the Minister may cancel the registration and refuse to re-register the factory until it pleases him to do so. Then we come to the question of baking bread in day time. I am not going to contradict the arguments used by the Minister in regard to the pernicious effects of night work upon the constitution of those engaged in it. I agree with all that. I am myself a melancholy illustration of the emaciating influences of 16 years of continuous night work. But we have had pretty good evidence that it is almost impracticable to carry out these provisions and still meet the reasonable requirements of the public. I am not going to read to the House all the correspondence I have received from master printers, master bakers, and others in regard to this. We know that night work is not profitable to the employer. The employer will never carry on night work if he can help it. But I see no more reason for saying that bread shall be baked in the day time and that, consequently, the public shall be compelled to consume stale bread, than for the contention that newspapers shall be printed in the evening and, consequently, the public shall be compelled to peruse stale news. We have been told that this day baking applies in New Zealand. There may be climatic reasons why it can be done in New Zealand, although not

practicable here. A member of the deputation on Friday told us that it was done in the central parts of Queensland. In all these illustrations I notice that it is always desired to take one far away from home. But, apart from these cases in central Queensland and in New Zealand, where there may be favourable climatic conditions, and where we are told there is day baking, in all other parts of Australia the principle adopted is the same as here. I will not deny that day baking has been tried in Kalgoorlie. The Minister said it did not have a fair trial. At any rate it was abandoned and has not been tried since. If it is a practical proposition, how is it to be established? Surely the right way is for the operatives to appeal to the Arbitration Court. Then the case for both sides can be heard, the evidence can be given on oath and the witnesses can be cross-examined. It will then be for the operatives to convince the court that the scheme can be carried out. Which is the right tribunal to say whether day baking is practicable and advisable, the Arbitration Court, which has sworn testimony, or this Chamber?

Hon. J. CORNELL: And no notice taken of it.

Hon. H. P. COLEBATCH: The hon. member has a share in the choosing of the members of that court, and if no notice is taken of its members then it is his lookout. I do not hesitate to say that so far as the judge of the Arbitration Court is concerned he takes every possible notice of the evidence, and without for a moment suggesting that he is not entirely impartial and fair I do not hesitate to say that he is always thoroughly sympathetic towards the cause of the worker, and shows every consideration for the legitimate claims of the worker. I do not think the workers in this State have any right to complain of our Arbitration Court, but I repeat my question—Which is the right tribunal to decide a matter of this kind, the Arbitration Court or this House? I say without hesitation that the Arbitration Court is the proper place, and therefore I will not bother hon. members by expressing any opinion of my

own as to whether day or night baking is desirable, because I do not think my opinion should have any importance attached to it. I do not consider myself competent to express an opinion on the matter, and this House has not had an opportunity of judging the opinion of the parties or of gleaning any knowledge as to the opinion of the parties on this question. I do not know that it is necessary to say anything more excepting this: that with the placing on the Notice Paper of legislation of this kind at the far end of the session, and also with the consequent interference with our industrial life, we cannot hope to build up industries if the people who have put their money into our industries are told that this is the law to-day and it may be something more to-morrow, and something else next year. Constantly varying the conditions under which our industries are carried on cannot be good for the employer or the employee, and no possible harm can be done by hanging up this Bill until next session, thereby allowing employers and employees time to consider the proposals thoroughly and place their views before Parliament, and then Parliament will be in a better position to deal with the measure. Practically without saying anything against the Bill itself, I have no hesitation in moving an amendment—

That "now" be struck out, and the words "this day six months" be added to the motion.

Hon. J. CORNELL (South): In rising to offer a few remarks on the amendment I agree to a certain extent with the hon. member who has just spoken, that it is rather to be regretted that such a very important piece of legislation as the Factories Bill should have come down so late in the session, but I believe that this Bill has been under consideration for a considerable period.

Hon. J. F. Cullen: By whom?

Hon. J. CORNELL: And that it was only owing to great pressure of business last session that it was not given consideration. Whether or not the Bill is worthy of consideration—and the hon. member has devoted little attention to this—the question of the approaching close

of the session should not enter into consideration at all. Such an important measure is worthy of consideration at any stage of the session. The hon. Mr. Colebatch stated that he would move his amendment for no other reason than to allow the measure to receive further consideration, and that it could be considered next session. I think hon. members have a hazy idea of what will be before them next session. I think the matter of paramount importance to be discussed will be the prolonging probably of the political existence of some hon. members, and the question of leaving this Bill until next session means that this important piece of legislation will not receive any consideration until we have a new Parliament. For that reason I would like to see the measure considered on its merits. Though hon. members may complain of the stress of work during this session, I repeat, as I said last session, that I feel much better now than before I entered Parliament, and I am perfectly willing that if the session cannot be concluded before Christmas it should be done after Christmas, and that we should give this measure consideration.

Hon. H. P. Colebatch: It is a good job you do not make this Chamber a factory.

Hon. J. CORNELL: I have had two sessions in Parliament and I think I have devoted as much attention to the legislation as any other hon. member in the Chamber, and I venture to say that comparing the work I have done here and the hours I have devoted to the work in Parliament with other spheres of life in which I laboured previously, I am better paid here than I ever was in my life before.

Hon. H. P. Colebatch: You are doing better work.

Hon. J. CORNELL: I am perfectly satisfied from my brief experience in Parliament that there is no urgent necessity for any stringent law to be applied to fix the hours of legislators, or their rates of pay. They are well capable and will prove capable in the future of looking after their own interests.

Hon. H. P. Colebatch: You stop with us; if you go to another place you will not talk like that.

Hon. J. CORNELL: I have no desire to go down in the world, and I would not like to play second fiddle to some other hon. members if I left this Chamber. The hon. member took very strong exception to the way in which the Minister received the deputations. I think that too much attention is given to deputations on legislation. The Minister is placed in the position of meeting a deputation from the employers and a deputation from the employees.

Hon. E. M. Clarke: He should not do either.

Hon. J. CORNELL: If I were Minister I do not think I would do it; but here we have both sides waiting on the Minister, and the position is that in 99 cases out of 100 the different sides are diametrically opposed to each other. So it has been for centuries, and so it will be until the end; so it was on this occasion. I do not think I am giving away any secrets when I say that I think the Honorary Minister was responsible for the drafting of this Bill, and I do not think any Bill ever came before this Chamber in regard to which greater facilities were given to both sides to place their views before the draftsman.

Hon. J. F. Cullen: From one point of view.

Hon. J. CORNELL: The hon. member is always one-sided. If the hon. member holds that opinion in regard to the Honorary Minister, he is the only man in the State who does so. The hon. Mr. Colebatch said that only city employers were asked to express their opinions on the Bill.

Hon. H. P. Colebatch: I said that only city employers had the opportunity. The Bill has not reached the country.

Hon. J. CORNELL: On the other hand, only city employees had an opportunity to express their views, and my experience of posting copies of Bills to the country is not very flattering. They generally fail to receive acknowledgment, much less discussion, and after all this Bill almost in its entirety is aimed at the metropolitan area, because outside of the

metropolitan area the question of factories and of sweated labour which the Bill aims at is not a very appreciable quantity.

Hon. H. P. Colebatch: Why not limit the Bill to the metropolitan area?

Hon. J. CORNELL: The fact remains that if there is not much necessity for it in the country areas the mere passing of it will not affect the country areas, and so there is no need to limit it to the metropolitan area. I venture to say that if the Bill had been forwarded to the country as the hon. member thinks should have been done, it would not have saved the measure from the fate that inevitably awaits it. The hon. member said that our secondary industries are making very slow progress, and that we should not hamper them with restrictive legislation. That is a good old bogey. The hon. Mr. Cullen yesterday referred to bogeys, but the bogey trotted out by the hon. Mr. Colebatch this afternoon is the bogey which has characterised all legislative reforms, especially in regard to factories. I do not desire to delve into history, but I have previously stated in this Chamber, and I repeat it now, that when Lord Shaftesbury introduced his first Factories Bill into Great Britain for the reduction of hours and the limitation of child labour—that was about 1836, and it was a very crude law—the same arguments were trotted out in opposition to the measure. The arguments were “Why should we hamper and harass our industries? Why should we place restrictive legislation on them?” The restrictive legislation was the limitation of child labour, and the granting of decent hours in the factories. In similar legislation we are faced with the position that there are employers on the one hand and workmen on the other hand, and the employer invariably thinks he is the main man. I think a very casual analysis will prove that a man could own a factory or a dozen factories, but he must have the workers to man them and to work them, and to produce the articles which he desires to manufacture; and it is from the work of his employees that he receives his remuneration. Will we allow employers to do as they like? I will admit, and I

have always contended, that there are good and decent employers who work their employees under reasonable and decent conditions; again, there are employers who have no sense of justice and no sense of manhood, and unless we keep pace with legislation of this kind and seek to restrict the unscrupulous employer there is no help for the good employer but that he must go to the wall. There is very little that is new in this Bill, new in the sense of legislation. Some hon. members of this Chamber have a penchant for inquiry. They say “Where does this clause of the Bill come from?” and if there is no marginal note saying that it comes from somewhere else, that is *prima facie* evidence that it must go out. Practically the whole of the contents of the Bill is a copy of legislation that is in operation in the States of the Commonwealth and the Dominion of New Zealand. Mr. Colebatch said that it may have come from Lapland or Timbuctoo, but that is a very poor excuse to offer when one of the main and leading questions asked in regard to other legislation is, “Where did this provision come from?”

Hon. H. P. Colebatch: You do not suggest that this day baking provision comes from anywhere else.

Hon. J. CORNELL: It is the law in New Zealand.

Hon. H. P. Colebatch: It may be the custom, not the law.

Hon. J. CORNELL: It is the custom in central Queensland.

Hon. H. P. Colebatch: It is not the law.

Hon. J. CORNELL: Without being led off the track, I would like to know the difference between custom and law.

Hon. J. F. Cullen: No one objects to custom.

Hon. J. CORNELL: No one objects to custom, but custom has as much effect as law, in my opinion. Mr. Cullen said he would have no objection to custom. If the day baking of bread was an established custom in Western Australia there would be no need of a law; it would be law. I have taken a note in regard to the existing Act, Section 7, but as the Honorary Minister has corrected the hon. member who referred to it, I have no de-

sire to proceed further in that direction. The hon. Mr. Colebatch during the course of his remarks referred to the employer in the definition clause and followed it up by referring to Clauses 28 and 35. The Bill says, "employed or engaged means engaged in work of any kind, whether physical or mental, and whether for pay or not, and includes in its application occupier and employee." Clause 28 says—

Subject to the provisions of this Act a male worker shall not be employed in or about a factory for more than 48 hours, excluding meal times, in any one week, nor for more than eight hours and three-quarters in any one day. The foregoing limits of working hours shall not be deemed to apply to any male worker employed in getting up steam for machinery in the factory, or in making preparations for the work of the factory, or to the trades referred to in the Fourth Schedule hereto.

Then the hon. member went on to refer to Clause 35, which he said provided for exemptions. It says—

Nothing in the Act shall be deemed to prevent—(a) any person being employed in a printing office on the half-holiday for the purpose of printing or publishing an evening newspaper, or on one evening of the week for the purpose of printing or publishing a weekly newspaper; nor (b) The substitution, with the approval of the chief inspector, of other working days as whole holidays in lieu of Easter Monday, Eight Hours' Day, and the Sovereign's birthday in the case of persons employed in the printing and publishing of newspapers; nor (c) any boy being employed on the half-holiday in the publishing or delivering of a newspaper.

Hon. H. P. Colebatch: That protects the worker, but not the proprietor.

Hon. J. CORNELL: I believe in the definition of employed. I have heard it said outside this Chamber, in the street, that under the definition of employed if it is strictly carried out it would be an offence against the Act to think. I am glad the hon. member did not get down to that, and say the Bill may be applied so

accurately. Exception has been taken that bi-weekly and tri-weekly newspapers could not be printed. I hope to be just if not generous, and it would confer a boon on the community if that provision did become law. I have read some of the bi-weekly and tri-weekly newspapers and I wonder at the stupidity of a lot of the readers who support them. It is beyond my bounds of comprehension that they can take a lot of the tripe ladled out in some of the newspapers.

Hon. F. Connor: What about the *Worker*.

Hon. J. CORNELL: That is a weekly newspaper, and would not come under the Bill. The Honorary Minister has said that the Katanning newspaper is a bi-weekly. I have no desire to specify certain organs; I am speaking generally of bi-weekly and tri-weekly newspapers. I think the hon. member was going deep down in the depths of his imagination or used his fullest powers of perception when he made that remark, but if this is a flaw in the mind of the hon. member then he could move an amendment when the Bill is in Committee. Mr. Colebatch strongly objected to limiting the hours of employees. I have no desire, or I have no great desire, to limit the hours during which an employee shall work, but the position presents itself to my mind that you may have an employer conducting a small business and on the other hand you may have a firm like Boan Bros. or Foy and Gibson conducting a very large business, which one man in no way could be instrumental in conducting by himself. By allowing a man who is his own employer to do as he likes and work as long as he likes in a factory, I say you place an injustice on people employing a large number of men. Another reason the Bill aims at is the desire to get at the Chinese. I have heard very little mention made of the operations of the Bill relative to Asiatic labour, and if those clauses were in the Bill alone it deserves some consideration and is some improvement on the existing legislation. The hon. member has said that if the Bill is carried it will override Arbitration Court awards. That is a very general statement. It used

to be said at one time that the world was flat. There is just as much in that generalisation as in Mr. Colebatch's. The hon. member says that the provisions of the Bill will override the Arbitration Court awards, I say they will not, and that is the reply to the hon. gentleman's remark, because he never gave one illustration to back up his argument in any way.

Hon. H. P. Colebatch: Is there not an award in the baking trade?

Hon. J. CORNELL: The hon. member interjects that there is an award in the baking trade. The Bill as far as the baking trade is concerned would only affect the night *versus* day work.

Hon. H. P. Colebatch: There is your one instance straight away.

Hon. J. CORNELL: Allow me to finish. There is nothing in the award of the bakers to say that bread shall be baked at night time.

Hon. H. P. Colebatch: There is nothing to say it shall not.

Hon. J. CORNELL: If this Bill is passed I claim the bakers could carry out their obligations as set out in the award and in the hours specified therein. The hon. member has referred to Clause 91—British justice. I think British justice is a stranger in many parts of the world. It used to be well known at one time. The clause says—

In all proceedings taken against any person for any offence against this Act,

—(a) It shall be sufficient to allege in the information that the factory was a factory within the meaning of the Act; (b) Judicial notice shall be taken of every proclamation and of the appointment of every inspector; (c) The averments of the prosecutor contained in a sworn complaint shall be deemed to be proved in the absence of evidence to the contrary.

I have pointed out more than once in this Chamber that there should be no departure from the good old maxim of English justice, that a man is innocent until he is proved guilty. That has been departed from in the Police Offences Act in relation to gold stealing. The hon. member has said that a man would not have to prove his innocence if he has not gold-

bearing ore in his possession, but the rules of British justice have been departed from and we have only to go back to the Traffic Bill to see that that is so.

Hon. H. P. Colebatch: That Bill has not been passed yet.

Hon. J. CORNELL: It has been agreed to here.

Hon. H. P. Colebatch: I voted with you to try and keep the clause.

Hon. J. CORNELL: Clause 5 of the Traffic Bill says—

If any vehicle for which the owner is not the holder of the requisite vehicle license under this Act is used on any road, the owner of the vehicle and every person so using the same or causing or permitting such use thereof shall be guilty of an offence against this Act.

A saving clause was put in to say that if a person could prove that he had no knowledge, that would be a sufficient reply to the charge. I use the self-same argument on the Traffic Bill that Mr. Colebatch has used in relation to this Bill.

Hon. H. P. Colebatch: I supported you.

Hon. J. CORNELL: That was a departure from the cardinal point of what is known as British justice, it threw the onus of proof on the person who was prosecuted and not on the prosecution. I failed in having my views accepted by this Chamber, and now Mr. Colebatch says he supported me. I grant him that. Similar legislation was introduced to say that when the inspector of a factory lays a complaint against the factory owner the proof will lie on the factory owner. And in about a dozen Commonwealth Acts as well as in our own Factory Act, the onus of proof lies on the defendant. This is not a new departure in the legislation of this State or the Commonwealth, and it is in the present Factories Act. If the hon. member had been consistent and this Chamber had been consistent in following my lead as a new member and getting back to the canons of British justice, I would have seen some justification for Mr. Colebatch opposing this clause, but I received very little support, and as it is the established principle of this Chamber and another place, I see no objection

to it being contained in this Bill as it is contained in the existing legislation. The hon. member referred to the night work in the baking industry. I do not wish to weary hon. members by going through the whole clauses dealing with night work, but the hon. member has stated that it has been tried in Kalgoorlie and has failed. I have lived on the goldfields since 1899, and I have yet to learn that it was ever tried on an extensive scale and failed. The workers there some years ago struck to have it made mandatory that all bread should be baked in the daytime, and if that strike had been better organised and the bakers had not kept so much to themselves but had taken other unionists into their confidence, day baking would have become the custom on the goldfields, and there would have been no need to bring it about by legislation.

Hon. A. G. Jenkins: They did not even ask for it in the new citation before the Arbitration Court at the present time.

Hon. J. CORNELL: I pointed out earlier in my remarks that this Bill, though it may have come down late in the session, has been under consideration for the last 18 months, and I am not so great an optimist as to believe that the Arbitration Court would ever depart from the old and well-defined principle that has been at work for centuries. From my experience, I think the members of the Arbitration Court are so cautious, that until something has been tried and proved to be workable they will be very careful about treading on new ground. I have lived in a mining community since 1899, and if there is any community whose needs require attention in the making and delivery of bread, it is the miners, because I venture to say that the biggest percentage of miners in the industry work three night-shifts a week and those men have appetites which are something more than the appetites of men who work only the day-shift. When the agitation was on in Kalgoorlie for day baking, so far as I could learn a very great majority of the miners could see no reason why the baker should not bake his bread in the daytime. Furthermore, I have experienced a time

in Boulder when bread was baked and not delivered for 48 hours, and, as I said yesterday by way of interjection, I recognise that if we had more stale bread, it would be a bad thing for the doctors and a good thing for those suffering from indigestion. I admit that under present conditions this Bill would have a certain detrimental influence on the baking of bread in the daytime. It would mean that the employers would have to provide more up-to-date appliances for the better keeping and preservation of the bread than they have to-day. There is no need for them to do it now, because the bread is practically taken out of the oven and placed in the cart for delivery, but if the bread was baked in the daytime they would have to provide means of storing it and keeping it fresh.

Hon. A. G. Jenkins: How would you get on with the carters?

Hon. J. CORNELL: I think the bread could be baked and delivered in the daytime with great benefit to the baker and no very great evil to the consumers. There are several days in the year on which the consumers have bread 24 hours old and there is very little complaint. After all, what are the arguments against the baking of bread in the day time? It is said that it will be detrimental to the consumer; that is the argument trotted out by the master bakers. We see articles in the Press about the poor man's crib, and the sick man's child, but that is all sentiment. The poor man is not writing that. These letters are much the same as the articles by "Mining Engineer" on the Mines Regulation Bill. All this matter in the Press is inspired by some of those who think the Bill is aimed at them and is going to hurt them. Has there been any organised protest by the consumers against the provisions of the Bill? After all, the whole argument has hinged itself round the master and the employee, and the consumer has been almost silent. Bread is baked in Central Queensland in the day time, and day baking has become almost universal in the Dominion of New Zealand. The climatic conditions may be different, but the same argument was trotted out against the reduction of

hours in the butchers' shops. The butcher had to keep open many hours longer than was necessary in order that the consumer might get his meat. I have seen the time on the goldfields when the butchers' shops were never shut, but now they have come down to 47 hours a week and the meat is better to-day than ever it was. The same battle waged between the employer and the employee for the closing of butchers' shops but there was no protest from the consumer, and I contend that if the provisions of this Bill come into operation and bread baking is confined to the day time, in twelve months' time the general mass of the public will wonder why the employer and the employee had been fools so long. The argument that applies to the baking of bread cannot be applied to mining, electric light work, tramways, railways and other occupations, but it can be applied in this instance without any detrimental effect on the community at large. After all, the community are the only persons concerned, because whether we bake bread in the day time or at night the employees are going to have their wages and the master bakers are going to have their money. Mr. Colebatch has said that this principle should be brought before the Arbitration Court, and that the weight of evidence should determine it. I have been only once in the Arbitration Court and I have grave doubts about what constitutes evidence. I have a lively recollection of a case in the Arbitration Court recently when 17 witnesses were examined for the defence, and the advocate for the other side was the only witness to enter the box for the plaintiffs, yet the verdict of the court was in favour of the plaintiffs. After that, all I could conclude was that the Court had seen for themselves and they took no notice of the 17 witnesses for the defence and the one advocate for the plaintiff. I have always contended that if the Legislature thinks something should be done it should not delegate the duty to somebody else. If we think certain provisions are necessary and just, the proper tribunal to deal with them is the Legislature, and we should not submit them to a subsidiary body. I do not desire to go

much further, except to say that I regret I have not had time to give as much consideration to the measure as I ought to have done.

Hon. H. P. Colebatch: We are all in the same position.

Hon. J. CORNELL: But as I said at the outset, although we may not have had time to give full consideration to the Bill on the second reading, we will have every opportunity of doing so when the Bill reaches Committee. I hope the House will take up that attitude, and that the amendment will be defeated and we will have an opportunity of considering the Bill in Committee and amending our factory laws, which have remained unaltered practically since 1904. In the march of industrial progress, nine years must bring about a necessity for material improvement in many matters, and if hon. members cannot go all the way, they will show some gratitude to the factory workers in general if they will consent to go part of the way.

Personal Explanations.

Hon. H. P. Colebatch: I desire, Mr. President, under Standing Order 386, to make a personal explanation with regard to a material part of my speech which has evidently been misunderstood by the hon. member who has just resumed his seat. I said that this Bill introduced a principle foreign to British justice, namely that "the averment of a prosecutor contained in a sworn complaint shall be deemed to be proved in the absence of evidence to the contrary." It has been said by the hon. Mr. Cornell, and I am sure he did not wilfully make the statement as incorrect, that this provision is in our existing Act. I rise to say that no such provision is in the existing Act. In connection with articles prepared, manufactured, or made, there is provision that the onus is cast on the defendant of proving that they are not made for sale, and in regard to a person named in the summons as being employed in a certain capacity, the defendant cannot say this person was not employed in that capacity without proving it. But otherwise it is incorrect to say that in

the existing Act the onus of proof is thrown upon the defendant, as is done in this amending Bill.

Hon. J. Cornell: May I also make a personal explanation. I think the hon. member will agree with me that, although it does not probably apply to the Act as a whole, there are certain portions of the existing Act where the employer is called upon to give proof.

Debate resumed.

Hon. F. DAVIS (Metropolitan-Suburban): It was not my intention to speak on this Bill but there seems to be a disinclination on the part of members to deal with the Bill as a whole.

The PRESIDENT: The amendment is before the House at the present time.

Hon. F. DAVIS: I am certainly opposed to the amendment before the House, for the reason that the Bill as now before us shows evidence of a desire to materially improve the industrial conditions in this State at present, and it is not before it is needed either. It is true that there has been a Factories Act in existence for some years, but it has not been availed of to the fullest extent, or to the extent which it ought to have been, largely for the reason, I believe, that sufficient inspectors were not available to give effect to the provisions of the measure. To my mind industrial conditions in this State, in common with all other parts of the world, are changing so rapidly that it is highly essential that there should be some further regulation of the industrial conditions than has been the case in the past. If that were not so there would be no need for a change in this respect, or for legislation to be brought before the House, and it is because of the change of conditions, because of the progress of commerce and trade, and of the altered surroundings that this Bill is necessary. There are just a few phases that appear to me as being particularly beneficial to those engaged in the various industries. I am not so very sure that the alteration in the definition of employee or worker, or particularly of a factory, is not in the in-

terests of all concerned. It used to be six and now the Bill proposes to make it two, and there occur to my mind cases where the number of employees is less than six, but where there are sufficient working to make the places for all intents and purposes a factory, and although there might be some cases of hardship, as suggested by the hon. Mr. Colebatch, where a father and son may be held to constitute a factory, there never was a law made yet that did not press unduly on some one or more people. It is practically impossible to create or give effect to an Act of Parliament without altering the conditions of life in some way as to press on someone, but in the majority of cases where it does press unduly it is because previously unfair conditions have obtained and the reform intended is simply to rectify conditions which ought not to have existed in the past, and for that reason I hold that the reduction of the number of persons from six to two who shall form a factory makes for better regulation and supervision than was the case previously. That is borne out by experience in connection with the Early Closing Act, both in this and other States of Australia, where exemptions were provided for, and it was found that the exemptions were continually evaded and that it was absolutely essential to prohibit all shops from being open after a certain hour. For that reason I think the reduction in the provision from six to two persons will make for better supervision. I am pleased that an effort has been made to give effect to the eight hours system in connection with factories. That system is generally recognised in the trades organised and are able to look after themselves, but in the case of the unorganised workers they have not yet obtained that system properly. The majority of the people in this State are in favour of the eight hours system as a principle, and if this is the case I see no reason why it should not be given effect to in connection with factories as in connection with other industries, because I believe it can be just as readily observed. All my life,

whenever it has been brought before my notice, I have always objected to overtime. Although from boyhood I was compelled at different times to work overtime, through force of circumstances, I always strenuously objected to it and my opinion as I have grown older has not changed in that respect, because I found from personal experience many years ago that I was certainly not benefited from a physical or a mental standpoint, and I am sure the great majority of those who are engaged in working for their living would infinitely prefer not to work overtime, even though they might earn a little extra money by doing so, because in my experience, where extra money has been obtained for overtime work, it has been usually expended for doctors' bills in order to regain the health lost through extreme overtime. I admit that in the case of men who are particularly strong physically this would not apply, but in our legislation, I take it, we have to deal with men as a whole and not with exceptions. We have to legislate for the greatest part of the people, who are of the uniform standard so far as physical ability and fitness are concerned. In connection with the subject of premiums, which has been touched upon by the Honorary Minister, I cordially approve of the opinion expressed by him where he spoke of the disadvantage and the unfairness in many cases of accepting premiums, when none ought really to be required. Originally the idea of a premium was that some advantage would be gained to the person who paid the premium through acquiring special knowledge of a subject which should be of great benefit to the person afterwards, but conditions of life have changed so much during the last few years that this does not apply now with anything like the force it did a few years ago. The skilled workman obtains but very little more for his work than does the labourer. In connection, for instance, with the building trade, the carpenter or the bricklayer would possibly obtain only 2s. a day more. Owing to the changing character of industry the conditions that obtained years ago do not obtain now and the man who

had special skill, and has it now, does not obtain a very much greater reward for his skill than the average labourer.

Hon. J. F. Cullen: That is unionism.

Hon. F. DAVIS: No, it is not unionism, and the hon. member is quite incorrect in saying that. My reason for pointing this out is that the payment of a premium is not warranted by the conditions of to-day, as might have been the case many years ago, and for that reason we object to the payment of a premium being required, particularly as it often takes a form of providing against payment to those who are learning something, whereas there should be payment of a reasonable character. It has often been the case, particularly with young girls, that the payment made to them has been very small indeed, and not nearly sufficient in view of the work performed by them. Some time ago we had before us in this House a measure called the Shearers' Hut Accommodation Bill, and in connection with that I have a vivid recollection of the debate which took place as to the amount of sleeping space required by shearers. The same claim that was made on behalf of the shearers for a reasonable amount of air space, and for reasonable sleeping accommodation applies with equal force to workers under this Bill. Bakers sometimes—I do not know whether it is from compulsion, I hardly think it is from choice—when they have completed a portion of their work simply lie down on top of a trough containing dough and sleep there for three or four hours until called upon to carry out the rest of their work. That is not a condition which ought to obtain, and I am afraid the practice is fairly general. The need for separate sleeping places applies particularly to the Chinese, and I have no doubt this clause has a special application to the Chinese, whose workmen are sleeping and eating in the workroom are able to compete unfairly with Europeans who have to live under reasonable and humane conditions. In glancing through the Bill a clause which appealed to me particularly was one in the interests of health and sanitation, insisting that those who handle bread in any way, either

baking or delivering it, should have a certificate from a medical man that they are free from disease.

Hon. J. D. Connolly: That is already provided for in the Health Act.

Hon. F. DAVIS: I am pleased to learn that, and I should be pleased also if the hon. member would give his support to this Bill. This is a measure which should appeal to everyone on the grounds of humanity and health. The very thing that keeps life going should be free from disease.

Hon. J. D. Connolly: Why do you want to repeat it in this Bill?

Hon. F. DAVIS: Because it is advisable to do so. There is another clause which for the sake of safety should appeal to every hon. member, and it is the provision for fire escapes, and the prevention of accidents in the case of fire in factories. Hon. members will not have forgotten the catastrophe at what was known as the "gridiron" buildings in New York, where owing to the lack of fire escapes and appliances, a large number of work people were burned to death. It is to prevent such occurrences and in the interests of human life that this provision is introduced. We pay a fair sum of money every year to bring people here, but it is just as well also to preserve the life which we have. Therefore the clause which deals with this matter appeals to me as being reasonable and humane. Some years ago I attended a lecture at which a gentleman dealt with Cuba, and in reply to a question at the close of his remarks he said that the Cubans were in most instances not skilled workmen who would interfere with the American workmen, but rather would they interfere with others against whom they could compete. For a considerable period it might be remembered that the furniture makers of Victoria, who are certainly skilled workers, practically lost their trade which was almost entirely monopolised by Chinese. If we were asked to explain how that came about we would confess our inability to do so, but here now we have a provision in this Bill for the stamping of furniture made by Chinese, and the stamping too in a more

legible manner than has heretofore been done. This should meet with the approbation of those who desire to retain work in this State for Australian workmen. It has been often the case in the past that the stamp has been too small or badly put on, and in that way it has been found difficult to tell whether the furniture was made by Europeans or Asiatics. The provision for legibly stamping the furniture will make for better security that the goods produced are goods true to type and are made by our countrymen under reasonable conditions. There are one or two points made by Mr. Colebatch that I would like to refer to. With reference to the onus of proof, he stated that in regard to gold stealing it was necessary that the man should be in the possession of something he ought not to have before he could be convicted. Exactly the same thing applies here. If a man was in a place he ought not to be in the onus of proof would rest on him. The cases are therefore parallel. The hon. member also made reference to stale bread and stale news—

Hon. J. F. Cullen: And stale speeches.

Hon. F. DAVIS: Made by the hon. member for Katanning sometimes. I believe stale bread would be an excellent thing for a great majority of people if they only were aware of the fact. As for stale news I am not in a position to say whether it is good or bad. In connection with the contention that matters in the Bill are left to the Arbitration Court it appears to me that the court exists largely for the purpose of dealing with matters of detail and not matters of policy. I contend that the legislature should define the matters of policy.

Hon. J. F. Cullen: Does the hon. member call stale bread, policy?

Hon. F. DAVIS: No. It seems to me we are well within the mark in providing in this Bill the lines on which the Arbitration Court shall deal with these matters. So far as night work is concerned, the Bill if it does nothing else will confer a benefit on those who have in the past been engaged on it. It has been my unfortunate experience to work at night and I cannot claim like Mr. Colebatch to be

an excellent example of the effects of night work. My experience has been that it is very exhaustive physically and mentally, and if it were possible for me to ever avoid working at night I certainly would do so. In the case of those working in the baking trade it has yet to be proved that baking cannot be done in the daytime. The fact that it is carried out in some parts of Australia is evidence that it can be done and so far as consumers are concerned, they have benefited, and the men in the industry have also benefited. Therefore, I trust the clause will be given effect to, and that the Bill as submitted will be given that consideration to which it is entitled. Although the Bill is presented late in the session there is no reason why it should not be considered, and if it is carried into law a measure of relief will be given to many who have long looked forward to it.

On motion by the Colonial Secretary debate adjourned.

BILLS (4)—FIRST READING.

1. Initiative and Referendum.
2. Roads Closure (No. 2).
3. Illicit Sale of Liquor.
4. Agricultural Bank Act Amendment.

Received from the Legislative Assembly.

BILL—TRAFFIC.

Assembly's Message.

The Assembly having declined to make ten of the amendments requested by the Council, the same were now considered.

In Committee.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

No. 1, Clause 4, Subclause 1.—Strike out in lines 2 and 3 the words "with the approval of the Minister":

The COLONIAL SECRETARY moved—

That the amendment be not pressed. These amendments had been already well discussed. Hon. members would understand the effect of them, and he hoped

hon. members would give way as far as possible.

Hon. J. F. CULLEN: All these amendments hung together, and all concerned the intrusion of the Minister into municipal affairs. He hoped the Committee would not go back on the previous decision, and that hon. members would insist upon these amendments. Then, if the Minister desired a conference between the Council and the Assembly, it could easily be arranged.

Hon. J. W. KIRWAN: The Assembly had agreed to a large number of amendments in the Bill, and surely the Council could not expect to have everything their own way. The Assembly had met the Chamber in a conciliatory spirit, notwithstanding which the hon. member unreasonably desired to insist upon all the amendments.

Hon. C. A. PIESSE: The clause as printed was a downright insult to any local authority. The appointment of inspectors was to be subject to the approval of the Minister. Notwithstanding that members of local authorities gave their time free to the work of the country it was proposed by the Minister to limit their powers to such an extent as to render them ridiculous. He could not see how the Committee could go back on the previous decision.

Hon. A. SANDERSON: Surely this was the time for a reasonable compromise. It would be deplorable if the Bill were to be thrown out altogether.

Hon. C. A. Piesse: The responsibility will rest elsewhere.

Hon. A. SANDERSON: Part of it would be on our own shoulders. Surely a conference could be arranged. He would go a long way to save the Bill. He was most anxious to protect the rights and even the feelings of local authorities, but he did not see why we should throw out the Bill rather than give way. The Bill should not be sacrificed on this point. It would be quite deplorable if the Bill were thrown out. It was incredible that the country could send back the present Administration at the next elections, for to do this would be to hold up the development of the country and put back the hands of time.

The CHAIRMAN: Was it understood that the hon. member was speaking to the amendment?

Hon. A. SANDERSON: At all events hon. members should use their best endeavours to put the Bill through.

Hon. W. PATRICK: The amendment made by the Committee should be insisted upon. The whole question of local government depended on the point raised. The traffic should not be left in the hands of the Minister.

Hon. J. CORNELL: The local governing bodies where he came from would not be very much concerned whether the Bill was passed or rejected. If the clause had provided that the Minister should appoint the inspectors, he might have been inclined to agree with it; but the provision was that the local authority should appoint the inspectors subject to the approval of the Minister, thus putting the local authorities somewhere below the status of an advisory board. The only possible explanation of the insistence on the clause as printed was that in the opinion of someone or other the local authorities had not sufficient intelligence or sufficient integrity to be entrusted with the appointment of persons who would carry out the provisions of the Bill. He would vote as he had previously voted in regard to the amendment.

Hon. H. P. COLEBATCH: It was difficult to understand why the Minister should refuse to make the amendment. If the Minister had some special reason for wanting to hang on to this power, it only served to justify the Committee in refusing to give it. Properly exercised, the power was of so little importance that it was difficult to understand why the Minister was so determined to have it. There were two amendments of very similar nature. In this the local authority appointed an officer and had to get the approval of the Minister, while in another clause—the subject of an amendment also disagreed with by the Assembly—the local authority could not dismiss an officer without the approval of the Minister. It would be impossible for a local authority to carry on under conditions of this sort. If the Minister really wanted this power,

the exercising of it would make the position of the local governing bodies impossible.

Hon. F. DAVIS: It seemed inconsistent of the hon. Mr. Cullen to suggest pressing all the amendments in order to get to a conference. If hon. members were willing to concede some of them why should not it be done now?

Hon. A. SANDERSON: Surely it was not correct that the amendments all hung together. Amendment No. 11 had received greater opposition from him than from anyone else and he was satisfied that if there was a conference it might be possible to come to an arrangement and save the Bill.

Hon. J. F. Cullen: No. 11 is different from the others.

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

Ayes	8
Noes	13

Majority against	..	5
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AYES.

Hon. R. G. Ardagh	Hon. B. C. O'Brien
Hon. F. Davis	Hon. A. Sanderson
Hon. J. E. Dodd	Hon. F. Connor
Hon. J. M. Drew	(Teller).
Hon. J. W. Kirwan	

NOES.

Hon. E. M. Clarke	Hon. R. D. McKenzie
Hon. H. P. Colebatch	Hon. E. McLarty
Hon. J. Cornell	Hon. W. Patrick
Hon. J. F. Cullen	Hon. C. A. Plesse
Hon. D. G. Gawler	Hon. T. H. Wilding
Hon. V. Hamersley	Hon. C. Sommers
Hon. A. G. Jenkins	(Teller)

Question thus negatived; the Council's amendment pressed.

No. 2—Clause 4, Subclause (2), paragraph (e): Strike out the words "but only with the approval of the Minister."

The COLONIAL SECRETARY moved—

That the amendment be not pressed.

Hon. J. F. CULLEN: This was practically the same issue as that upon which the Committee has just voted.

Question put and negatived; the Council's amendment pressed.

No. 3—Clause 4: Strike out Subclause (3):

The COLONIAL SECRETARY: This embodied the principle contained in Clause 23 which provided that the Minister should take over the license fees in the metropolitan area. He would take a division on this and accept the result as the decision of the Committee in regard to Clause 23. He moved—

That the amendment be not pressed.

Hon. J. F. CULLEN: This was the vital point on the issue as to whether the Minister should intrude into municipal affairs and take control of licensing matters. He hoped there would be no uncertain vote on the question.

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

Ayes	9
Noes	12

Majority against	..	3
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AYES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. F. Davie	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. A. Sanderson
Hon. J. M. Drew	Hon. J. Cornell
Hon. D. G. Gawler	(Teller).

NOES.

Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. F. Cullen	Hon. C. A. Plesse
Hon. V. Hamersley	Hon. C. Sommers
Hon. A. G. Jenkins	Hon. T. H. Wilding
Hon. C. McKenzie	Hon. E. M. Clarke
Hon. R. D. McKenzie	(Teller)
Hon. E. McLarty	

Question thus negatived; the Council's amendment pressed.

No. 5.—Clause 16, Subclause (2): Strike out the words "the Minister provided that when the Minister is himself a party to the dispute the matter shall be determined by"; also strike out "a" and insert "the": also strike out "appointed by the Minister" and insert "of such district":

The COLONIAL SECRETARY moved—

That the amendment be not pressed.

Question negatived; the Council's amendment pressed.

No. 6.—Clause 16: Strike out Subclause (3):

The COLONIAL SECRETARY moved—

That the amendment be not pressed.

Question negatived; the Council's amendment pressed.

No. 7.—Clause 23: Strike out the clause:

The COLONIAL SECRETARY moved—

That the amendment be not pressed.

Question negatived; the Council's amendment pressed.

No. 8.—Clause 24: Strike out paragraph (f.):

The COLONIAL SECRETARY moved—

That the amendment be not pressed.

Hon. J. CORNELL: The amendment for the deletion of the paragraph providing for the registration of cycles had been moved by him. If registration was insisted on, it would tell against poor people. He hoped the amendment would be pressed.

Question put and negatived; the Council's amendment pressed.

No. 11.—Clause 38, Subclause (1): After the word "vehicle" in line one, insert the words "for hire," and strike out the words "and a person shall not employ any person who is not so licensed to drive a motor vehicle":

The COLONIAL SECRETARY moved—

That the amendment be not pressed.

Question negatived; the Council's amendment pressed.

No. 12.—Clause 38, Subclause (2): After the word "vehicles," in line two, insert the words "for hire":

The COLONIAL SECRETARY moved—

That the amendment be not pressed.

Question negatived; the Council's amendment pressed.

No. 13.—Clause 38, Subclause (4): After the word "vehicle," in line two, insert the words "for hire":

The COLONIAL SECRETARY moved—

That the amendment be not pressed.

Question negatived; the Council's amendment pressed.

No. 15—Clause 40: Strike out Sub-clause (2):

The COLONIAL SECRETARY moved—

That the amendment be not pressed.

Question negatived; the Council's amendment pressed.

No. 18—Clause 60: Strike out the clause:

The COLONIAL SECRETARY moved—

That the amendment be not pressed.

Question negatived; the Council's amendment pressed.

No. 20—Second Schedule: Strike out the Schedule:

The COLONIAL SECRETARY moved—

That the amendment be not pressed.

Question negatived; the Council's amendment pressed.

No. 21—Third Schedule—Vehicle licenses: Strike out, in line nine, the word "£2 (annual)" and insert the words "three shillings and fourpence per month":

The COLONIAL SECRETARY moved—

That the amendment be not pressed.

Question negatived; the Council's amendment pressed.

Resolutions reported, the report adopted and a Message accordingly returned to the Assembly.

BILL—OPIUM SMOKING PROHIBITION.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This Bill is introduced in furtherance of an attempt being made practically throughout the world for the introduction of uniform legislation for regulating the trading and control of opium. It is the outcome of an international conference held at Hague in January of last year. Great Britain is a signatory power to that convention and when the Minister attached their signatures the Ministers for Great Britain reserved the right of accepting or rejecting on behalf of the dependants of

Great Britain. The convention has since been signed on behalf of the Commonwealth, which is, therefore, now a party to the convention. So long ago as April, 1909, the State Government had been in correspondence with the Federal Government on this matter and the Government were approached to bring in a Bill of this nature. The Bill was prepared but owing to the congestion of legislation in the House the Bill was not brought forward, at any rate, although introduced. I believe, in another place, it was never submitted to the Legislative Council.

Hon. W. Kingsmill: Certainly, and very fully inquired into.

The COLONIAL SECRETARY: I was not aware of that. Since that date legislation on the lines proposed in the Bill has been adopted by most of the States of the Commonwealth and we propose now to ask Parliament to pass this measure, in order to bring about uniformity in reference to the law.

Hon. J. F. Cullen: Are these measures uniform?

The COLONIAL SECRETARY: They are uniform as regards principle but not as regards detail. I would like to point out that, whereas the authority rests with the Federal Government in the matter of restricting and prohibiting the importation of opium into Australia, once the drug is landed here the control passes from the Commonwealth into the hands of the State Government. That will explain why it is necessary to introduce a measure of this description into the State Parliament instead of into the Commonwealth Legislature. For the information of the House I may add the Bill has the endorsement of all the better class Chinese in the State. It is the desire of the better class Chinese that opium smoking should be wiped out and the penalty for opium smoking in China is now death.

Hon. W. Kingsmill: Legally or merely as a consequence?

The COLONIAL SECRETARY: It is a capital offence.

Hon. J. W. Kirwan: How many States have passed this legislation?

The COLONIAL SECRETARY : I think about two. I am given to understand that more than that number have proposed it but I am informed that two States have passed the Bill. I do not think it is necessary to say any more on the measure. I move—

That the Bill be now read a second time.

On motion by Hon. W. Kingsmill debate adjourned.

BILL—BILLS OF SALE ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew), in moving the second reading said: Soon after the present Government took office a deputation representing the Perth Chamber of Commerce waited on the Attorney General pointing out that the present method of keeping bills of sale unregistered until a critical moment often deprived honest creditors of their rights. The object of the measure is to substitute the provisions of the South Australian Act for Section 5 of our Bills of Sale Act. The present Act enables a secret bill of sale to be given. The grantee can keep the bill of sale in his possession up to the eve of bankruptcy and he can step in at the last moment and take possession of the chattels. It is not necessary that he should register, and so inform the creditors generally that he has security in his possession. The consequence is that the grantor often obtains credit by deceit. This Bill makes it imperative that the holder of a bill of sale shall register it and if the registration is not effected in accordance with the law the bill of sale will be void. Under the existing law the holder of a bill of sale may, as I said before, on the very eve of bankruptcy, by taking possession of the chattels, have an undue advantage over an ordinary creditor. The Bill will remedy this defect. There is a further purpose in the Bill. It is to wipe out the section in the principal Act which makes it necessary

that the bill of sale should cover an advance of £30. In South Australia for a long time they had a provision for the granting of a bill of sale covering small amounts. A man can borrow £5 and give security over whatsoever chattels he possesses. The present legislation will be amended by this Bill in order that power may be given for a bill of sale to be made for any amount. Under the present law, as already stated, a legal bill of sale cannot be made for any amount under £30. The measure also enables a man not only to borrow a small sum and give effective security by way of a bill of sale, but also enables him to do it cheaply. He need not go to a lawyer's office and have a lengthy and exact document drawn up and executed in a particular manner and lodged and registered with all the technicalities that require the skill of a trained legal practitioner, but he can fill in the form in the first schedule of the Bill and if he fills it in carefully he can himself carry out every part of the transaction, and comply with the law, and it will be as effective a security as if it had been completed by a lawyer and a heavy charge imposed. The second schedule gives the covenants and powers employed in the filling in of the first document. There is another reform provided for in the Bill and that is the clause giving to workers, to whom wages are owing, exactly the same privileges that a landlord now has. It enables the worker to whom wages have been owing to have a preferential claim, or a claim to that of the landlord who owns the property. He may take possession, that is if money is owing to him and if the goods have already been taken away he can follow and attach them.

Hon. A. G. Jenkins: Is there a limit to the amount?

The COLONIAL SECRETARY: There is no limit to the amount. This may be looked upon as a principle upsetting the general security of a bill of sale, but I cannot see why, if such protection is afforded to the landlord, it should not be afforded also to the worker. There is another provision to which I will draw attention which alters the principal

Act and the amending Act, namely, that a bill of sale shall be good not only as for past advances for old debts, but for contemporaneous advances, that is to say, the document may be an expression of the security not only for the old debt at the time of the making of the bill of sale, but any advances at the time of making and all future advances up to the same value.

Hon. J. F. Cullen: How far is the landlord protected?

The COLONIAL SECRETARY: So far as I am aware, he is protected to the full extent of the amount owing.

Hon. D. G. Gawler: No, not beyond six months' rent.

The COLONIAL SECRETARY: I am under that impression, but I may be wrong. The first amendment in Clause 2 is inserted with the object of removing an ambiguity in the Act. Under the Act a "contemporaneous advance" is an advance made contemporaneously with the granting of a bill of sale or within three days of the registration thereof. The words "within three days of the registration thereof" have been interpreted as within three days after the registration. So that advances made after the granting of a bill of sale could only be regarded as contemporaneous if made within three days after registration—which could never have been the intention of Parliament. However, even now the Parliamentary draftsman considers that the clause as it appears in the Bill is not sufficiently clear and when the measure gets into Committee I propose to move a further amendment to make it more explicit. Clause 3 enables a maximum rate of interest to be stated in the Bill instead of a fixed rate, if the parties so desire. Under the present law there must be a fixed rate. Clause 4 provides for a bill of sale over "crops about to be grown." It can now be given only over "sown or growing" crops. The amendment will permit of a farmer who wants to buy seed wheat or fertiliser on credit giving a bill of sale over a "crop about to be sown." Clause 5 is self-explanatory. Clause 6 provides for the registration of any transfer or assignment of a bill of

sale. Clause 7 deals with unregistered bills of sale in the manner explained by me in my introductory remarks. An unregistered bill of sale is void as against the Official Receiver in Bankruptcy or a liquidator so far as regards the property and chattels in the possession or apparent possession of the grantor within three months of bankruptcy or the winding up petition. It is void as against the sheriff only if the goods are in the possession of the grantor at the time of seizure. So that there is a distinction between the bankruptcy petition and the sheriff seizing the goods. If it is a bankruptcy petition the goods will only be protected in regard to an unregistered bill of sale for three months, but in the case of the sheriff making a seizure the man who has taken the unregistered bill of sale will be protected if he gets in before the sheriff, but he will not be protected if the case goes into the bankruptcy court. Clause 8 renders a bill of sale void as against a claim for wages. The principle is recognised to a certain extent in bankruptcy and also in liquidation proceedings in connection with public companies and also as regards rent due. Clause 9 merely corrects a palpable error in Section 39 so as to protect the grantee for advances made not only from the time of registration, but from the time of making the bill of sale. Clause 10 is consequential. Clause 11 repeals Section 46 of the principal Act. This section makes every Bill void for any amount under £30. It blocks the poor man raising small amounts on the security of a bill of sale. Clause 12 sets out that a bill of sale may be in the form appearing in the first schedule. The object is to save legal expenses in connection with bills of sale for small amounts. Clause 13 provides that the covenants and powers set out in the Second Schedule shall be implied in a bill of sale drawn up in accordance with the First Schedule. Clause 14 deals with fees. It also repeals Section 12 of the principal Act and Section 16 of the amending Act of 1906. Section 12, as amended by Section 16 of 1906, stipulates that the fee for registration or renewal shall be five shillings. As the Bill speci-

ties fees on a sliding scale basis, those sections must go out. Clause 15 gives a more comprehensive definition of agricultural machinery, so that agricultural machinery of all kinds will be excluded from the application of the Act. Clause 16 amends Section 18 so as not to limit the interpretation of the word "stock" to "sheep, cattle or horses," and to enable a bill of sale over all stock to be registered without lodging a notice of intention. Clause 17 makes it unnecessary to lodge a notice of intention in reference to a bill of sale over crops sown, grown, or about to be sown or grown when such bill of sale is granted to secure payment of the purchase money of seed, fertilisers, etcetera. Clause 18 is consequential. I move—

That the Bill be now read a second time.

On motion by hon. D. G. Gawler debate adjourned.

BILL—UNIVERSITY LANDS.

Second Reading.

Debate resumed from the 4th December.

Hon. W. KINGSMILL (Metropolitan-Surburban): When this Bill was before the Council last session I had to register my opposition to it. I regret that I have to do the same on this occasion. My regret is not because of the opposition I have to offer, but on account of the Government thinking fit to bring this Bill forward in the same state again. The same reasons obtain now for the opposition I am giving to this measure as obtained then, and also additional reasons which I shall deal with later on. In the first place—and I trust hon. members will pardon me, if, as I am almost inevitably bound to do, I reiterate the arguments I gave utterance to last session—in the first place, I oppose this Bill because it is so strongly antagonistic to the two Acts under which the University holds property. The first Act, passed in 1904 and known as the University Endowment Act, set aside certain lands, part of which are now the subject of this proposed exchange, by way of a permanent endow-

ment to the University of Western Australia, with the intention that in the years to come, perhaps for some special purpose, perhaps for an addition to the general revenue of the University, the University would be able, as it would undoubtedly have the opportunity to do, to realise a very fair and handsome amount of revenue from the lands in question. Again, when by the University Act which was passed in 1911 the Senate took over from the University Land Endowment Committee, which I had the honour on two occasions as Minister of Education to be a member of, various lands granted to the committee under this University Endowment Act, they still took them over in the language of the University Act by way of a permanent endowment. It was never contemplated by the University Endowment Act or the University Act itself that the governing body of the University should traffic in those lands. That was never for a moment contemplated, and that is why I say this Bill is absolutely antagonistic in its spirit to the principles laid down in the two Acts to which I have alluded.

Hon. J. E. Dodd (Honorary Minister): Does the hon. member assume that the University must be built on the endowment lands?

Hon. W. KINGSMILL: Certainly not. I have said that these lands were granted to them as a permanent endowment for the purpose of ensuring revenue for the University in addition to revenue which might be obtained from other sources. I do not take it as a compliment that the hon. member should accuse me of raising such an argument. The hon. member must see that it would be impossible to build the University, like the Irishman's bird, in two places at once, and it is obvious, and indeed it is stated in the first Act I have alluded to, what these endowments were for. They were permanent endowments for the benefit of the University in years to come. They were an endowment which the Government made because they did not mean much to the Government at the present time, but they were so situated that in future they would mean a very great deal to the University.

It is, of course, possible for them to utilise one of these endowments for the purpose of building the University thereon, and in my opinion it would be much better if one of them were to be so used instead of the site which it is proposed to use at Crawley. The second reason why I object to the Bill is because it has as one of its objects the ensuring of Crawley as the site for the University. There is no need for me to labour this question. So many opinions have been expressed from the time when this site was first mentioned to even this morning's paper, in which a gentleman of considerable university experience and now of some Western Australian experience, he having spent his furlough in this State, registered his opinion that this site is absolutely unfitted for the University.

Hon. Sir J. W. Hackett: He did not say that.

Hon. W. KINGSMILL: I was under the impression that he did.

Hon. J. F. Cullen: Is that Professor Adam?

Hon. W. KINGSMILL: Yes. No doubt it will be explained later on what the gentleman did mean when he said that, but I am taking the meaning which his words convey. Possibly there may be some reason behind them which I am not able to appreciate.

Hon. J. E. Dodd (Honorary Minister): He said he had been guided by other people's opinions.

Hon. W. KINGSMILL: Possibly, but he must have been meeting a nice lot of people. When I was raising arguments against this Bill last session I mentioned that I did not think it would be compatible with the objects of the University to have its grounds invaded by the public. No longer ago than last Sunday I had the pleasure of going down the river and passed close to the proposed site of the University. The season for holiday-making is scarcely begun, and yet hon. members may believe me when I say that there were 20 or 30 camps in existence along the foreshore and there were hundreds of people there, even though the season for such holiday-making has not

yet commenced. I say now, as I have said on a previous occasion, it is unthinkable that the grounds of the University should be overrun by crowds of holiday-makers, and it is even more unthinkable that a piece of ground that recommends itself in every way as the proper recreation ground for the people of Perth and suburbs should be diverted from that use and put to purposes for which it is entirely unsuited. Two wrongs are being done, in the first place a wrong to the people of Perth and suburbs by taking away a recreation ground which should belong to them, and in the second place to the University by providing it with an absolutely unsuitable site. Another reason, which I elaborated on a former occasion more than I intend to do at present, is the real reason, I understand, underlying the introduction of this Bill; that is, not so much the selection of Crawley as a site for the University as the acquisition of certain lands at West Subiaco as a site for workers' homes. I have very little to say in antagonism to workers' homes. I think the worker's home is a wonderfully good project, more especially where the worker is assisted to build his home on his own land, but as before us now I must ask hon. members to endeavour to realise for a moment what the creation of 163 acres of workers' homes in one congested area means.

Hon. J. F. Cullen: Is it not 363 acres?

Hon. W. KINGSMILL: My argument would be just as strong if it were 163, so I will take it as 163. Although we are told that a great deal of variety is to be observed in the design of these workers' homes, yet the fixing of the maximum price at £550 ensures that a suburb consisting solely of workers' homes must be a suburb of mean streets; it would be a suburb in which there would be no inducement to live, and a suburb which would do the surrounding country and surrounding lands a good deal of harm by way of depreciating it in value. I do not, however, attach much importance to that reason, in view of the weightiness of the other reasons I have to bring forward. I come to the greatest reason of all, in

my opinion, and that is the spirit underlying the Bill, the spirit of commercialism which is introduced by the Government in a subject on which, above all other subjects, they should be prepared to deal actuated by the highest motives and only the highest principles. In all other States and countries it has, I think, been esteemed an honour and a privilege for the reigning Government to be allowed to give a site for a university, and never have I heard of a case where the site of a university is made the subject of what is really a very hard bargain indeed. It was admitted on the last occasion when this Bill was introduced that the Government were getting the better of the bargain with the Senate. The Premier admitted it.

Hon. J. D. Connolly: It is manifest that one is a good commercial proposition and the other is not.

Hon. W. KINGSMILL: There is really an exchange of land which for public purposes has only one use and that is use as a recreation ground for the profit and pleasure of the people of Perth and suburbs. As I was saying, the most powerful reason which weighs with me is the spirit which underlies this Bill, the spirit of huckstering exchange with which the Government have approached the subject. It should be the privilege of the Government to give of their best for the purpose of endowing this University with a suitable site, and more especially when they are not giving money but are giving land.

Hon. J. E. Dodd (Honorary Minister): Which is valuable.

Hon. W. KINGSMILL: It is valuable but they did not have to raise it, although if they gave Crawley they would have to raise that a good deal before it would be a suitable site! I alluded to some additional reasons which existed with regard to this building, and the additional reasons I alluded to are as follows:—the University may be taken to consist of three sections. Convocation, the Senate, and the teaching staff. As hon. members know, Convocation is comprised of persons with certain qualifications, and as regards two-thirds of the Senate, after the first six years of that Senate's existence, it will act

as the constituency of the Senate, the Government always reserving the right to appoint one-third of the members of the said Senate, and the Government for the first term appointing the whole of the members of the Senate. Convocation then is to the Senate what the people are to Parliament, and it is a strange thing to find a Government who, I understand, are introducing a Bill for the initiative and referendum, a Government whose one war cry is "trust the people," introducing a measure such as this which they must be aware flouts the wishes of that section who in the community of the University represent the very people they are inclined to trust on other subjects.

Hon. J. E. Dodd (Honorary Minister): Convocation are the Upper House.

Hon. W. KINGSMILL: That is how the hon. member chooses to look at it: he says that so that we may judge his opinion of Convocation. He names it as the Upper House, which I suppose is the severest term he has in his not limited vocabulary. Convocation have expressed their opinion in a petition presented to the legislature not long ago, which said—

That the said Convocation, comprising as it does the great body of the University of Western Australia, being satisfied that an exchange of the endowment lands of the University at West Subiaco for lands at Crawley would be highly injurious to the best interests of the University, petitions, and the undersigned for himself petitions, your Honourable House to refuse to give Parliamentary sanction to any such exchange.

It is signed by the Right Rev. Dr. Riley, Warden of Convocation, for himself as Warden aforesaid on behalf and by the authority of the said Convocation. That is the opinion of one of the three sections of the University. The Senate have already expressed their opinion presumably in this Bill, and the opinion of the remaining section of the University may be gathered from copies of two memorials sent to the Senate, one from the teaching staff of the University and the other from science

teachers of the University. The first of these memorials is as follows:—

To the Chancellor and Members of the Senate. 1st October, 1913. Gentlemen,—Now that the Senate has again definitely agreed to the exchange of certain of the University Endowment lands for the Crawley estate, we, as members of the teaching staff, beg to submit for your consideration an extension of that proposal. Our suggestion is that an attempt should be made to arrange with the trustees of the King's Park for an exchange of about 100 acres of the Crawley estate for at least 50 acres of the park, situated at the corner of King's Park-road and Thomas-street. Since the acquisition of the Crawley estate by the University is a necessary preliminary to the course we now propose, we venture to hope that members of the Senate may see their way to accept our proposal as a working compromise on the site question. We are aware that there is a very strong feeling against the curtailment of the King's Park for any purpose would, we venture to think, result cordially agree; but we fail to see that our suggestion is in any way opposed to it. Not only would the total area of the park be increased rather than diminished; but the exchange we propose would, we venture to think, result in a distinct improvement. By the extension of the south-west corner of the park down to and across the Fremantle-road, the park would secure a water frontage, which at present it does not possess. At the same time, a favourite camping and picnic ground would be secured to the citizens of Perth for all time under the direct control of the park trustees, whereas camping could not be allowed within the grounds of the University. On the other hand, the north corner of the park, which we hold to be the best available site for the University, is relatively but little used by the general public. In any case the public would have access to the University grounds during the day time. Moreover, University grounds and buildings are usually regarded as

a valuable asset by the locality in which they are placed. We may add that buildings erected on the King's Park site would be visible from the railway. From the nature of the case, the course we suggest could not be cited in the future as a precedent for encroachment on the park. Also there are no other properties adjoining the park which could be offered to the trustees as a fair exchange for park lands. For many reasons which need not at this stage be specified, but which we shall be pleased at any time to communicate to the Senate, we consider that the suggested King's Park site would be far more suitable for a University than either the Crawley or the West Subiaco site. The main sports ground might conveniently be placed at Crawley, and room could also be found there for an experimental station for the use of the Professor of Agriculture. We have the honour to be, Gentlemen, Your obedient servants, (signed) W. J. Dakin, P. R. Le Couteur, Walter Murdoch, J. W. Paterson, A. D. Ross, Edward Shann, E. Suddard, E. A. Weston, H. E. Whitfield, N. T. M. Wilmshire, George Wood, W. G. Woolnough, Members of the Teaching Staff.

Hon. J. F. Cullen: That is practically the whole staff.

Hon. W. KINGSMILL: It is, I think.

Hon. Sir J. W. Hackett: You would not get those signatures again.

Hon. W. KINGSMILL: I do not want them again; I have got them now. I take it that this document purporting to be signed by members of the teaching staff is genuine. Do I understand the hon. member wishes to throw a doubt on the authenticity of this document? I hope I have not been taken in.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. W. KINGSMILL: When we adjourned I had read an expression of opinion from the members of the teaching staff of the University addressed to the Chancellor and members of the Senate wherein the said members of the teaching staff expressed a decided distaste for

Crawley as a site for the University, and expressing at the same time their preference for a site in King's Park over the suggested site at West Subiaco. The question of sites I will deal with presently. In addition to the expression of opinion from the members of the teaching staff, the Chancellor and members of the Senate received, presumably on the same date, a memorial from the science teachers of the University, couched in very similar language, and which expressed the same distaste for Crawley as a University site, and pointing out that there were certain disadvantages attaching to that site, as compared with the other proposed sites which I will also in turn point out to hon. members. This memorial reads as follows:—

Gentlemen,—In connection with the memorial on the question of the University site, which is being sent to you by the teaching staff, we, the undersigned, desire to call attention to one point which affects us more particularly as teachers of pure and applied science in the University. This is the provision of laboratory accommodation. It is generally conceded that laboratory accommodation for the teaching of pure and applied science is urgently needed. In our opinion, however, the Irwin-street site is quite unsuited for the erection of laboratories, even of a temporary character, to meet the needs of all the departments requiring them. Owing to the limited area, combined with the condition that only one-storey buildings may be erected, the various laboratories would be so crowded together that none of them could be properly designed. Added to this, the Irwin-street site is exposed to much noise and vibration from the traffic in the streets and to electric and magnetic disturbances from the Hay-street trams, so that work with high power microscopes and with delicate electric and magnetic apparatus would be rendered difficult, if not impossible. We think, therefore, that to build temporary laboratories on the Irwin-street site would be largely waste of money, and that an attempt should be made to place them from the start on a permanent site. If the

King's Park site were available, this could be done at once. The King's Park site can be reached from the Irwin-street site by means of the Hay-street tram in twenty minutes. Hence, by suitably arranging the time table, it would be possible for the present at any rate to hold the courses requiring laboratory work at the King's Park site and the purely lecture courses at Irwin-street. Owing to the greater distance, such an arrangement would be very inconvenient if the Crawley site or the West Subiaco site were adhered to. The University could not be moved to Crawley or West Subiaco piecemeal, but would have to be transferred as a whole during one long vacation—a rather formidable undertaking if all the laboratory equipment had to be moved at the same time. An important item to be considered in connection with laboratories is the supply of gas, water and electricity. All these would be available at once at the King's Park site; but, with the possible exception of electricity, would be difficult to obtain at West Subiaco or Crawley. In conclusion we would point out that, in view of the projected electrification of the Fremantle railway and laying of an electric tramway along the Fremantle-road, the Crawley and West Subiaco sites, like the Irwin-street site, would be exposed to electric and magnetic disturbance and to vibration.—We have the honour to be, Gentlemen, Your obedient Servants. (signed) W. J. Dakin, P. R. LeCouteur, J. W. Paterson, A. D. Ross, E. A. Weston, H. E. Whitfield, N. T. M. Wilsmore, W. G. Woolnough, members of the teaching staff. 1st October, 1913.

Those gentlemen who signed these memorials first as members of the whole teaching staff and secondly as teachers of pure and applied science, are at one, at all events as to the unsuitability of the Crawley site. With regard to the contention that they raise that King's Park site is the best possible, I may say that I am at variance with them. Personally I am not a believer in the alienation for building purposes of any portion of King's Park.

Hon. J. F. Cullen: They will not alienate it.

Hon. W. KINGSMILL: Perhaps I used the wrong expression. "Utilisation" is what I should have said, and whilst I do not wish to destroy without building up, I have a suggestion to make which may meet the case. With regard to these two memorials addressed to the Senate, I am rather inclined to suspect that the members of the teaching staff, from the interjection Sir Winthrop Hackett made, have possibly been rapped over the knuckles for their expression of opinion, because that hon. gentleman stated that we would not get those signatures again.

Hon. Sir J. W. Hackett: Nothing of the kind was dreamed of.

Hon. W. KINGSMILL: I am very glad to hear that. I suppose the change of opinion is due to something else. The hon. gentleman said when I read the signatures that it would not be possible to obtain them again. I do not want to obtain them again. I did not get them, but they are here. Whatever the propriety of the making of the suggestion may be, whether these gentlemen be, as I have said, one of the three component parts of the University, whether they are justified in offering their opinions or not, that opinion has been offered, and considering their status, and the use they will have to make of the University, and presumably the experience of University matters, which they bring to their assistance, I think that that opinion is worthy of being very well weighed, and I would ask this House to take due cognisance of it. What do we find with regard to the opinions of the component parts of the University? We have Convocation, comprising as it does the great body of the University of Western Australia, offering a very decided opinion against this site at Crawley.

Hon. J. F. Cullen: And in favour of King's Park.

Hon. W. KINGSMILL: That is No. 1. The great body of the University of Western Australia offer a decided objection to the Crawley site. The teaching staff of the University who, above all others, have to use that building and make

use of that site, also register in no uncertain terms their disfavour towards the Crawley site. Alone we have the Senate in favour of that site or, I should say, a majority of the Senate. Let us look at the constitution of the three bodies. We have in Convocation a body of men and women who, by University training, become members of Convocation. I am not, of course, going to say that a University training is the golden method of acquiring sufficient knowledge to enable one to pick unerringly the best site for a university, but I say if I had to consider the opinions of a body of men who were trained at universities, and who know the requirements and needs of universities, as against the opinion of a body of men not so trained, I should be inclined to accept the opinion of the former. We have, therefore, Convocation condemning this site. We have the teaching staff, a body of men with university training and experience, more practical and more recent even than that of Convocation, endorsing the wishes of Convocation. Against that we have the Senate, and the Senate after all, has not been elected so far by Convocation. There is little doubt whatever if that Senate had been so elected, its views on this matter would not be given in the same direction as at present. The Senate contains amongst others Government nominees, gentlemen for whom I have every respect. With two exceptions, they are at present Government nominees, and I have, personally, a very high regard for all the members of that body, but let me refer to some of those members. Let me take, for instance, the Minister for Education, the Minister for Lands, Mr. Burrowes, and Mr. Sommerville, who are absolutely and irredeemably bound to the system of workers' homes. They are therefore, perhaps unconsciously, biassed in the direction of supporting any claim whatever that will give them the fullest play for this, the dearest of their projects. Therefore is it not surprising to find even at the expense of giving the University a second rate site that they wish to spread this doctrine of workers' homes far and wide, and they feel that

the Premier who wished to acquire the University endowment lands for the purpose of workers' homes, can only acquire that land by the process of exchanging it for the Crawley site, a process which I consider is unfair and is actuated by a spirit we should not support. With regard to alternative sites, King's Park has been mentioned. I most certainly would not agree to any utilisation of any portion of the park for building purposes. I would like to see it preserved in its entirety. The site of West Subiaco I would infinitely prefer to that of King's Park or Crawley. At the same time the West Subiaco site is put out of court by the exigencies of the needs of the science teachers who demand that there shall be absence from vibration, absence from currents which are induced by the presence of electric wires which carry those strong currents in the vicinity of the site. Therefore that does not fill the bill. Again I come back to what I contend is the proper site for this University. And in saying that I still think that the University should be situated on the piece of land comprised in the Observatory and High School reserves, right opposite this House, I wish to explain that I do not look upon the University as a sports club, neither do I think the University is solely a recreation ground. I say the University is an educational institution, and for that purpose the land which is there, dominating, as it does, the City of Perth, comprises the best site in Western Australia for any great public building, and the Government are not doing their duty to the citizens of Perth, or to the citizens of Western Australia if they allow this land to be utilised for any such unworthy purpose—and I speak with all due respect—

Hon. J. F. Cullen : Not unworthy purpose.

Hon. W. KINGSMILL : Unworthy purpose. I say any building is unworthy of the magnificent site it offers, which is not the most dignified and most important public building that can be erected on it. That land is being thrown away and wasted if the Government con-

tinue to devote it to the purpose it is now being devoted to.

Hon. E. M. Clarke : They are building there now.

Hon. W. KINGSMILL : Exactly, and there lies the need for urgent, immediate and decisive action. The land is ample for all the needs of a University. If it is so important to give the University a play ground—and I am inclined to believe from recent utterances that one of the principal objects of the University appears to be to have a playground—if that is so, let them have the use of 15 or 20 acres in King's Park, but let us remember that we are building a University, and not establishing a playground, and if 18 acres of building room is not sufficient for the University, the institution goes far beyond the ideas of most people who have given the subject any thought. I hope the Bill will be condemned for all the reasons I have enumerated. It should be condemned first of all because it contains a principle antagonistic to the wish of Parliament, as expressed in the two Acts now on the statute-book, whereby lands which are to be the subject of this exchange were made permanent endowments of the University. That is one reason. It is wrong, too, because it ensures as a site for the University a position which is in no way suitable, which is condemned first of all by Convocation, and secondly by the teaching staff of the University. It is condemned thirdly, and most of all perhaps, because underlying this Bill is a principle that should not enter into it, that instead of being happy and privileged to find a site for the most important public institution in Western Australia, the Government have approached the transaction in a huckstering, commercial spirit, and made it the subject of a very hard bargain indeed. I do not know that I have anything more to say, but I hope that what I have said will be sufficient to convince other hon. members, as it has convinced me, that the Bill is not in the best interests of Western Australia, and that it is certainly not in the best interests of the University. For those reasons I propose to oppose the second reading.

Hon. J. F. CULLEN (South-East): Hon. members will remember that I had the honour of moving a resolution on this question last year in favour of a triangular arrangement to be mutually agreed upon, whereby the Government would get the West Subiaco lands for workers' homes, King's Park would get the Crawley estate, something like 160 acres, and the University should be placed on such portion in King's Park as the Government, the Senate, and the King's Park Board might agree upon. That was my proposal. At that time there were not many persons in favour of utilising part of King's Park for the University, and to my great regret I could not get a majority in this House to go the whole length with me, but they went so far as to say that Crawley was not the best place for the University. Since that time two very important pronouncements have been made in favour of King's Park. Mr. Kingsmill had read those two pronouncements to this House, or rather he has read one of the pronouncements and referred to another, and I can understand with what reluctance he read the whole of one of the statements.

Hon. W. Kingsmill: I want to be fair.

Hon. J. F. CULLEN: Like myself, he wants to be fair. The documents he read supported his own views as far as disapprobation of Crawley as a site for the University was concerned, but they went beyond his views in recommending King's Park. I can understand the Chancellor and other members of the Senate unconsciously getting into a false view of the position. I think that in their minds they are the body to settle all these questions; at all events, that they and the Government should settle them, and no other dogs should bark. I want to remind them that important as are their functions, they are only a provisional senate, a senate because of their appointment on the sole nomination by the Government, pending the time when the proper body under the University law shall elect two-thirds of the Senate. Pending that time they are acting provisionally, and provisional authorities should go very softly and tentatively and with no assump-

tion of absolute authority whatever. I am saying this with all due respect to the Chancellor of the Senate. They are a provisional body holding a position until the lawfully constituted constituency, which is Convocation, shall get control of the University in all its bearings. Naturally, the Government of the day nominated very largely their own friends on the Senate, and perforce they also nominated a few well known University men, but it is not a real University Senate in keeping with the historic idea of great educational establishments. They are a provisional Senate, to do the best with the light they have, until Convocation gets into its stride. Now having administered gently that very needful piece of caution, I want the Senate, from the position they really occupy, to look at this question in the light of what will come, not next year or the year after, but away in future generations. They have now, as a provisional Senate, to help the Government and the young Convocation, and to help the people of the country to make the best selection of a site for all time for the principal institution of the country. Really more important than Parliament itself, more important than Government, is the education and forming of the minds of the people of this country. The educator is the most important factor in the making of a nation, and this crowning work of the educational system of the country is the greatest work to which Parliament can address itself. Therefore, I hope that no temporary senator will say "I must have my own way," and because the majority of this provisional Senate have come to a decision, why should that handful of very excellent men try to force their views on the country? I want the Senate to weigh very seriously the expression of opinion by Convocation. It is almost unanimous that the University buildings should be placed in King's Park. The expression of opinion by the professional staff, who are really the best authorities on the purely educational side of the question, was "Do not put us out of the way at Crawley, and do not put us on the railway or the electric system of the State at West Subiaco; give us a commanding site-

away from the din and vibration of great City movements; give us a site in King's Park." What is there against this? The Chancellor, and a few other active senators, said "You must not mention King's Park. We will never hear of it while there is breath in our bodies." All right, but calm down. Never mind these heroics. And what is there against placing the University buildings in King's Park? Oh! it is the great park of the country. Yes, but we are giving it 165 acres more, not outside land, but land lying in to King's Park, and perfecting it by giving it a magnificent water frontage on the river—an absolutely necessary completion of King's Park. The park is not complete without this other area. We are giving it 165 acres of additional land, and what are we asking? Not that anything should be alienated or cut off, but that provision should be given for the erection of the most ornamental and important structure of the country on portion of King's Park. Probably at the outside 50 acres would be ample, as against the 165 acres we are throwing into King's Park. When heroics are dropped, and old fetish notions are dropped, what is there against placing the University in King's Park? Nothing whatever. I want to speak seriously to Ministers of the Crown who are in this House. The Ministers of the Crown and their colleagues want, as a business transaction on what they believe to be absolutely fair lines, to utilise, not to alienate, some 360 acres of the West Subiaco lands for the purpose of workers' homes, a purpose that this House, and the other House, with almost absolute unanimity, founded and established in this country. As to the actual value of the West Subiaco lands and Crawley, respectively, I do not give my opinion. I am willing to take the opinion of experts in land valuation who have been consulted in all good faith by the Senate and the Government. There is no need to be nice about it, for it all remains public property. And why should we quarrel over £100 or £1,000? It does not matter, it is all for public purposes. It is essential that the Crawley lands should be maintained for public

recreation. They must not be put to other uses. There would be no difficulty at all in agreeing to throw Crawley into King's Park. Where is there any reason why the University buildings should not be placed in King's Park? There are 1,000 acres now, and 165 acres to be added, making 1,165, or about 1,200 altogether, and the State, for the grandest object of all, will utilise about 50 acres out of 1,200 for its magnificent University buildings. Surely this amicable triangular arrangement should appeal to every patriotic man in this House and the country. The actual carrying out of the legal steps is a very small matter; if Parliament comes to an agreement on the matter there will be no difficulty. The Senate, the Government, and the King's Park committee can carry out the views of Parliament. There is no difficulty about that whatever, but I can understand a member like the hon. Mr. Kingsmill saying "I object to this Bill as it stands now. This Bill simply effects an exchange of Crawley for West Subiaco, and really compels the Senate to erect the University buildings at Crawley." I can understand the hon. Mr. Kingsmill and other members taking that view, and I will take the same view if the Government will not face the further step of making available for the University the necessary lands on King's Park. What I want to impress on the Colonial Secretary and the Honorary Minister is this: that they should place the matter before their colleagues. We want three steps in this Bill carried out, and the University site settled. Very well then: we must face the whole question and the proper course is for the Government to put the whole settlement in this Bill. If the second reading of the measure is carried—and I do not think it will be unless Ministers take this action—if it is carried, whether the Ministers take action or not, I will submit an amendment in Committee to add on this third step. But I recognise that that is not the best way to do it. It is a matter for the Government to face courageously, and I say to Ministers "If you want the West Subiaco lands, and you do, and I am ready to help

you to get them, and if Crawley is to serve its proper purpose, the purpose for which it was bought, that of a recreation ground for all time for the people—and a site is to be found for the University, here is the course for you.” That course is to complete this Bill by altering the final clause to say that Crawley estate shall be added to King’s Park as a reserve for public recreation for all time, and that the necessary area—and I am not anxious for it to be tied to any particular acreage—I think Convocation are not far out in mentioning 50 acres—I do not think there is any need to be nice about it—it is for splendid buildings, and plantations around them, making really the finest feature of the park lands, as the Sydney University, with its magnificent buildings, has made the finest feature of the park lands connected with it. The whole area of the Sydney University lands is about 126 acres, but there, in addition to the great hall and all the schools, there are affiliated colleges, a women’s college and four colleges belonging to religious bodies, and there is the Prince Alfred hospital as an adjunct to the medical school, and then there are all the laboratories as well as the schools. On that area of 126 acres there are large portions of beautiful park lands and plantations. It is one of the beauty spots of the city of Sydney, just as that part of King’s Park would be the most attractive place for all visitors and for the people in this State. I seriously urge Ministers to face the question in connection with this Bill. Otherwise they cannot possibly get the West Subiaco lands for their workers’ homes, and this question of the University will be hung up, as it ought not to be hung up, for no one can say how long. In addition to appealing to Ministers I appeal to the Chancellor. He has done magnificent work in the history of this country, and I appeal to him to crown that magnificent work by getting this University problem settled. He can do it; he has enormous influence that he has earned and which properly belongs to him. If the Chancellor and the Ministers of the Crown would put their heads together this question would be settled in an

hour, and both Houses of Parliament, I am sure, will be delighted to give effect to some such scheme as I have outlined.

Hon. C. SOMMERS (Metropolitan) : I think every well-wisher of the University would be glad to see the question of the site settled as early as possible. I have listened with great interest to speeches just delivered, and I must say that since the Bill was last before the House I have given considerable thought to the matter. I have inspected the various sites, and I am strongly of opinion now that Mr. Cullen is right. I am satisfied that Crawley is not the best site. I have given a great deal of thought to the recommendation made by the staff and by Convocation and I really think that in giving up a portion of the park for University purposes it would beautify the park and the great bulk of the land would be still available to the public, while King’s Park itself would greatly benefit by having the increased area it would acquire through the addition of the Crawley land. Mr. Cullen has properly said that the park is not complete without having that fore shore, that beautiful piece of picnic ground, and seeing that the area is to be so greatly beneficial to King’s Park, I strongly urge the Government to accept the suggestion thrown out, and I strongly urge the Chancellor that he could very gracefully retire from the attitude he has previously taken up and accept the proposal. I am certain that with the great influence he has in all public matters, with the Ministry, would soon come to an arrangement acceptable to all concerned. The more one thinks about the matter the more it seems that a great institution like this should have the very finest site we can possibly give it. I would be one of the last to sacrifice the area of King’s Park, but with a proposal such as this adding as it does the Crawley land, I do not think it need be questioned for a moment, as I am thoroughly of the opinion that in carrying out the suggestion made by Mr. Cullen we would be doing the right thing.

Hon. J. W. KIRWAN (South) : I spoke on this question during last session, and the views I expressed on the

occasion are very similar to the views which have been given utterance to by Mr. Cullen and Mr. Sommers. In the speech I made when this question was before the House—it was delivered on the 7th November, 1912—I took the same view as they do, that I do not consider the Crawley site the best site available. I certainly think that a portion of King's Park—the Thomas street corner—would be the best site for the University. At the same time, for the reasons which I gave on that occasion, if a division be taken on this Bill I will vote for it. A very remarkable thing in connection with the speech that is reported in *Hansard*—although I daresay the professors never saw that speech, and I have not discussed the matter with any of them—is that the recommendations that they make on this question are almost identical with the opinions laid down in that speech. I have before me a recommendation made by the teaching staff of the University, unanimously I think. Twelve members have signed it. The recommendation comes from a very responsible body, a body that I am sure members of this House will regard as an authority that should be respected. The recommendation of that body is of such a nature that I fail to see how if we intend to follow it, we can do other than support the Bill now before the House. They are in favour of the three-cornered exchange which is being advocated by Mr. Cullen. I think I had better read this memorandum.

Hon. J. F. Cullen : It has just been read by the hon. Mr. Kingsmill.

Hon. J. W. KIRWAN : I was not in when Mr. Kingsmill was delivering his address. This memorandum clearly shows that the professors' desire is that this Bill shall be carried. The recommendation for the three-cornered exchange could not be possibly carried out unless the University authorities have control of Crawley. If they have control of Crawley then it will be for them to endeavour, and I know a number of the members of the Senate are in favour of the King's Park site, with the assistance of others interested, to

get an exchange effected for the particular portion of King's Park which so many people advocate.

Hon. W. Kingsmill : Crawley can be given to the University.

Hon. J. W. KIRWAN : I rather think that the best course to adopt would be to pass the Bill. Then the University would have control of Crawley, and those interested in the matter could endeavour to have this exchange effected, which I for one would like to see brought about.

Hon. J. F. Cullen : The Bill binds them to build on Crawley.

Hon. J. W. KIRWAN : I have the Bill, but I do not see which particular clause binds them.

Hon. J. F. Cullen : The last clause.

Hon. J. W. KIRWAN : Even so, in any subsequent exchange which might be effected regarding King's Park it would be necessary to have legislation. Just now the hon. member waived my point aside by saying these matters could be easily arranged by Parliament. Surely, then, a matter of this kind could be easily arranged. It is exceedingly important that the question of site should be settled. There are many reasons why the question of site should be settled as soon as possible. Personally I take the view that although I do not like Crawley site, although I do not consider it the best site, still the question of site is so important that I would prefer that Crawley should be selected than that we should have to wait for years with all this wrangling and difficulty to be continued. When a deputation from the Senate waited upon the Premier in connection with the matter of accommodation the Premier took a stand with which I think the House must agree. He said he very much disliked giving money continually for temporary buildings, that he would much rather give a larger amount of money to be utilised in the provision of permanent buildings so that there would be a permanent advantage from it. He went on to say he did not wish in any way to dictate as to what particular site should be chosen, that that was for the Univer-

sity authorities. He made that plain, but he said that the Government wanted a definite site chosen so that when they should come to him for money for buildings the buildings to be erected would be of a permanent nature. It is well known that at present the University is in considerable difficulties in respect to accommodation. The University has been established only one year, and next year, in addition to the students who have attended this year, there will also be first year students. The trouble will be still greater, and in the meantime the professors are at their wits' end to obtain accommodation for their laboratories and all the other requirements. I understand some apparatus that has come through has not been unpacked, because there is no room in which to utilise it to advantage. There is constant pressure upon those in charge of the University to provide accommodation for the rapidly growing needs of the institution, and in view of this and of the position taken up by the Premier, with which I think everybody who has the interests of the University at heart must fully sympathise, I sincerely hope the Bill will not be rejected and that some endeavour will be made to have a permanent site fixed as soon as possible. As for the suggestions thrown out by Mr. Cullen and Mr. Sommers, everyone interested in the University would be greatly pleased if the Chancellor would see the Government and endeavour to arrive at some arrangement in connection with the matter. It is not in any way a party matter, but something ought to be done to have this question settled once and for all. We each have our own particular fad, as it may be called, as to what site is the best. Mr. Kingsmill, who has always been interested in the question, considers the Observatory site the best, Mr. Cullen holds that the best site is that at Kings' Park, while Sir Winthrop Hackett is of opinion that Crawley is the best, and others again favour Subiaco.

Hon. Sir J. W. Hackett: As a matter of fact I do not. I have already given my opinion about that, several times.

Hon. J. W. KIRWAN: I think we have all regarded Sir Winthrop Hackett as an advocate for the Crawley site.

Hon. Sir J. W. Hackett: Yes, I am as being the best available.

Hon. J. W. KIRWAN: Of course, "available" is understood. However, in order to settle this question there must be some spirit of give and take, of compromise. Whatever site the majority seem to favour, I wish it were selected without delay, because I believe the efficiency of the University will be seriously impaired if this sort of thing goes on much longer. I am afraid the longer the site remains unsettled the stronger the different parties will get in their particular beliefs as to their own pet sites, and the greater trouble there will be in eventually settling the question.

Hon. H. P. COLEBATCH (East): For the excellent reasons advanced by Mr. Kingsmill, I intend to vote against the second reading. I do not intend to repeat, in fact it would be unnecessary to repeat, the sound and cogent arguments he so ably put before the House. But the two main reasons, apart from those raised by Mr. Kingsmill, which animate me are these: As the matter stands at present, we have the University endowment lands at West Subiaco and a public reserve at Crawley. If this exchange is made we shall still have the University endowment lands, in another place and of lesser value, and the public reserve will have disappeared altogether. I have no hesitation in saying that in this connection the interests of the University have been made subordinate to the interests of the worker's homes proposition, which should never require support of this kind, which, properly administered, ought to be one of the best institutions in the State, but which is being administered in such a way that it seems to be necessary to bolster it up by stealing lands allocated by Parliament for a different purpose.

Hon. J. W. Kirwan: This is the party spirit introduced into a question in which no party spirit ought to come.

Hon. H. P. COLEBATCH: It is all very well to say keep quiet about it and

discuss merely the University site, and reach a proper spirit of compromise in regard to that site, and under that spirit of compromise get hold of these lands; but it is a policy that does not suit me. I object to Crawley as a place of public recreation being taken away from the people. I know of no other place around Perth so necessary and desirable as a camping ground and a summer resort for those of the people of Perth who cannot go further afield and who cannot afford more expensive forms of amusement. In their interests alone, the party in power should be zealous in preserving Crawley, even more zealous than in preserving King's Park itself; because, in my opinion, Crawley is of more value to the working people in the vicinity of Perth than is King's Park. So far as the other portion of the proposal is concerned, I say there is no excuse for taking these West Subiaco endowment lands away from the University and turning them to the purpose of workers' homes. This scheme properly administered should be able to run itself. Any land required for these workers' homes the board should be able to purchase, and the men going to live in the homes should be able to pay the interest on the money. There should be no necessity to donate lands for workers' homes. If the scheme is not capable of standing on its own bottom it should be capable, and would be if properly administered. In the Bill we have a practical admission that the workers' homes cannot be run on their own account, that it is necessary to get these endowment lands to bolster up the system. Instead of the £150,000 appropriated by Parliament for Workers' Homes, the commitments already made nearly approach half a million of money. I have nothing against the project of workers' homes itself. It is a great thing, and it is painful to feel that it is being killed by the method of administration. We must be influenced, at any rate I am, in a decision on this Bill, by the purposes to which these lands are to be put, and I say that from one end of the country to the other harm is being done, as it will be done in this in-

stance, by the way in which this workers' homes scheme is being administered. I know of cases of young men who would be well satisfied with homes of a value of from £200 to £250 for a start and who would be quite ready to improve those homes as they went along; but these young men have been persuaded to take £500 homes from the Government without putting down a single penny for them. These homes will be a burden upon them for years to come, and probably they will never be able to pay off the cost. Where the occupant of a worker's home requires more than £200 or £300 he should be compelled himself to provide some small proportion of the amount over that sum. The way in which the Act is being administered is ruinous to the finances and calculated to discourage instead of encouraging thrift in the community as it ought to have been. For these reasons I oppose the Bill, namely, because Crawley should be protected to the public, and because the workers' homes is a sound proposition if made to stand on its own bottom, but an unsound one if it is to be bolstered up by taking away the lands allocated for another purpose and devoting them to this scheme.

Hon. E. McLARTY (South-West): I have been paying attention to the various speakers and although I do not profess to have any great knowledge of this matter I may simply deal with the question of the exchange of the lands. It appears to me that if the site at Crawley is not considered suitable for the University, and failing to have the buildings erected on the site suggested by Mr. Kingsmill—which I think would be an admirable site, if not the best, but as I understand that already the High School have started to build on that site it will be impossible to put other buildings there. It appears that this portion of King's Park is very suitable for the purpose, and although I for one would object to that beautiful park being reduced in area, I think a very admirable exchange can be made if the King's Park Board obtain 164 acres with a water frontage at Crawley for 50 acres on the extreme end of the park. I do not think that the 50 acres

would be missed one bit, and it would be to the advantage of the King's Park Board to obtain other land for recreation purposes and for the use of the public, seeing that it has a fine water frontage. There is one thing I am not very clear about. I can hardly understand where the question of taking away the land at West Subiaco comes in. Could not it be arranged for the Government to hand over the land at Crawley to be added to King's Park, and that the 50 acres required for the University site be obtained without interfering with the endowment lands at all? I do not know whether there is any particular reason. If there is, I have not grasped it, but I do not see why the endowment lands should be brought into this question, or why the University should be deprived of them. These lands, in the not far distant future, must become of immense value. I would like to see the question of the University site settled, and the best possible position obtained for it, and I agree with every word spoken by the hon. Mr. Cullen who was very sincere in his remarks and endorsed by the hon. Mr. Sommers. I think it would be an advantageous exchange for the King's Park Board, and the 50 acres suggested would be an admirable site for the University.

On motion by Hon. Sir J. W. Hackett debate adjourned.

BILL—FREMANTLE IMPROVEMENT.

A message having been received notifying the Council that the Assembly had made the amendments pressed by the Council, consideration of the Bill resumed from the 4th November.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Title—agreed to.

Bill reported with amendments.

Recommendation.

On motion by Hon. M. L. Moss, Bill recommitted for the further consideration of Clause 4 and the schedules.

Clause 4—Poll may be demanded on question whether lands are to be acquired by the municipality:

Hon. M. L. MOSS: The second schedule was struck out, and Subclause 4 of Clause 4 relating to that schedule still stood. In Subclause 5 there was reference to the third schedule. It was necessary to retain the schedule standing as the third schedule in the Bill, and it would now become the second schedule, in order to get the proper question as to the acquisition of the land referred not to the ratepayers, but to the owners in accordance with the alteration made by the Council in Committee. He moved an amendment—

That in Subclause 4 "in the second schedule" be struck out and the words "by Section 447 of the Municipal Corporations Act, 1906" be inserted in lieu.

Amendment passed.

Hon. M. L. MOSS moved a further amendment—

That in Subclause 5 "third" be struck out and the word "second" inserted in lieu.

Hon. H. P. COLEBATCH: Some opinion he understood had been expressed by the Crown Law authorities in regard to this matter, and he would be glad if the hon. Mr. Moss would let the Committee know what it was. At present, he was at a loss to see why the provisions of the Municipal Corporations Act would not cover this particular case.

Hon. M. L. MOSS: The second schedule was struck out by the Committee and Subclause 4, relating to the schedule, still stood. The amendment was necessary to put the Bill into intelligent form. The observation of the Solicitor General was to the effect that the second schedule had been struck out, and Subclause 4, which referred to the second schedule, still stood, and the reference to the third schedule in Subclause 5 should be altered. Then the Solicitor General went on to assume that the necessary alterations could not be made by the Council, and that another procedure should be adopted, but, after discussing the matter with the Chairman, it had been decided that the

Committee had full powers. It was only desired that the constituents which the Council had decided upon, namely, the owners, should be able to vote on this question. The question of borrowing money for municipal schemes must come before the ratepayers also under the Municipal Corporations Act. It was necessary to have a direct question embodied in the Bill, and the question of the Municipal Corporations Act, relating to the raising of loans, would not fit this particular scheme.

Hon. J. F. CULLEN: The matter was quite plain now. He had at first been a little confused, as the hon. Mr. Colebatch appeared to be. The second schedule had been struck out, and it was now necessary to call what had been the third schedule the second schedule. The Committee had made a simple oversight by leaving Sub-clauses 4 and 5 as they stood. These were really consequential amendments, and he was glad that a settlement had been arrived at between the two Houses.

Hon. H. P. COLEBATCH: There was no intention on his part to offer any opposition. He agreed that this was an oversight, but he could not agree with the attitude of the hon. Mr. Moss. He still maintained that the provisions of the Municipal Corporations Act would be ample. That Act gave power to borrow money for works or undertakings, or to liquidate the principal moneys. Amongst the works and undertakings on which money could be borrowed were the widening of streets and the purchase of land. Having this measure to free them from the limitation in regard to ten times the annual rent, there was no reason why under the Municipal Corporations Act, the Fremantle Council could not have put forward their scheme.

Hon. M. L. MOSS: They might not want to borrow the money.

Hon. H. P. COLEBATCH: They would have to borrow it. They would not have £45,000 or £50,000 to devote to such a purchase.

Amendment put and passed.

New Schedule.

Hon. M. L. MOSS moved—

That the following be inserted to stand as the Second Schedule:—Voting Paper. Fremantle Improvement Act, 1913. Municipal District of Fremantle. Directions to Voter.—The voter shall indicate his vote as follows:—If he approves of the acquisition of the lands by the Council, he shall make a cross in the square opposite the word "Yes." If he disapproves of the acquisition of such lands, he shall make a cross in the square opposite the word "No." Question.—Do you approve of the acquisition by the Municipality of Fremantle of the lands mentioned and described in the Fremantle Improvement Act, 1913?

☐ YES.

☐ NO.

New Schedule passed.

Bill reported with an amendment and returned to the Assembly with a request that the further amendments be made; leave being given to sit again on receipt of a Message from the Assembly.

House adjourned at 8.48 p.m.