before undertaking them elsewhere unless there is a genuine demand that those abattoirs should be provided by us, and under the supervision of the Department of Agriculture. As a matter of fact where a municipality expresses a keen desire to provide for the erection of municipal abattoirs, we are willing that they should be permitted to do so, so long as the abattoirs comply with the requirements of the Abattoirs Act, and are approved by the Department of Agriculture, which administers that Act.

Mr. Dooley: Is it not a practicable scheme to take the two together, with the object of establishing chilling works in a small way?

The MINISTER FOR LANDS: No, I cannot agree that there is any immediate need or justification in the present state of the market for the erection of chilling works at Geraldton; because as a matter of fact there are no insuperable difficulties in the way of bringing live stock from the Geraldton district to where the consumers are crying out at the present time. As a matter of fact hon. members will probably know that during the past month or two the butchers have been selling mutton in some instances at less than it costs them, and then making up their deficiency by the profits derived from other portions of their meat supply, on beef, for instance. Owing to the very high cost of mutton in the market butchers have had to pay as high as 30s. and 32s. for fat stock for butchering purposes, and I believe that only to-day fat stock brought 23s. and 24s. So long as those prices can be realised by stock raisers in Western Australia they have not very much need to worry about the export trade. Under the circumstances while I am willing to discuss with the local authorities the question of the erection of abattoirs, and willing to meet them in order to determine whether they are desirous of providing municipal abattoirs, or whether, as at Kalgoorlie, they are anxious the department should do it; and while, of course, those abattoirs, if erected, would be designed with a view ultimately, when circumstances warrant it, of slaughtering for export purposes, I cannot at the present time agree with the hon. member that the erection of chilling works at the port of Geraldton is an immediate necessity, and by so doing commit the Government to acquiesce in any proposal to erect chilling works for export purposes at Geraldton at the present time. Whilst we are prepared, and intend to provide those works when the local consumption has been provided for, and when there is a marketable surplus of suitable types, I propose, at the present juncture, to ask the Committee to amend the motion. I move an amendment—

That in lines 7 and 8 the words "an immediate necessity" be struck out and "desirable" inserted in lieu.

On motion by Hon. J. Mitchell debate adjourned.

House adjourned at 9.58 p.m.

Legislative Assembly,

Thursday, 5th September, 1912.

The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTION — WICKEPIN - MERREDIN RAILWAY SELECT COMMITTEE.

Cost of Country Trip.

Mr. GREEN asked the Chairman of the Select Committee on the deviation of the Wickepin to Merredin railway: 1.

What was the total number of persons who made the recent trip from Doodlakine to Wickepin in connection with the select committee on the Wickepin to Merredin railway? 2, What was the number of motor cars employed? 3, Cost of these motor cars? 4, Time occupied on trip? 5, Total cost of travelling expenses of party?

Mr. UNDERWOOD: On a point of order, I should like to ask if our Standing Orders provide that a question may be asked of a private member?

Mr. SPEAKER: According to Standing Order 107 the hon. member for Kalgoorlie is in order in asking the question.

Mr. B. J. STUBBS replied: 1, Ten, including two chauffeurs. 2, Two. 3, £60. 4, Five days. 5, An account from the Railway Department is not yet to hand, but as near as can be estimated the total cost will not exceed £95. (Note.—The Committee examined over 100 witnesses, as will be seen from the above answers, at a cost of less than 20s. per witness; whereas the train fare alone to bring even one of them to Perth to be examined would have cost over £2.)

LEAVE OF ABSENCE.

On motion by Mr. HEITMANN leave of absence granted to Mr. Price on the ground of urgent private business.

BILLS (2)—THIRD READING.

1, Industrial Arbitration.

2, Pearling.

Transmitted to the Legislative Council.

DISRESPECT TO THE CHAIR.

Mr. SWAN: I desire to ask you, Mr. Speaker, if it is necessary for me to give notice when I intend leaving my seat.

Mr. SPEAKER: Is the hon. member rising to a point of order?

Mr. SWAN: I rose because I consider that your action in calling me to account for walking down the gangway a few moments ago was not justified.

Mr. UNDERWOOD: I, too, would like information on that point. When a member is walking down the gangway and you rise to put the question what seat is he to take? Is he to walk back to his own seat, or take the seat of some other hon. member?

Mr. SPEAKER: I do not think there is any difficulty whatever about that question. The Standing Orders provide that when the Speaker rises to put a question members shall be silent and remain in their places. Therefore if a member is not in his place he can take the nearest seat available to him and there should be no difficulty about that at all. If members are leaving an ordinary meeting they ask the permission of the Chairman before they leave. That is not necessary here and is not asked for, but the only thing asked for is that the Standing Orders shall be obeyed and that when the Speaker rises to put a question members shall remain silent and keep their places.

Mr. SWAN: It is my desire to obey the Standing Orders as nearly as possible, but considering I was in the act of walking down the passage before you got on your feet to put the question and it is quite possible all those seats would have been full. I would like to know how I could comply with what you say.

Mr. SPEAKER: I do not think there is the slightest difficulty whatever. It is not my province to wait until a member moves from one portion of the House to another, as I frequently do wait. I ask only that when I rise to put a question members, as has always been the custom, shall remain silent and take their seats. Surely that is the ordinary respect which should be paid to the chairman of any meeting.

Mr. UNDERWOOD: I am still in a quandary and it does not seem to me that my question has been answered. If a member is away from his seat, how can he keep his place, and if he is not in his place, how can he get back and remain silent and not move? I do not see how he can get to his place; that is the difficulty.

Mr. SPEAKER: I have told the hon. member he may take the nearest seat available.

Mr. Underwood: What if there is none available?

Mr. SPEAKER: There are always plenty of seats available. Anyhow, I have given my decision. The Standing Orders provide for a certain course of conduct, and I ask that the Standing Orders shall be obeyed.

BILL—UNCLAIMED MONEYS.

Second Reading.

The PREMIER (Hon. J. Scaddan) in moving the second reading said: The Bill that I have the pleasure of submitting for the consideration of this House has been distributed now for some days, and I hope members have taken the opportunity of reading it, because, if they have done so, it is self explanatory.

Hon. Frank Wilson: All Bills are supposed to be that if you can only grasp them.

The PREMIER: No, they are not always so, but in this case there is little or nothing left that requires explanation because the Bill provides all that is necessary. The hon. member will know that most Bills provide for regulations, and it is necessary to explain how these regulations are likely to apply; but in this Bill there is no provision for regulations, because the Bill embraces the whole law in itself. The question of enacting a measure of this kind has been under consideration for some time by previous Governments, and I am prepared to say that previous Governments have admitted the desirability of passing such a Bill. It is already enacted in South Australia, Victoria, and New Zealand, although in those places there is some little difference in the manner in which the money is used when once paid to the Colonial Treasurer. For instance, in Victoria, it is provided that the money should be paid into an unclaimed moneys fund and it is utilised by the Treasurer for investment, and the only amount paid to the credit of Consolidated Revenue is the interest earned. In the event of the lawful owner eventually claiming the money, it is paid to him without the amount of interest earned, so that it is always there for the rightful owner to claim at any time. In South Australia a different system prevails. There it is paid into the Consolidated Revenue Fund, and while the Treasurer is liable, if the rghtful owner should claim it, it has to be drawn from Consolidated Revenue. Under this Bill we provide that the money so paid in by banks, companies, and other firms shall be paid into an unclaimed moneys fund held by the Treasurer and invested by him as thought desirable, and the money earned by way of interest is to be paid to the credit of the Consolidated Revenue Fund. The amount, however, is really held in trust for the rightful owner for all time, and should he come and prove that he is the rightful owner, the money must be paid to him, although no interest will be allowed. The Bill applies to every company which, having for its object the acquisition of gain, is registered or incorporated in Western Australia under any Act relating to companies and to every company registered elsewhere than in Western Australia and carrying on business in this State. It also applies to every banking or life assurance company or association, howsoever or wheresoever registered or incorporated, to every person or firm carrying on business as traders and acting as agents or private bankers for individuals or companies, to the liquidator or any company, and to the Government Savings Bank. It is not necessary for any company or firm to pay such money over to the Colonial Treasurer until it has been in their hands for six years without having been operated on, and until it has been entered in their register and advertised in the *Government Gazette* for a period of 12 months. Thus it will be seen that after that period it is pretty certain the owner is not to be found. If any operation is made by the owner during the six years, the law does not take effect until a further six years from the date of the last operation, and then the money is held by the Treasurer in trust for the rightful owner if he puts in

an appearance. There is one thing which appears to me to be unfair to the owner. He may have an account in the bank and for some reason has not operated upon it for six years, perhaps on account of having left the State; yet, in the meantime the bank is deducting from his account 10s. 6d. a half-year for keeping his account. As a matter of fact they are utilising his money, and, as they are making no entries in the ledger, it costs them nothing; but still they are deducting 10s. 6d. a half-year or a guinea a year for keeping the account until eventually the whole of his money is merged into the profit and loss account of the bank. In South Australia they had an enactment of this kind as far back as 1891, and at the beginning of 1910—the latest figures I have been able to obtain—they had £14,270 to the credit of the unclaimed moneys fund which has been invested as I explained previously. In Victoria the law has not been in operation very long, but on the 31st January, 1910, they had £2,672 in the fund, and the amount has considerably increased since. New Zealand has £16,107 to the credit of the fund, which is paid to Consolidated Revenue and utilised the same as any other payments into that fund. It will be noticed that "unclaimed moneys" is interpreted to mean all principal and interest money and all dividends, bonuses, profits and sums of money whatsoever owing to any person, notwithstanding that the recovery thereof may be barred by lapse of time. By the Statute of Limitations Act, after six years a bank may under existing conditions take that money, because it has lapsed without being claimed by the rightful owner, but I believe the banks have never put such a practice into operation. They have allowed the charge of 10s. 6d. a half year to go on until such time as the money became part of their profit and loss accounts. We hold that the money should be held by the State in trust for the rightful owner or for those to whom the money would go in the event of his death, and that in the meantime the money should be used as an investment on behalf of the State. The definition of "unclaimed moneys" goes on to state—

> which, on the commencement of this Act or at any time thereafter, have been in the possession of the company for a period of six years or upwards after the time when the same became payable, or when payment thereof might have been demanded or enforced, and in respect whereof no claim has for a period of six years, been made by the owner or any person lawfully claiming under him against the company.

Then we provide that they shall keep a register of unclaimed moneys and enter the amounts that have been in their hands six years without being operated on, and which are liable to be paid into this fund. They have to make a declaration that the entries in that register are correct and copies of the register must be published in the *Government Gazette* in January of each year. Such publication will give the rightful owner an opportunity to demand his money, but still, the money will be held by the bank for another twelve months and may be paid to the rightful owner should he demand it, so that it is something like seven years before the money goes into the hands of the Colonial Treasurer. That gives the rightful owner a fair opportunity to claim the money. Under the Savings Bank Act—that institution is also included—accounts not operated upon for seven years must be entered in a register and advertised, and if no claim is made upon it for ten years thereafter, it is then paid into the Consolidated Revenue Fund. As a matter of fact, a fair amount of money will be falling due in a very short period under that provision in the Savings Bank Act, but this Bill will repeal that provision and, instead of the money going into Consolidated Revenue and being absorbed, it will be paid into this fund and will be still available if the rightful owner puts in an appearance. Under the Savings Bank Act he would lose his money eventually, which is not right, but of course under this Bill any interest earned by the money would not be payable to the owner. The penalty for failing to keep a register or for making a false entry is £2 for every day during which the default continues. The Bill also provides for penalties which

are necessary for the purpose of making certain that the measure has been complied with. It is true that the penalties are not heavy, but I think they are sufficient for the purpose of making the law effective. I hold that a law is not a law unless it has a penalty, but at the same time a light penalty in a case of this kind will be all that is necessary, because the banks and other companies affected by this Bill are responsible bodies carrying on such a business, that it would be undesirable for them not to comply with the law, because if they did it would doubtless be to their disadvantage as they would lose public support. The money may be invested by the Treasurer in the purchase of Government debentures or stock, and the interest derived is paid into the Consolidated Revenue Fund. If a company fails to pay the money to the Treasurer it shall be deemed a debt due to the Crown, and may be recovered in the usual fashion as any debt may be recovered. There is also provision that the Treasurer, should he pay a wrong person, is not liable for having done so, so long as he has taken reasonable precautions to satisfy himself that the person to whom he has paid the money is the rightful owner, but the rightful owner is given the right to make a claim in the ordinary way for the recovery of the sum from the person to whom the money is paid. The Bill does not apply to certain unclaimed moneys. Clause 10 provides that the Act shall not apply to the accounts of minors in the Government Savings Bank, nor to any unclaimed moneys which any trustee company is required by law to pay to the Treasurer, nor to any unclaimed moneys which any company or the liquidator of any company or any trustee of any bankrupt estate is required by law to pay into the Treasury. We do not propose to allow this Bill to conflict with any existing law. There are not many cases where it will do so, but this exemption clause will provide against any such thing occurring. Sections 32 and 33 of the Government Savings Bank Act are repealed by Clause 12. These sections provide that depositors' accounts which have not been operated upon for a period of seven years may, with the interest which may have been placed to the credit of such accounts, be balanced and closed and paid to the depositors' unclaimed fund and be made payable on demand without interest, but that after an account has appeared in the depositors' unclaimed fund, as advertised in the *Government Gazette*, for 10 years the balance shall be forfeited to the Crown. Much the same applies in this Bill as applies under the Government Savings Bank Act, with the exception that in the latter case, after being advertised for the period provided, the unclaimed amount becomes forfeitable to the Crown and the owner cannot recover it, whereas under this Bill the rightful owner can at any time put in an appearance and, if he can prove he is the owner, have the money paid to him. There are only two schedules to the Bill, one providing the form of register, and the other the form of declaration. The Bill explains itself. It is only calling upon companies that have in their hands moneys that are not operated on and the rightful owners of which cannot be found, to pay these moneys into the Treasury, and the Treasurer will act as trustee for the owners, and may pay them over to the owners if they put in an appearance at any period. The Bill protects the banks, the public, and the Government by providing that the list of unclaimed moneys shall be advertised for twelve months before being paid into the fund, and when the unclaimed moneys are in that fund they will be available to the owners at any time. I do not anticipate that there will be a large amount paid into the fund for some time, except a little from the Government Savings Bank. Perhaps after two years time the fund will amount to nothing more than £8,000 or £10,000.

Hon. FRANK WILSON (Sussex): I have not had a chance of reading very carefully through this measure, but the principle of the Bill I am in accord with. We had a similar measure on the stocks a year or two ago.

The Premier: This is your Bill we have taken up.

Hon. FRANK WILSON: I did not recognise it, but I am quite prepared to accept the Premier's word that it is.

The Premier: There is a slight alteration or two, only so far as the Savings Bank, I think.

Hon. FRANK WILSON: It is a proper thing that these unclaimed policies should be deposited with the Government. I am only doubtful whether the Premier is not going too far in bringing all private individuals under the Bill.

The Premier: Only when they are acting as agents or bankers.

Hon. FRANK WILSON: That relieves the public of a considerable amount of disability. I thought at the first glance that every individual would be brought under the measure, and that if a man happened to have £5 belonging to someone else who had not claimed it for six years, he would have to keep a register and pay it into the Treasury. As a rule, when you hold other people's money they are there to claim it very soon after it comes into your possession. I do not think the Bill needs much discussion. I agree with the Premier that it is hardly well, especially in a young country like this where the balances are small, to permit them to lie to the credit of the different individuals in the different banking institutions until the charge for keeping the accounts has swallowed them up. I believe Western Australia is being treated very badly with regard to this charge for keeping accounts. I never could understand why we should be mulct in a guinea a year when the banks in the Eastern States charge only half a guinea.

Mr. George: Why charge at all?

Hon. FRANK WILSON: I do not know that a small charge is not perhaps justifiable for keeping an account, but I do not see why Western Australia should have a double charge placed upon depositors. Of course it goes without saying that if it is justifiable to make the charge on a live account, it certainly is unjustifiable to charge on a dormant account year by year until it is wiped out. However, the Bill will remedy that defect after six years. By having the money deposited with the Government we will do away with that charge which is certainly unjust in the circumstances. I am surprised to notice the very small amount that has been placed in the hands of the Governments in the Eastern States under similar legislation. I thought when I was Treasurer that I would be able to lay my hands on a considerably larger sum of money than the amount mentioned by the Premier as having been paid in under similar legislation in the Eastern States. About £14,000 in South Australia and £16,000 in New Zealand, though I do not know how long the legislation has been in vogue, seems a very small sum to have accumulated by way of unclaimed balances; and if that is all we are going to get in Western Australia I do not see where it is worth while legislating for, but I suppose we may look forward to the time when it will be a much larger sum.

The Premier: They have materially increased since. In the first few years it does not operate to any extent. Under this Bill we could not get anything until January, 1914.

Hon. FRANK WILSON: Of course the list will have to be gazetted for twelve months, but there is the past six years. Anything unclaimed for the past six years will come into the Treasurer's hands in twelve months, and every year there will be something due to be paid to the Treasurer under the Bill. When we were drafting this measure I understood there was strenuous opposition by the financial houses, but one can hardly see what their object would be in opposing a measure of this sort if the amount was so small. If it amounts to only a few thousand pounds each year, it cannot be of much moment to financial institutions, at any rate, whether they like it or not. It seems a proper principle to adopt that the money belonging to people who have not laid claim to it should be in the hands and custody of the Government. I am glad that the Premier has provided in the Bill that this money shall be invested. I do not believe in the principle of utilising it except in the manner indicated. Of course the provision is that it may be borrowed by the Government, inasmuch as it may be invested in the debentures or inscribed stock of the State. That is the right way to carry out this business. I do not think

I have anything further to say in regard to the measure. It is a simple measure, as the Premier points out, and I think we may safely pass it into law.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Holman in the Chair; the Premier in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

Mr. GEORGE: Paragraph (e) dealt with the liquidator of any company. Would the Premier inform the Committee whether that paragraph would also deal with whatever may be in the hands of the Official Receiver? In the old country some years ago the Right Hon. Joseph Chamberlain introduced a Bill to deal with several millions of money which represented balances from estates in liquidation. Presumably the paragraph also meant the liquidator of a bankrupt estate. Whether the liquidator be associated with a company or an individual, whatever money there was in the estate which remained unclaimed should certainly be in the hands of the Government.

The PREMIER: The paragraph, he thought, did not apply to the Official Receiver in Bankruptcy because he could not be held to be the liquidator of a company. There existed another law which provided that the money should be held by the Government in trust, although he was not certain whether it provided that that money should be invested. The Official Receiver was only the name of the officer and he did not hold the money. What the hon. member suggested might be brought under the provisions of the Bill but it would not change the procedure adopted by the Official Receiver.

Mr. GEORGE: It might be advisable in the paragraph to add after "the liquidator of any company" the words "or business or individual," and that would establish the point he was making, even apart from the Official Receiver. Although we did not have an Act similar to the one introduced by Mr. Chamberlain there were dispositions of estates here as a sort of friendly arrangement between a debtor and his creditors, and the estate was put in the hands of some responsible person. Even in cases such as these the State should secure whatever balance might be left, and the Bill ought to provide for it.

The Attorney General: That is provided for in the Bankruptcy Act.

Mr. GEORGE: The one which was on the stocks?

The Attorney General: No, the existing law.

Mr. GEORGE: If it was provided for it would be all right.

Mr. HUDSON: The Bill might well be amended in the direction suggested by the member for Murray-Wellington, so as to include trustees under a private assignment. It was suggested that they might be holding money dishonestly; that might be so. The trustee of a debtor, holding money for the creditors, might receive, say £1,000, and he would distribute that according to the number of creditors of whom he had notice. He might allot, say, £10 of that money to one of the creditors who might not claim it. The money would be held by the trustee and if he held it for six years it should then pass to the State.

The PREMIER: The point raised would be taken into consideration and, if necessary, an amendment would be made in another place.

Mr. HUDSON: This was done in Victoria some 10 or 12 years ago and it was bound to have a beneficial effect. We might go beyond that and appoint a public trustee.

Mr. GEORGE: The Premier might take into consideration the advisableness of adding the words which he had already suggested.

The PREMIER: If the hon. member looked at the interpretation of "company" he would find it was very wide. It meant "Every company which, having for its object the acquisition of gain, is registered or incorporated in Western Australia under any Act relating to companies." It might be pointed out that there was no precedent for what the hon. member desired to provide. The Acts of New Zealand, South Australia, and Victoria had no

such provision so far as he was aware, and it might be unwise to insert it in the Bill until the matter had been investigated more closely.

Clause put and passed.

Clause 3—agreed to.

Clause 4—Register to be published and declaration filed:

Mr. S. STUBBS: Paragraph (a) provided for the publication of a copy of the register in the *Government Gazette*. It might be advisable to publish it in a newspaper as well as the *Gazette* which, from his experience, was not read by more than one in every 10,000 people.

Mr. George: One in every 100,000.

The PREMIER: A good deal of misconception existed in connection with the publication of the *Government Gazette*. It was essential that there should be some official journal for the publication of such information and then, if a mistake happened to be made, the publication in the *Gazette* was always accepted as official and it amounted, practically, to a decision given by a court. A person who might be directly interested immediately turned up the *Government Gazette* and satisfied himself by referring to the particular item he wished to see. The member for Wagin might know that a number of matters, which were of public interest, were invariably copied from the *Gazette* by the newspapers, and, in fact, a great deal of news which appeared in the Press was taken from the *Gazette* without acknowledgment. It would be seen, therefore, that these matters reached the people. If they were published in a newspaper they could not be accepted in the same way as if they had appeared in the official organ, the *Gazette*.

Mr. S. STUBBS: It was the individual that he was concerned about. Suppose a relative of the Premier, or any hon. member, died, and the fact was not known, and suppose the fact of money remaining in a public institution which had to be divided among the deceased's relatives were published in the *Gazette*, it might escape notice, whereas if it were published in a newspaper the chances were that the relatives would get that money.

The PREMIER: If we were to follow the hon. member's argument to its logical conclusion we would make provision that the register should be published in every newspaper on earth; because, to take the hon. member's own illustration, his (the Premier's) relatives were all in America. The hon. member was losing sight of the fact that it did not matter at all if the owner of the money missed the publication of the register; because the amount would be paid in to his credit in the unclaimed moneys fund lying with the Treasurer, whereas under existing conditions the unclaimed money would be eventually absorbed in the profit and loss account of the bank by the periodical deduction of keeping fees.

Hon. FRANK WILSON: The publication of the register in the *Government Gazette* would be all that was necessary. It represented only an official act to record the sums lying unclaimed. Under existing conditions we never heard anything at all about such moneys. Indeed, several generations might pass away without becoming aware that the money was lying to their credit.

Mr. HUDSON: There did not appear to have been any provision made for the payment out of the unclaimed moneys for the publication of the register.

The Premier: Yes, it is provided for.

Clause put and passed.

Clause 5—agreed to.

Clause 6—Unclaimed moneys to be paid to the Treasurer.

The PREMIER: In Subclause 3 of this clause would be found provision for the deduction out of unclaimed moneys payable by the company the expenses paid by the company in the publication of the register.

Mr. GEORGE: This clause was referred to in Clause 11 in the following terms:—

> And such moneys may be recovered by such owner at any time before the same shall be paid to the Treasurer under Section 6, but not afterwards.

Were these words to be taken literally? Did it mean that once the money had

been paid to the Treasurer it could not be claimed?

The PREMIER: Clause 11 permitted the owner, when he was made acquainted that the money was to be paid over to the Treasurer, to claim his money from the bank or company at any time before it was actually paid over to the Treasurer. Without that clause the bank or company would have to pay the money to the Treasurer, from whom the owner could then claim. Under the clause the owner could claim the money so soon as he found it was lying to his credit at the bank, but he could not go to the company and claim his money after that money had been paid over to the Treasurer. It was merely a saving clase inserted for the protection of the company.

Clause put and passed.

Clauses 7 to 10—agreed to.

Clause 11—Effect of entry in register and its publication:

Mr. GEORGE moved an amendment—

That after "recovered" in line 4 the words "from the company" be inserted.

The insertion of these words would clear up all doubt as to the meaning of the clause.

The PREMIER: There was no serious objection to the amendment, if the hon. member thought it would serve to make the clause clearer. The object of the clause was to enable the owner to claim his money from the bank or company as soon as he learnt that it was there. The clause gave the company authority to pay the money to its owner instead of to the Treasurer.

Mr. Hudson: The owner could not claim the money from anyone but the company prior to its being handed over to the Treasurer.

The PREMIER: That was true. As a matter of fact the amendment was unnecessary, for the meaning of the clause was perfectly clear without the proposed additional words.

Mr. GEORGE: To his thinking, the meaning of the clause was anything but clear. Seeing that the amendment would serve to make clear the meaning of the clause, what objection could there be to its insertion?

The PREMIER: The hon. member ought not to press the amendment. Anyone would see at once that the meaning of the clause could only apply to the company, and that the concluding words of the clause were merely to protect the company. Once the company had paid over to the Treasurer, the owner had no rights against the company. Surely there was no occasion for the amendment.

Mr. HUDSON: The clause related solely to unclaimed moneys in the hands of a bank or company. There was no necessity for the amendment.

Hon. FRANK WILSON: Nobody was arguing that the clause was unnecessary. The mover of the amendment thought it was ambiguous, and that the concluding words of the clause might be construed as meaning that the owner could not claim from the Treasurer. In the present form of the clause the words "but not afterwards" really did give one pause. The doubt would be removed by the insertion of the words in the amendment.

Mr. GEORGE: The persons who left unclaimed moneys in the bank were generally untrained men who did not understand the niceties of language, and on seeing the wording of this clause they would at once conclude they could not claim their money.

The ATTORNEY GENERAL: To insert the amendment would show that the Committee were lacking in faith in the understanding of their fellow men. The clause dealt with those moneys which were kept by those who had made an entry in the register, and it said that those moneys should not be prejudiced or affected by such register or publication, and that such moneys as those included in the register published by the company might be recovered by such owner at any time before the same had been paid to the Treasurer under Clause 6. It was clear that up to the moment of the company paying the amount over the rightful owner could recover his money from the company, but after it had gone into the possession of the Treasurer there was no claim as against the company.

Mr. George: Why not say it?

The ATTORNEY GENERAL: It was said as clearly as it could be without supposing all readers of Acts of Parliaments to be idiots who required the reiteration and elaboration of every phrase.

Mr. George: It is just about as clear as mud.

The ATTORNEY GENERAL: That was not the fault of the clause but of the inherent defect of the hon. member's understanding.

Mr. GEORGE: The Attorney General's remarks were not only discourteous, but they were also insulting. These matters were discussed about the camp fire more than the Attorney General had any conception of, and on the wording of the clause untrained men would be of opinion that they could not claim this money after it had been paid to the Treasurer. Did the Premier object to the insertion of the words or not?

Hon. W. C. Angwin (Honorary Minister): We are not going to be bombasted into it by you.

Mr. GEORGE: If the Premier had no objection to the words, why not put them in? If he had an objection, it was useless to say any more because the Government had their majority behind them.

The PREMIER: The Bill applied only to three persons, viz., the owner of the money, the company, and the Colonial Treasurer, and the clause provided that until the money came into the hands of the Colonial Treasurer the claim of the owner was against the company, but not afterwards. After that date the company was not responsible. That was stated as clearly as it possibly could be.

Amendment put and negatived.

Clause put and passed.

Clause 12—agreed to.

Schedules, Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—STATE HOTELS.

Second Reading.

The PREMIER (Hon. J. Scaddan) in moving the second reading, said: This is a short Bill, but a very important one. It is in keeping with the policy of the party sitting on this side of the House, and I believe that policy has been endorsed by the great majority of people throughout the State. In the present Licensing Act there is a provision, which was inserted by a previous Parliament with the concurrence of the then Government, that at a local option poll the people shall express an opinion as to whether they are in favour of new licenses in their district being held by the State, and also as to whether all general licenses in the district should be held by the State. At the local option poll held recently, the first one in this State, the great majority of the people in almost every licensing district voted in favour of new licenses being held by the State, and also State control of the licenses generally in their districts. That being the case, and it being part of the policy of this party that hotel licenses should be held by the State, I have brought forward this Bill in the hope that Parliament will view its provisions favourably. It will be noticed that on previous occasions, we have endeavoured to get an expression of opinion on, and an opportunity of putting into operation, what I consider a very desirable reform. I admit at once that there are a number of people in the State who object to the State controlling the liquor traffic by owning and conducting hotels, but practically the only objection they have is that they are being made a party to a traffic with which they entirely disagree. It is merely the prohibitionist who objects to the State controlling the liquor traffic in this fashion, and the remarkable thing is that most of those people who object do not at the same time object to the fact that the State is responsible by their laws for granting licenses held by private individuals, so that if there is anything in their objection and if Parliament is prepared to act in the direction they desire we should abolish all licenses. Otherwise they must as units of the community take the responsibility for permitting this traffic to continue. I have previously expressed the opinion that prohibition under existing conditions is not practicable.

The day may arrive when it will be possible to have prohibition, but I believe that it will only arrive after we have complete State control of the traffic, and so by State control we may bring about prohibition. In the meantime, as a temperance reform, and I wish to say I am not attached to any temperance society known as such, the Alliance or any other, I am desirous of removing the evil of the drink traffic, and the next Bill to be moved in the House is one by the Attorney General providing for the maintenance and care of inebriates. We are endeavouring to do our best to remove the evils which exist to-day, but in my opinion they cannot be removed, no matter how stringent the laws, so long as thousands of hotels remain in the hands of private individuals. The desire for gain is of such a nature that laws are frequently and always will be set aside in the interests of profit making. To-day there are undoubtedly vested interests existing in the liquor traffic perhaps second to none in any industry or calling, and the further we proceed the more difficult it is to break down that private investment and so long as it exists the evils will continue. Everyone knows that there are people in this State who are teetotallers and who disagree with the use of intoxicating liquors, and yet at the same time, are considerably interested in some of the breweries and hotels. While that is the case their personal interests are so strong that it becomes more difficult the further we proceed. State control, if administered sympathetically is not wholly in the direction of gain, but we would not be justified in running an hotel in the interests of the State and refusing to make profit. If we refuse to do that, we would have to sell liquor at such a low figure to ensure making no profit that we would be encouraging drinking.

Mr. Monger: Why do not you keep decent brands at your State hotels?

The PREMIER: I know nothing about brands of liquor and I hope the hon. member will not hold me responsible if poor brands are kept. I have to trust to my responsible officers. I do not know good liquor from bad from the taste. At the present time our State hotels are making a profit, but I venture to say, notwithstanding criticism to the contrary, that there are no hotels in this State which are better conducted than the three hotels at present controlled by the State, at Gwalia, Dwellingup, and at the Caves. I claim that these hotels are carried on in conformity with the letter of the Licensing Act, and that being the case no hotel can do better. There is something more which is done at the State hotels, which is not done in private hotels so far as I am aware, and that is when it is made known that at the request of a wife or some other member of the family a man should not be supplied with liquor, he is placed on the prohibited list without having to go before a magistrate and the State hotel refuses to supply him with liquor. That is done to protect his wife and family. Where is the private hotel which will do that?

Mr. Layman: He gets his friends to provide it for him.

The PREMIER: We have had evidence on several occasions that we have made different men of those who are placed on the prohibited list.

Hon. Frank Wilson: Who has given you the power to do that?

The PREMIER: The manager acts without any power. There is no Act to compel him to supply liquor if he does not desire to do so, and it is merely a matter of not putting into operation a power which he is not compelled to put into operation, and that is done out of consideration for the wife and family of the individual concerned. If he is placed on the prohibited list by a magistrate, he can still obtain liquor through his friends, so that the argument of the member for Nelson applies in both instances.

Hon. Frank Wilson: Under what authority do you refuse to supply drink?

The PREMIER: The manager of the hotel refuses as manager, in the interests of his business and in the interests of humanity.

Hon. Frank Wilson: Who has given you the power?

The PREMIER: Whatever the authority or lack of authority, so long as I am Colonial Treasurer, I will encourage the managers to do that.

Hon. Frank Wilson: To refuse to supply any customer?

The PREMIER: Yes.

Hon. Frank Wilson: What right has he to say I must not have a drink.

The PREMIER: The hon. member is trying to sidetrack.

Hon. Frank Wilson: What authority has he got?

The PREMIER: He has the authority as manager of a business responsible for the protection and proper conduct of his business, and in the interests of the wife and family of the man concerned he refuses to supply liquor to any known drunkard or inebriate. Does the hon. member desire that we should issue an order to State managers that they are not to do this, but are to supply men, although they know they are taking the money in the hotel which should rightly go to the grocer?

Hon. Frank Wilson: That is not the point; you have not the right to make him judge.

The PREMIER: The Licensing Act provides punishment for him if he supplies a known drunkard. Whether he does or not——

Hon. Frank Wilson: I want to know what authority he has?

The Minister for Lands: The Licensing Act stipulates a punishment for supplying an habitual drunkard.

Hon. Frank Wilson: He might refuse to supply a man who is sober.

The PREMIER: A man who is put on the prohibited list is not often sober until he has been on the list for a while. Who could be a better judge at Gwalia or Dwellingup than the manager of the hotel? Only one hotel exists at each of those places. Could a magistrate who comes from perhaps Bunbury or Pinjarra judge better? I will uphold our State managers so long as they adopt such an attitude. It is absolutely in conformity with the policy of the Government.

Mr. Dooley: I have known private hotelkeepers to do the same thing.

The PREMIER: I think it is in the interests of our State hotels to do so. Eventually, when State hotels are distributed in different parts of the State, it will not be said that we were making the huge profit out of the drink that some people assert is made at present. At Gwalia hotel we are making provision out of the profits to provide better accommodation in the shape of a free reading room and a fairly up-to-date library, and we are thus putting into the district from the profits something which is to the interests of the people in that district. We are providing that the reading room and library shall be so far apart from the licensed portion of the premises as it were that even the individual who has strong objections against being seen entering a hotel may go into the library and reading room and know nothing of the conduct of the rest of the hotel. Under the licensing law, wherever an hotel is established, we have to be continually supplying additional policemen to keep order and see that the law is obeyed. I am not referring to the question in the light of possible disturbances or whether men get drunk and cause a lot of discontent in the district, but these appointments are necessary to see that the hotelkeeper complies with the Act. We also have to send out inspectors to see that he sells liquor in accordance with the law, but in State hotels this will be unnecessary.

Mr. Monger: This is the point I take exception to; the quality of the liquor supplied by your State hotels is not up to more than ordinary standard.

The PREMIER: I absolutely deny that statement. It is absolutely incorrect. When State hotels are established, there will be no need to employ inspectors to see that proper liquor is dispensed because it is not in the interests of the manager to do other than dispense proper liquor.

Hon. Frank Wilson: Why?

The PREMIER: Because no Government will permit the manager of an hotel controlled by them to dispense liquor which is inferior or below the requirements of the law.

Hon. Frank Wilson: How will you know if you do not have an inspector?

The PREMIER: At present we have a department known as the State Hotels Liquor Department and under the existing

conditions, the sub-head of that department is held responsible, together with the manager, for the proper conduct of those hotels, and he makes periodical inspections and satisfies himself that the manager is complying with all the laws.

Hon. Frank Wilson: Then you have an inspector.

The PREMIER: No, he is the manager.

Hon. Frank Wilson: You said he inspects.

The PREMIER: Let me point out the difference. In the case of a private hotel, the inspector goes round in order to see that the requirements of the law are carried out and that the quality of the liquor is up to the standard.

Hon. Frank Wilson: And see that he does not put profit into his pocket too.

The PREMIER: That is not necessary under State control. I am attempting to justify the policy of the present party in power for the establishment of State hotels where required by the people, and also to answer some of the objections raised by certain sections of the community. When the day arrives, that our State hotels begin to get out of hand, the people under the law we propose to introduce will, by virtue of a local option poll, declare that a certain hotel shall close, and close it must. Our difficulty under existing conditions is that so many vested interests are growing up. A number of people who are carrying on divers businesses are shareholders in the Swan brewery and members will see how difficult it is to prevent the liquor traffic from preying on people at present. The proper way to remove the evils of the traffic, and eventually, perhaps, to educate the people to the necessity for abolishing the traffic altogether, is through the medium of State control. If I did not honestly believe that to be the position, I would not be moving the second reading of this Bill. There is no desire on the part of the Government to introduce State hotels just for the purpose of ladling out liquor to the people. We have established a State hotel at Dwellingup and the only object of doing so was to hold the license against a private person. Had not we taken that license, some person would have obtained it and the hotel would have been there just the same, and it would not have been controlled as it is at present. Notwithstanding that we are dispensing liquor there, we have done a good turn to the people of that district who do take liquor because a number of them were dispensing "pinky" and other brutal liquors, the consumption of which was making a number of the residents almost mad. The State hotel has done good and I doubt whether members will find anyone to complain about it except one individual who wished to tell the manager how to run the business. The individuals I have referred to were carrying on their nefarious trade, but since the establishment of the hotel the people do not require them, and there is a more sober populace there now than in any other part of the State.

Sitting suspended from 6.15 to 7.30 p.m.

The PREMIER: I have endeavoured so far to avoid introducing a subject that might cause considerable discussion on temperance reform generally, hoping to be able to confine the House to the question of the desirability or otherwise of controlling the traffic per medium of nationalisation, and I hope the House will view the question from that standpoint. At a later stage we propose to give members an opportunity to deal with an amendment to the Licensing Act, and then we may discuss the question in a general manner. At present, however, the Bill before us deals only with the question of State ownership. It gives power to the Colonial Treasurer to establish a State hotel in any licensing district constituted under the Licensing Act, and provides that he may carry on that hotel by his authorised agent, without taking out a license as is necessary under the Licensing Act at the present time; but it does not exempt that authorised agent from the general provisions of the Licensing Act, because he will have to conform to all the provisions of that Act except in regard to applying annually to the licensing bench for a renewal of the license. I am sure members will appreciate the desirability of exempting him from that

provision, because, after all, the State empowers the licensing bench to grant the license, and surely the State should be able to issue a license to its own authorised agent. Members will notice in Clause 2 that we can only establish a State hotel if, at a poll taken in a district before or after the commencement of this statute under Part V. of the Licensing Act, a majority of votes is given in the affirmative on the question, "Do you vote that all new publicans' general licenses in the district shall be held by the State." Under the provisions of the Licensing Act so far only one poll has been taken, and out of 42 licensing districts 32 gave a majority in favour of the State controlling all the publicans' general licenses, and only ten districts cast a majority against State ownership. That being the case, there is no doubt with regard to the desires of the people in this direction. It is true that most of these licensing districts carried the vote against an increase of licenses, but we must not lose sight of the fact that, notwithstanding such a vote, there is provision in the Licensing Act for the licensing bench of any district to issue further licenses in the district. I am not quite sure whether members understood that provision when they were dealing with the Licensing Bill, for here we have the anomaly of a majority of the people in a district declaring against any more licenses, yet the licensing bench may issue any number of licenses they choose. Of course they are restricted; they may not issue a new license within 15 miles of an old license; but outside that there is no further restriction. There is provision also that if the Government intimate to a bench that they propose to establish a State hotel in the district they have priority of claim, but only for a very limited space of time, and it is frequently impossible to comply with the terms in that direction. Moreover, it is often not until somebody has moved, a private individual, in the direction of establishing an hotel and pulled all the wires possible in order to get his license, that the Government are made acquainted with the fact that there is a license desired in the district.

Mr. Monger: How often have your wires been pulled?

The PREMIER: I do not pull wires so frequently as the hon. member causes handles to be pulled. Notwithstanding we are aware of the fact that there is objection to a private license in a district and a desire that the State should establish a license, until the bench has dealt with the matter—already since I have held office I have had on one or two occasions to wire to licensing benches that the Government were considering the question of establishing hotels in their districts—we are not acquainted with the fact that there is a private application for a license before the bench. It cannot be expected that we can keep in touch with every licensing bench to find out what applications are before them. Therefore we are unfairly placed in this regard. A majority of the people in the State in 32 of the 42 licensing districts being desirous that all new licenses should be controlled by the State, and as we consider we should have power to establish these hotels without having, as in the case of the Dwellingup hotel, to pass a Bill for the purpose, this Bill gives us general powers to do so; without following that process, the State, of course, through its agent, complying with the statute in every other respect. It will be noticed we have a further provision that, notwithstanding a licensing poll has shown a majority in favour of the State controlling new licenses, we have to publish the fact that we propose to establish a State hotel; and in good time, within one month, or such extended time as the Governor may direct, if a petition be lodged signed by the majority of the adult persons residing within a radius of three miles of the site of the proposed hotel against the establishment of an hotel by the State, the Colonial Treasurer cannot go on with the establishment of an hotel. To my mind that provides complete local option.

Hon. Frank Wilson: If a vote has already been taken against any new licenses, how is this Bill going to operate?

The PREMIER: I consider this to be complete local option such as we have not to-day in the Licensing Act.

Mr. O'Loghlen: Would not a poll be more satisfactory?

The PREMIER: No. Under the existing law, where we have provision for a local option poll, it may happen, as it did, that the majority of licensing districts will vote for no further licenses in their districts.

Mr. Male: Will you not respect that majority?

The PREMIER: Yes. We propose to do that absolutely, but we go further. Whereas, notwithstanding such a vote, the Licensing Act to-day permits a licensing bench to grant a new license so long as it is 15 miles from an existing license, we propose that if under the Licensing Act a new hotel is desired in the district, as indicated by the people residing in the district, we must give notice that we propose to establish a State hotel, and the majority of people who will be directly affected may, by lodging a petition, prevent a State hotel being established in their midst. That I consider absolute local option; but at the present time it does not matter what may be the feeling in the district, the licensing bench have absolute power.

Mr. George: Suppose you do not wish to establish a State hotel and the people want one, will you have an ordinary hotel?

The PREMIER: Not in the face of the public desiring a State hotel.

Mr. Monger: What about an hotel for Wongan Hills?

The PREMIER: In that case we had a petition signed by every adult resident within three to five miles of the town urging that we should establish a State hotel there in preference to a private hotel. We provide that if a petition in opposition be lodged by a majority of the adults residing within three miles of where the hotel is to be established it will prevent a State hotel being established despite the wishes of the Government to do so.

Mr. Male: Would it not be better to wait until we are asked by a majority to provide a State hotel?

The PREMIER: Let me give an instance of where the Bill will be put into operation. There have been continual applications to the licensing bench for an hotel at Wongan Hills, but the people in that district have shown that they are adverse to an hotel being established there if it is to be held by a private individual, and they have petitioned the Government several times urging us to establish a State hotel there. We have given consideration to the matter and we have had a report by the manager of the State Hotels Department, and he urges that an hotel should be established at Wongan Hills, not because it is a good proposition, but because, unless the State establishes one there, the bench will undoubtedly give a license to some private individual against the wishes of the people in the district. The position is exactly the same at Kununoppin. Now, what should be the attitude of the Government in such circumstances? There is no desire for a license if it is to be held by a private individual, but there is a keen desire in the district for a license to be held by the State. Nevertheless we give the people there, if this Bill is passed, an opportunity to have their wishes given effect to by posting a notice that we propose to establish a State hotel. If the people are of opinion that it would be better to have no license a majority of the residents within three miles of the site where it is proposed the hotel will be established may present a petition against it and the Government cannot proceed further under the terms of the Bill.

Mr. George: Then in that case would there be no private license granted by the bench?

The PREMIER: I do not know that we can prevent it under the existing law. That will be a question to be dealt with in an amendment to the Licensing Act. Members will have to consider whether it is not desirable to have a similar provision for all licenses. The licensing district may cover an extensive area, and at a licensing poll there may be a majority, taking the whole area, against an increase in the number of licenses, yet in some new part of the district, where a new town has grown up, there may be a desire for a license, but they are out-voted by the

rest of the district. The question arises whether we should not give them more in the nature of home rule by allowing each part of the district that will be directly affected a complete local option in this direction to say whether there should be further hotels or not.

Mr. Male: The Act allows you to divide the districts.

The PREMIER: The Act will permit that, but I do not think it will be advisable to do it by means of the local option poll alone. We could do it, as proposed in this Bill, by means of petition, either for or against the license, or the existing law could be made to apply by having a further proviso that in the event of a new license being granted a petition signed by a majority of the adult residents within a certain radius within a period of one month after the license is granted may prevent the licensee proceeding further. That would be fair protection to the people of that district. On the other hand, I hold we should give consideration to their wishes, should they desire a hotel in their midst. These are the whole of the provisions of the Bill and they will conform with the policy of the Government, and also give expression to the desire of the people, as shown in the local option poll held some months ago, and also give absolute control to the people as to whether licenses shall be granted or not. The complaint cannot be made that this is not a democratic measure. It is one that gives complete local option. I do not desire to say anything further in connection with the matter, and, as I have already stated, I do not propose to go into the question as it affects the temperance movement except, as I have intimated, that if we were not convinced that State ownership with sympathetic administration——

Mr. George: And good liquor.

The PREMIER:—would remove many of the evils existing to-day, I would not be prepared to introduce this measure. I am convinced that as long as there is the desire for private gain, abuses will occur, notwithstanding how stringent we may make the laws. That is one of the influences which will eventually be found operating more extensively than it is doing at the present time. Nationalisation is the road to prohibition and if hon. members are not prepared to accept prohibition ultimately, and they know what that means, I think they had better prevent the passing of this measure. The present system which permits of private gain to an extent that is not permitted in any other trade does not enable us to control the traffic in a proper manner. While we compel the butcher and the baker, and others who deal in provisions for the life of the people, to close their businesses at six o'clock in the evening, we allow the hotelkeeper to remain open until midnight and sometimes to a later hour, and when he takes the law into his own hands, he keeps his premises open until sunrise next day. That is not fair to other businesses or to the State, and I do not see why the people should not be able to decide this question in the manner that they were permitted to determine the matter of a Saturday half-holiday. We should give them the opportunity to do so. With the private gain system in the traffic it makes it difficult to make progress in the way of reform. I have advocated, and do so still, that we should consider the question of minimising the Sunday traffic, by permitting the sale of liquor during limited hours on the Sabbath and absolutely prohibiting the sale of liquor outside those hours. But the desire for gain was so strong that even the people in the traffic complained that that would be unfair, and some went so far as to say that they preferred the law prohibiting Sunday trading altogether. Of course, they know well that they would then be able to break that law and serve other than bona fide travellers, as they have always done, knowing well that there are not enough policemen who can be engaged to watch all the hotels. Fortunately in this State the liquor traffic has not the same influence as it possesses in other parts of the world. In some places the influence has grown to such an extent that legislators have been bought. I do not know that that has ever been attempted here; I hope it never will be; but in other parts of the world they have corrupted

politics, and demoralised the community and prevented temperance legislation, or mocked at its enforcement. Even in other parts of Australia the position has become such that it has been found difficult to deal with it to-day, and consequently I want to urge upon Parliament the necessity to grapple with the question at this stage, in order to prevent it growing to such an extent, and becoming so strong as to possibly corrupt our politics in the future. By passing this little measure of four clauses we shall be moving along the road to reform, that is from the standpoint of removing abuses in the liquor traffic. I do not believe that prohibition is practicable at the present time, but when people are educated by State management, then we shall have arrived at the stage when the people themselves will ask for the total abolition of the traffic. In the meantime let us do what appears to us to be our duty, that is, to take control of the traffic and, if possible, remove some of the abuses which exist in connection with it. I have much pleasure in moving—

That the Bill be now read a second time.

On motion by Hon. Frank Wilson, debate adjourned.

BILL—INEBRIATES.

Second Reading.

The ATTORNEY GENERAL (Hon. T. Walker) in moving the second reading said: I do not know that it is altogether incongruous that this Bill should follow immediately upon the heels of the Bill for the establishment of State hotels. One may be in the relationship of cause, and the other of effect; I hope, however, that is not so. The Minister for Lands suggests that one is supplementary to the other; I think they are collateral. We are not joining these together as being part and parcel of the intent of the Government to get hold of the liquor traffic, because those we are dealing with in the Bill are those who have been injured, not by the traffic in liquor by the State, by the traffic in liquor in the hands of private individuals. I think a measure of this kind requires no apology. It is not new. We have long had legislation in the other States practically covering the ground that is covered by this Bill. There have been earnest and honest attempts in England to take in charge those who have become victims of alcoholic indulgence, and therefore we had something for our guidance in the drafting of this measure. Like the Premier, I am not going to give any temperance didactics or oration on the subject of the evils of intemperance. I am not going to paint any picture appealing to the imagination as to the disasters that follow in the wake of indulgence in intoxicants. I have only to contemplate the fact that the victims of inebriety are subjects for pity rather than for punishment. The measure is based upon the assumption that alcoholism is a disease; that inebriety is an affliction. In other words, it is the result of poison, that poison which creates certain nerve and mental phenomena, which phenomena we classify generally under the term of disease. Therefore we have entitled the Bill, a Bill for an Act to provide for the care and control and treatment of the inebriates. It is not very many years ago since a man who became a drunkard was looked upon as a species of criminal; a subject for punitive contempt, and at this very hour, in our police courts, we find sentence after sentence delivered upon the same individuals for what, it is obvious, that individual can in no wise help. We have had subjects at the police court for the one-hundredth time charged with the offence of having been drunk, and it must surely occur to every person that the punishment of being sent to gaol, or being heavily fined, is not a deterrent, and being no deterrent we must look for some other cause of that repeated condition of intoxication. We have learnt, not only from observation, and not in a casual way, but from scientific tests, that the craving for alcohol is as much a disease as any form of mental aberration, or any form of insanity, that in other words drunkenness, habitual drunkenness, is closely allied

to insanity, and we have contemplated that fact in our previous legislation in this State, for, in the Lunacy Act itself, we have provided that subjects suffering from alcoholic poisoning can be taken to the lunatic asylum for special treatment. We therefore start in this Bill with the assumption that alcoholism is no crime but a disease. Modern scientific researches by men capable of studying this subject from a scientific standpoint, such men as Doctor Richardson of England and Doctor Keeley of America, have localised the character of the disease so to speak, have described its particular stages, its incipiency, its development, and its ultimate effects. These effects are physical and must be considered from that standpoint. All your temperance sermons in the world, all your reproaches, hurled at the inebriate, will not cure his malady, and, strange to say, it is a malady which affects most acutely those who are most sensitively organised, those who have a delicate nervous system, a system capable of speedy reaction of the conditions existing around them. Those who have fine emotional characters, the emotions, of course, being dependent on the nerve centres, those in short who are not mere animals, but have brain matter distributed throughout their organisations, are the most liable to be affected by alcohol, and alcohol acts as a poison on this nerve substance. Its tendency is to paralyse the nerve course, the nerve tracts, and the nerve cells. The whole process of becoming intoxicated is one of gradual paralysis. I know there are those who may say that alcohol, instead of paralysing, stimulates, and there are thousands of my fellow men to-day who believe that a glass of good whisky or a glass of good brandy puts nerve into you, and awakens the nerves, stimulates instead of paralysing. But that apparent stimulus is the result of paralysis over all the blood tracts. I need not tell hon. members that every artery, every canal of the blood-flow, has along all its course a nervous thread, or more than one nervous thread, and that artery in its course is regulated as to its contraction or expansion by that nerve tract which accompanies it. In the healthy, normal condition no more blood goes to any particular part of the body than that artery with its nerve guidance will permit. But when that nerve becomes disturbed or fails to act, and the artery is left without control, then the heart in its pumping, as it were, sends the blood unregulated to any portion of the system. Simple as the illustration may be, that speedy brightness of the eye, that sudden flushing of the cheek in those who are making merry at the banquet are due to the fact that the nerves along the tracts of the arteries are being paralysed, and the blood is flowing without restraint and without control. Hence you are blushing, you are red in the face, and for that matter you are red all over. Now that is due, as I say, to the paralysis that is taking place along the tracts and the blood vessels. Continue your intoxication, and your sense, your brain, your higher brain centres begin to show an extension of that paralysis. Sometimes the nerves of the legs go first; you are paralysed in the limbs, you cannot walk. Sometimes the nerves that control the tongue are paralysed, and you are speechless.

Hon. Frank Wilson: I have never experienced that.

The ATTORNEY GENERAL: I am not accusing the hon. member of having experienced it. I hope hon. members will not take this as being personal to themselves. But, go on further, and every nerve of the body becomes paralysed, and you are helpless.

Mr. George: I have never gone through that.

The ATTORNEY GENERAL: I did not mean the hon. member. He who excuses himself accuses himself. I do not require the hon. member's interjections to remind me that he has never experienced such a condition. But there may be some who have. I may take the illustration which has been given by one medical authority who states that alcohol attacks first the highest nerve centres and, as it were, goes backwards from those developed last in the human frame to those that were the first to develop as the foun-

dations of conscious existence. In other words, in the growth from childhood to manhood, the highest moral nerve or brain centres are the last to be developed. Those centres that give us a sense of our manhood, a sense of responsibility, a sense of our relationship to our fellows and our duty towards them and ourselves, those are the last nerve cells to develop in the human system. They are the first attacked in drink. They are the first to be paralysed. The very moment a man takes alcohol which is in the slightest degree poisonous to him his sense of responsibility goes; and so, if that sense goes completely, the man is as helpless against the attraction and temptation of drink as he is helpless against the effects of sunshine falling upon him. He could no more prevent the one than the other. And if he had learnt to talk after he had learnt to walk he would become speechless drunk; he would still be able to walk, but could not talk. On the other hand, if he had learnt to talk before he learnt to walk he would get unsteady on his legs. And so backwards it goes. We come into the world helpless, as it were, with no power of muscular control, and the last stage of intoxication is to reduce us to the helplessness of the child. I am only giving this as the result, so far as I am concerned, of reading what medical men who have made a special study of the subject have written upon it, especially the fact that alcohol is, in any of its forms and under all circumstances, a poison; that its tendency is to have the same effect upon us as paralysis, and that continued intoxication is one source of paralysis, one cause of total paralysis, of the rapid deterioration and, sometimes, of the complete breakdown and ruin of the nerves and brain. So if that be established there is no need for apology, I repeat, for bringing in a Bill of this kind. The Bill says that for such an infirmity, for an infirmity that is irresistible, an infirmity that seizes upon the best and ruins the most sensitive, that for the treatment of such cases as that we require, not a police force, not a police fine or the police magistrate, but hospitals, institutions where we shall treat the inmates with as much consideration as we would the victims of typhoid or any other malady. We commence upon that assumption, and say we must have institutions for this purpose, institutions properly regulated, properly managed, having for direction an inspector general who shall be appointed by the Government to overlook and to have the management of all these institutions. Wherever established these institutions shall be properly manned, not exactly with warders, but with caretakers who are more or less trained in the management of those who are suffering from this disease.

Mr. George: Sort of skilled nurses.

The ATTORNEY GENERAL: Well, it does require skill. There is no question about it. There is much general ignorance, even in the medical world at the present time, especially among those of the old school, as to the treatment of intoxication. I have known people sent to their graves by lack of knowledge of the treatment required in cases of this description. Suddenly a man who, for perhaps weeks, has been indulging in alcohol, is deprived of recourse to it. The sudden stoppage produces delirium, and very often the man is killed by ignorant, though well meant, attempts to cure him. Unless there is some substitute for that alcoholism which long intoxication has produced, some substitute scientifically administered, death is likely to ensue. Some of the men I have most admired in the world have been sent to early graves in consequence of the ignorance of those who sought to make them by force sober and teetotal. It requires care and a thorough knowledge of the subject. And so we shall want special warders, or special men in charge of these institutions, men who understand the nature of the disease, and of such palliatives and remedies as are necessary. Having obtained these institutions we provide for the way in which they may be filled. We have provided that the inebriate himself may apply to be admitted; having first made this stipulation, that only a judge or magistrate shall be able to give an order for admission to one of these institutes. We have provided that the inebriate himself may apply, or the order may be made

on the application of the husband, wife, parent, brother, sister, or the child of full age of the inebriate; or it may even be made on the application of a partner. That is in cases where those who know the inebriate best are interested in his cure, and desire to preserve him from himself, or, rather, from this terrible craving for drink. They may apply to have the man admitted to the inebriate institution, or the application may be made by the police; that is to say, by an officer of the police force above the rank of sub-inspector, acting on the request of a medical practitioner in attendance on the inabriate, or of a relative of the inebriate, or at the instance of a justice of the peace. But when this application is made it must in each instance be accompanied by the certificate of a medical practitioner, which must certify that the man is a habitual drunkard or an inebriate. In the Bill as it has been distributed to hon. members I have made it conditional that a certificate shall assert that the man is an inebriate. Those who have looked at the Notice Paper will see that I have given notice of an amendment, which provides for the medical practitioner saying merely that in his opinion the man is an inebriate. Because, if we fix it hard and fast, and the medical man is bound, so to speak, to swear that the subject whom he has attended once or twice or three times is habitual in his intoxication, he may hesitate to do so. But if on his own observation and the testimony of those who are able to inform him as to the habits of the subject of his examination, he is able to testify that in his opinion he is an inebriate, that certificate shall be a good one, provided he makes a distinction between what he knows of his own observation and what he has learned from hearsay. When the matter is brought before the judge the investigation is to be held in private, unless the inebriate himself desires it to be made in public. He may object to having a hole and corner investigation as to his sobriety and may desire his case to be heard in public, and if that is so, on his request the case may be dealt with in open court. In all other instances, the magistrate or judge, as the case may be, must make the investigation in private, and unless the inebriate himself has made application, in all other cases the judge or magistrate has the power of bringing the inebriate into chambers so that he may testify or have his own chance of objecting, if necessary. Once within the asylum or institute—here let me explain that although I am using the word asylum now, I do not desire to connect with that word any of the associations that attach to a lunatic asylum. The object of this measure is to as far as possible remove every sense of degradation or humiliation. We want to associate the drinker with neither the lunatic nor the criminal, for from my observation of life and my reading on the subject I am convinced that the most deleterious thing we can bring to bear on the inebriate is humiliation, that which makes him feel in the slightest degree a sense of degradation. To degrade the inebriate is to confirm the disease; it helps to bring down the subject to that point where it is almost impossible for him to recover. The first step towards the treatment of the inebriate is to make him feel that there is hope and life and all the qualities of redemption within him. Let him feel that he is degraded, humiliated, despised, and neglected of men, and we make him worse, and the disease thrives under the abnormal conditions of his lot. That is why in the older countries of the world where poverty stalks so deep and misery is so widely prevalent there is so much intoxication. Wherever hopelessness comes to humanity we may find a greater tendency to be affected by the potency of alcohol. Therefore with these finely organised creatures, let friends turn from them, let the loved ones turn the cold shoulder, let hope desert them, and deeper and deeper into the meshes of the net the victim falls. So what we need is an absolute removal of the sense of punishment and degradation, so that we in no way treat this applicant for admission into the institution as a prisoner or a lunatic. He has to be treated as one of ourselves, temporarily sick, whom we seek to restore healthy to society. That is our desire, and hence we say that even

if the policeman arrests men in the street for drunkenness, they shall not be plunged into the cold cells of the lock-up, as they are now, and left to herd with criminals or left even neglected in the cold of a winter's night. It must strike everyone who reads the papers that repeatedly men taken drunk into the cells at night have been found dead next morning. It has occurred in our own lock-up in Perth; it has occurred in every lock-up in the big cities throughout the Commonwealth; it has repeatedly occurred in the older countries of the world, and Dr. Richardson has pointed out the cause of it. He gave a splendid series of lectures on the subject, and, mark you, Dr. Richardson at the commencement of his investigation sought to strike a blow at the so-called fanaticism of the temperance reformer. He wanted to show that alcohol under certain conditions was actually of benefit to humanity, that it was a food and a stimulant if taken in moderation and at the right time; but he came to the conclusion that it was an absolute evil. It might be used medicinally as a poison, just as strychnine and arsenic are used medicinally on occasion, but on all normal occasions alcohol acts precisely as cold acts by this process of paralysis I have described. It does not warm, but chills the nerve centres, and therefore, alcohol producing the same effect as cold, if the victim is then thrown into a cold cell, there results a double action, and more likely than not death will be produced by such a course. Experiments have been tried upon animals, some of them half intoxicated and some free from alcoholic poison, and then the same degree of cold has been applied to each, and according to the degree of alcoholic poisoning as a precedent they have died in rotation, as it were. That fact has long been recognised in the movements of our great armies, and by no less an authority than Lord Kitchener. In his marches in Egypt and in the movements of troops elsewhere, the fact has been recognised that alcohol acts precisely the same as cold on the human system, and, therefore, if we put a man into a lock-up on a cold winter's night, having dragged him helplessly drunk from the street, we run a great risk indeed of causing that man to die before the morning, and repeatedly death has occurred in such cases. Therefore the Bill provides that if a man is taken drunk from the street he shall be provided with warmth. Warmth shall be a necessity, and we provide, that he shall have nourishment, for *delirium tremens* is nothing but a state of exhaustion, and one of the first steps towards the cure of the alcoholic is to give him proper nourishment such as the system in its then state can assimilate. He is weak, he is chilled, he is nervously disorganised, and proper nutrition is an absolute necessity; so we must have nutrition for the victim taken off the public streets in a state of intoxication, and, where it is seen to be necessary, we must have medical assistance provided for him. I speak of our lock-ups because it may happen that these cases occur where we have not our institutions. The Government have in mind and have discussed the establishment of an institute—it is already in existence for other purposes, but we intend to turn it to this purpose—within easy reach of the City. But there are places, especially in the North-West and the sparsely settled districts, where we cannot think of bringing them down to the institutions, and where the victims of alcoholism would be compelled to lodge in some public place under the supervision of the police, but even there we must not plunge them into these cells and we must not deprive them of this nourishment. We must get medical assistance when we can, and provide them with that degree of nutrition sufficient to enable them to recuperate, to enable the will to become strong enough to help the victim in his efforts towards recovery. We provide in the first place for the inebriates to be put into one of these institutions for twelve months, but that at any stage during that period the Governor may release him on license. He may be allowed to try what he can do on undertaking that he will not touch alcohol and that he will try to cure himself, because after all, if we can only apply power to awaken the right self within the individual so that he can conquer his own failing, we have the best cure. If we can get the weak

nature so built up that the will power recovers its own strength, we can place reliance on that man avoiding the disease in future. But it may happen that we release some men on license and at the slightest temptation they become victims again. We provide that in such cases they may be at any time taken back to the institute and their term there prolonged. We take all the care we can that these institutions shall be homes. We will provide by regulation for their proper management, and we will arrange suitable work and recreation for those who are in them, so that there may be no weakening of the mental or moral faculties by virtue of this isolation from their friends. There is to be only the isolation from temptation, and from the promptings of the very sight and near presence of the poison; and so we provide that anyone guilty of supplying the inmates of an institution of this character with intoxicants shall be guilty of an offence against this Act. People are not allowed, without going through the proper channel, to be on the grounds where the inebriates are gathered, and are not allowed to converse with them except with the knowledge of the officials. By this means we desire to treat these people as we treat all other sick people, regarding them as needing care of an extraordinary kind, inasmuch as part of the medicine and treatment of a victim of intemperance is moral influence, not merely argumentative suasion, but the influence of good surroundings, the awakening of the better part in the man or the woman and the strengthening of the physical frame while at the same time to fortifying the appetites against the insinuative character of this particular cause of disease. We have provided also that when any offence having as part of its ingredient, intoxication, is tried in our courts, either the criminal court or a court of summary jurisdiction, the judge or the magistrate may, at his discretion order the prisoner to be confined in one of these institutions. If the crime is of such a nature as to be of a criminal character, and drink is associated with it, it is proposed that we shall have in connection with our criminal discipline, an asylum of this kind just as we have for criminal lunatics. Where a man has been brought to the committal of crime and has become in part a criminal from the disease of intoxication, then we may give him treatment, it is true, not in the presence of those voluntarily or at the instance of their friends, in our institutions, but in a separate ward, and by separate treatment we may seek to cure the very cause of crime, for I say there can be no question that two-thirds of the crime of civilised communities may be traced directly to the influence of drink, drink, not only in its stimulus and the impulse it gives to sudden passion and temper and unreasonable exercise of the vicious propensities within the human frame, but in the long weakening of the moral fibres that may accrue from generation to generation. The father and the mother, both drinking, have weakened their whole frame to that extent that in their long habitual drunkenness the children born to them are born with weakened systems, with a tendency to the disease, and it is one of the established laws that the intoxication of parents continued from generation to generation has a tendency to the production of criminal offspring, and the intimacy between intemperance and crime, the liability of those liable to intemperance to crime, is established as a matter of fact from deductions from the examination of a vast number of cases. So when we are seeking to cure crime, to prevent crime, to be rid of crime in the community, we must have an eye to the temperance question on its scientific side, and try and remove that nervous degeneracy that has been produced by indulgence in alcohol. Therefore, the person who commits such offences as drink is the stimulus to, brought before the judge, may be sent to this institute for special treatment as an inebriate on the conviction that, if cured of this disease we have christened inebriety, we shall have cured his criminal tendencies. Give him full control of his appetites once more, make him normally healthy, morally healthy, and we will be preventing his tendencies to crime. If we leave these fibres weak, if

we leave the will incapable of exertion, if we leave him that imbecile that drunkenness implies, then we will have continuously this tendency to crime. Cure this disease of inebriety and we take our strongest safeguard against the spread of crime in the community. That is therefore the purpose that we have in this Bill. Our aim is to make a healthy humanity of those who are victims, and goodness knows they are not to be counted by scores or hundreds, but by thousands throughout this Commonwealth, and to help these people to restore themselves to become strong and vigorous morally as well physically and mentally, and then we shall have a happier, and I believe, a more prosperous, a more progressive in every sense of the word, and a more humane and a nobler community. I do not know that I need deal more with the purposes of the Bill, and with its details. We shall have to deal with those in Committee, but I have every confidence that the Bill will commend itself to every section of this Assembly. I am quite convinced that none of us has lived in this world so long but that he knows the disastrously ill-effects drink has on individuals, and, through individuals, on the whole community, that it absorbs our national wealth, perverts our national tastes, corrupts the intellect, the passions, the whole emotional nature, degrades even in our social functions, destroys the finer susceptibilities and aspirations of the human race, and makes us victims of an appalling amount of degradation. It is to lift humanity therefore that we aim in measures of this kind, and I am confident that not a single member of the House will, on this ground at least, oppose the measure. I move—

That the Bill be now read a second time.

On motion by Hon. Frank Wilson, the debate adjourned.

BILL—ELECTION OF SENATORS AMENDMENT.

Second Reading.

Hon. W. C. ANGWIN (Honorary Minister): In moving the second reading of this Bill, I wish to inform members that it is purely a formal measure. The Commonwealth Constitution places in the State Parliament the power to make laws for the time and place for the election of senators, while the Commonwealth Parliament have the power to make the law for the method of chosing senators. During last year the Federal Parliament altered the time for the election of members of the House of Representatives, and as it is necessary that the members for the House of Representatives and also those for the Senate should be elected on the same day, this Bill has been introduced for the purpose of the State Parliament agreeing to the wishes of the Federal Parliament. The Bill, as I have stated, is purely of a formal nature. The first amendment proposed is to fix the day of election on Saturday, and the second clause is for the purpose of extending the time for the return of the writ. There has not been a Federal election since the establishment of the Federal Parliament without the Governor being requested to extend the time for the return of the writs. The time set forth in our Act to-day is too short, and consequently it is necessary to extend it. The other clause provides for extension of the hours of polling. I do not think it is necessary for me to comment on the Bill. Personally, I might say I think it is a matter which should have been entirely left in the hands of the Federal Parliament, but no doubt it was considered at the time that by putting the time and place for the election of senators in the power of the State Parliament, it would remind the senators that they were supposed to represent the State, and consequently it is considered as a tie between the Senate and the States. Seeing this is so, and as the law stands at present, I feel confident that every member will agree to the request of the Federal authorities and approve of the measure. I might inform members——

Hon. Frank Wilson: Why do you want the election on Saturday?

Hon. W. C. ANGWIN (Honorary Minister): To work in with the Federal Parliament.

Hon. Frank Wilson: How?

Hon. W. C. ANGWIN (Honorary Minister): To have the election for senators on the same day as the election of members of the House of Representatives.

Hon. Frank Wilson: We also do this now.

Hon. W. C. ANGWIN (Honorary Minister): We cannot do it unless it is provided under the Act.

Hon. Frank Wilson: It is on Saturday now.

Hon. W. C. ANGWIN (Honorary Minister): I stated just now that the Federal Parliament have altered their Act, and have provided for the election of members of the House of Representatives on Saturday, and I believe every other State is introducing similar legislation. As a matter of fact I believe that in South Australia an election takes place on Saturday. Queensland, New South Wales, Victoria, and the other States are introducing Bills similar to this one. I feel confident that under the circumstances members will agree to the Bill as introduced. I move—

That the Bill be now read a second time.

Hon. FRANK WILSON (Sussex): I do not know that I have the slightest objection to this measure, but in looking up the principal Act it seems to me that the Government have got power to fix the polling day on Saturday if they wish, and also to fix the date for the return of the writ. I cannot quite understand from the Minister's introduction the necessity for the Bill.

The Minister for Lands: It is to bring us into conformity with the Commonwealth Electoral law. Their elections are on a Saturday.

Hon. FRANK WILSON: Then I presume they do not wish to be dependent on any State Government for fixing the election of senators on the same day. They do not wish to be open to having another day fixed for the election of senators than that already fixed by their law for the election of members to the House of Representatives. It seems a fair reason for passing the measure, and, as there is nothing contentious about the Bill, I think we should let it go through at once.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate; reported without amendment, and the report adopted.

BILL—INTERSTATE DESTITUTE PERSONS' RELIEF.

Second Reading.

The ATTORNEY GENERAL (Hon. T. Walker) in moving the second reading said: This is a measure that has already passed through another Chamber and has come down to this Chamber for our consideration. It is intended for the relief of persons whose relatives liable to support them reside in another State of the Commonwealth, and for other purposes. The difficulty we have had to contend with in serving any process for the support of destitute persons deserted by their husbands or breadwinners has been hitherto that we have had sovereign States with their separate courts and their separate methods of jurisdiction. A man living in Victoria, having his wife and children in Victoria, and coming to this State, leaving his wife and children regardless of their welfare, being, in fact, in every sense of the word a deserter, has up to the present enjoyed comparative immunity. In other respects the Commonwealth has made provision to carry justice from one State to another. We have a Federal Processes Service Act, which enables a creditor to lodge his judgment in any of the courts of the Commonwealth, and to then obtain the satisfaction of that judgment almost as easily in another State as he can in the State in which he, as plaintiff or claimant, resides. But in these domestic matters to reach the deserter of a wife, where the wife has to make a claim in a court of

summary jurisdiction, no such analogous facility applies; the wife is left helpless; she may sue her husband for maintenance in the court of Victoria, and she may obtain judgment, but there the matter ends. Until the deserter again makes an appearance within the jurisdiction of that court the matter is a dead letter. This Bill provides for giving similar facilities for following the deserter as the Federal Act enables us to have in following a debtor. In bringing this Bill forward we are carrying out a wish expressed at the Premiers' Conference that there should be in this respect uniform legislation throughout the States of the Commonwealth. The measure already exists in some of the States, and wherever a similar Bill for this has passed in the State Legislature of the Commonwealth, we shall have all the machinery for reaching the deserter, for making the person, who has brought upon himself, by his contracts of the past, the obligation of marital or parental or filial duties, fulfil those obligations and perform the duties. It will be observed that whenever any husband leaves his wife, or any parent leaves his or her child under the age of 18 years, whether legitimate or illegitimate, or any child over the age of 21 years leaves his or her parent, or any person liable to support, or contribute towards the support of another person leaves such other person without adequate means of support, then in any such case if such husband, parent, child or person, or the person by such order, adjudged, ordered or directed to pay or make provision—each of whom is called in this case the defaulter—comes to reside, either temporarily or permanently, in this State, any summons for relief, or any process to enforce such order granted or issued in any State by any justice, or justices, or out of any court (not being a court of record) upon application made by or on behalf of the wife or others requiring support, or by or on behalf of the person for whose support such order was made, may have that order, or that judgment, executed in this State. Not only is that the case but the Bill contemplates that in every State there shall be appointed, for the purpose of carrying out the law in this respect, a collector, whose duty it shall be to collect whatever money is necessary, or whatever money has been ordered to be paid by the magistrate or justices, and, after deducting certain expenses for the transmission of the money, transmit that money to the person, or to someone on behalf of that person, for that person's support. I do not know that the Bill requires any very lengthy explanation. I have sufficiently described its purpose when I say its object is to get redress for those who are aggrieved against defaulters, and the Bill makes the whole of the Commonwealth one State for that purpose. We are in hopes that in due course no State of the Commonwealth will be without a measure of this kind, and, therefore, no person will be able to escape the just obligations imposed upon him by marriage or by parentage, or in respect to filial duties.

Hon. Frank Wilson: Have all the States approved of this Bill?

The ATTORNEY GENERAL: It has been passed by South Australia, but it is comparatively young, inasmuch as it was only the last Premiers' conference that agreed unanimously to pass a measure of this kind in every State of the Commonwealth.

Hon. Frank Wilson: Did the Premiers approve of this draft?

The ATTORNEY GENERAL: This was the measure which was first drafted, and no amendments have been introduced. The desire, of course, is to have uniformity, even down to the details. We have to do it in the various States, because we cannot as a State legislate for the whole Commonwealth, and, therefore, to make a measure of this kind effective copies of the first measure drafted must be introduced in every State Legislature within the Commonwealth, and the effect of that will be as if it were one law for the whole Commonwealth, just as if the Federal legislature itself had passed the measure. It was agreed upon by the Premiers that this Bill should be passed in all the States. A pledge was given to that effect, and in this measure we are fulfilling

that pledge. Therefore, I have much pleasure in moving—

That the Bill be now read a second time.

Hon. FRANK WILSON: I move—

That the debate be adjourned.

The Attorney General: The Bill has been before another Chamber, and has been before members of this House for weeks.

Hon. FRANK WILSON: Yes, but we have had plenty of work to do. It is usual to wait for a Minister's introduction and then to ask for an adjournment to enable us to go through the Bill after that introduction. I must say that the Attorney General has given us very little information. Certainly we have had a few clauses read, but not much else.

The Attorney General: There is very little in the Bill. I have given you a correct idea of it, and its purposes.

Hon. FRANK WILSON: It is my duty to get a correct idea from my own reading; my request it not unreasonable.

The Attorney General: I think it is after the Bill has been through another House, and after it has been here so long.

Motion passed; the debate adjourned.

BILL—HIGH SCHOOL ACT AMENDMENT.

Second Reading.

The PREMIER (Hon. J. Scaddan) in moving the second reading said: The Bill I am submitting to the House is a short one, and consists of three clauses. It is in the nature of a notice to our friends who control the High School to quit, in so far as they are to expect that three years hence the receipt of the subsidy which they have enjoyed at the hands of the State for a considerable time will cease. It will be appreciated that the legislature when they made provision for the establishment of the High School in Perth did something that was of a distinct advantage to those who were looking for a higher education than was then being provided in the primary schools. Thus we have to applaud the action of the then Parliament in making provision for a subsidy to the High School. If hon. members turn up the High School Act of 1876 which is the principal Act, they will see that provision was made in the first year after the actual opening of the school for a subsidy of £700, in the second year £600, in the third year £500, and in each subsequent year the subsidy was based on double the amount of fees received, not exceeding in one year £500. The Act was amended in 1897 by increasing the subsidy from £500 to £1,000, and the High School has received that amount ever since. At the present time the policy of the State is to provide secondary schools wherever they are required, so that they may be stepping stones from the primary schools to the university which is being established. That being the case, we are not justified in further subsidising the High School. It has had a fair opportunity to establish itself. It is true that it has done good work, and we appreciate that, but we consider now that after the reasonable notice of three years they should be able to carry on without further State assistance. In fact it would be absurd for us to continue to subsidise this school in opposition to those established in the same centre by the State. I believe there will be some criticism at the action of the Government in giving the school three years' notice.

Mr. Lander: Make it twelve months.

Mr. Male: Make it five years.

The PREMIER: Some hon. members think that it would be better to immediately cease to give the subsidy. An hon. member opposite considers that we should give five years' notice. I would point out that it would be hardly fair to immediately withdraw the subsidy, and we think we have adopted a fair course. The other question is that under the provisions of their Act of 1876, the High School authorities were compelled to limit the fees charged to any student to a maximum of £12 per annum. That undoubtedly handicapped them to some extent, so far as the fees which

they might have received were concerned. We propose, now that we are taking away their subsidy, to permit them to charge whatever fees they desire, and then it will be with them purely a matter of the utility of the school. Of course when we withdraw the subsidy we have no further right to declare that their maximum fees shall be £12 per annum.

Mr. Turvey: Will that take effect immediately?

The PREMIER: That will come into operation immediately the Bill is passed, and then they will have the opportunity of carrying on without the subsidy. There are other conditions under which the school has existed. This school was the first in the State outside the Modern School established by the Government, which was undenominational. All the other secondary schools are controlled by the religious bodies in our midst. The High School is controlled by a board of governors, appointed from time to time by the Governor in Council. Under those circumstances they are in a totally different position from the other secondary schools in the State. They also have certain land upon which the school is standing, and other land was given to them as an endowment which is situated right opposite Parliament House, that vacant reserve adjoining the Observatory. That is a most valuable piece of land, and under the terms of their Act they are entitled to dispose of the land on which the school is at present built and devote the proceeds towards the establishment of another school on their endowment block.

Hon. Frank Wilson: Have they the power to do that now?

The PREMIER: Yes, and I believe it is the intention of the governors to do so, and to build a more up-to-date secondary school. That, of course, was a matter that was decided by Parliament many years ago, and we cannot annul it at this stage. We have, however, in our power the question of the subsidy, and the question of the limiting of the fees, and seeing that we are taking away their subsidy it will be agreed that we have no further say in the matter of the fees that they should be entitled to charge. I beg to move—

That the Bill be now read a second time.

Hon. FRANK WILSON (Sussex): I think it is agreed by all that the High School has done very good work in Western Australia. It was established in the early days when educational facilities in the State were very much below par; indeed there was a great difficulty in getting anything like a first class education for children. Hence I do not presume to quarrel, and I do not think anyone else will, with the attitude of previous Governments in subsidising a school of this description more especially as it has been recognised to be undenominational in its character. It has thus served all and sundry, no matter to what faith they belonged in providing a sound education. At the same time I think every one will agree that the present institution is completely out of date.

The Attorney General: You mean as to the buildings.

Hon. FRANK WILSON: Yes, I have had occasion to visit the school once or twice, having a boy of my own there, and I have been surprised to find the class of buildings in which the teaching had to be undertaken. Indeed in conversation with the headmaster that gentleman was very bitter in his complaint about being expected to make a success of the institution under such adverse circumstances, and to be expected to compete against other institutions belonging to the different denominations which had up-to-date buildings and equipment suitable for every purpose. I have a great deal of sympathy for the headmaster, but at the same time I have sympathy for my youngster and for the boys of other citizens who have to attend there day after day to receive their education in the buildings which are provided. We had this matter under consideration when we were in power, and I think the Premier will find some notification by way of a letter to the governors in regard to the termination of the subsidy. With the advent of secondary schools belonging to the different churches, and good schools

at that, it was felt that they were being put in an invidious position to have a secondary school competing against them and receiving the handsome subsidy of £1,000 per annum from the Government, and it was understood then that the subsidy would be terminated. The idea we had at that time, which I believe was also intimated to the governors, was practically what the Premier has outlined to-night as being the decision of his Government, namely, that the governors shall have perfect freedom to charge such reasonable fees as they deem necessary for the successful carrying on of the school, just as in the case of the other secondary schools; and they shall not be bound to the maximum fee of £12 per annum provided in the existing Act, but shall be allowed to charge according to the tuition given. In this respect they should be put on an equal footing with the kindred institutions. Then, I understand, it is intended to give them absolute power over their property. I think the power of sale ought to be restricted, as the Premier has intimated, to the old building and the old site; this higher site, opposite to the entrance to Parliament House, being, of course, much preferable in every respect to the old site opposite the old barrack building. But I do think they should have the power to mortgage. When they commence to erect an up-to-date building on the new site opposite Parliament House, I think they should be put in a position which will enable them to finance the undertaking properly, and provide an institution and building equivalent to those of the best secondary schools in Perth. If this was done—and everyone admits that new buildings are an absolute necessity—I see no reason why the governors of the High School should not be as successful, after providing all the facilities essential to the proper training of the boys, as the other institutions which now are so very much in advance of them. Mr. Faulkner told me he would fear nothing if he had buildings and facilities such, for instance, as the Christian Brothers have provided in their new college in the Terrace. The drawback was, he said, that he was handicapped, not only in teaching the boys, but in keeping good masters in such a place as they now occupy. I do not think any exception will be taken to the passage of this measure. The granting of three years' notice is only a reasonable provision, notwithstanding what the member for East Perth interjected to the effect that he would have it closed down within three months.

Mr. Lander: No, I said twelve months.

Hon. FRANK WILSON: Well, twelve months. The three years' term is only a reasonable provision. We all know the hon. member's energetic nature. If he were going to put a horse out of pain he would do it right away. Quite right, too, because it is not desirable that any animal should suffer for a longer time than it takes to put a bullet through its brain. But I do not think that sort of treatment is called for in regard to the High School. Certainly the High School is in extreme pain and difficulty, but we do not want to put it out of that pain altogether; we require rather to send it to the home the Attorney General has been talking about so much to-night, in order that it may recuperate, may receive fresh life and vitality, and blossom forth into an institution fit for the proper accommodation of the rising generation. I have much pleasure in supporting the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Holman in the Chair, the Premier in charge of the Bill.

Clause 1—agreed to.

Clause 2—Subsidy to cease on June 15th, 1915:

Mr. LANDER moved an amendment—

That in line 6 the word "fifteen" be struck out and "fourteen" inserted in lieu.

We had carried this baby long enough. The High School had had every opportunity of putting itself on the same basis as the other secondary schools.

The Premier: No; it has been restricted in regard to fees.

Mr. LANDER: At any rate, we had done enough for the school, and it would be quite sufficient notice if the subsidy were continued until June, 1914.

Mr. TURVEY: Certainly the High School had done much for the educational system of Western Australia in days gone by. However, now that we had a State secondary school there was no reason why the Government should continue to subsidise the High School for any longer period than that prescribed in the amendment. If to save the school it was necessary that we should continue paying the subsidy, then the school should be taken over by the State and run as a supplementary State secondary school. From about 1876 to 1897 the school had received some £500 per annum from the Government. Since 1897 the sum had been increased to £1,000 per annum, while in all probability special grants had been given, apart altogether from the valuable asset represented in the school lands. Certainly the school had done good work in the past, but there was no reason whatever for continuing to pay the subsidy until 1915.

Hon. H. B. LEFROY: The Government were to be thanked for the generous manner in which they had dealt with the school. It was generally conceded that the time had arrived when the school should walk alone, and most people believed that it would be better for the institution. He regretted that any hon. members should cavil at the notice proposed to be given of the withdrawal of the subsidy. The High School had originated out of the old Bishop's College, established by Bishop Hale in the early days in the buildings known as Clergy College. In those days there were no secondary schools in Western Australia and every credit was due to the prelate who had started Bishop's College and maintained it entirely out of his own purse. In the old Bishop's College many of the leading men of the State had been educated, men such as the Chief Justice, Sir John Forrest, and others who enjoyed the unqualified respect of the community to-day. On the departure of Bishop Hale from Western Australia the old Bishop's College, after a little time, had fallen to pieces for want of funds, and, there being no other similar school, the Government took it in hand. Hence, in 1876, the Bill which it was now proposed to repeal. On the grounds of fairness and justice the consideration which the present Government were giving to the High School, while commendable, was in no way extreme. Still, the Government were to be congratulated on their attitude, more especially as in some quarters it was held that the present Government had little if any sympathy with schools attended by those who patronised the High School. It was gratifying to find that this belief was not correct, and that the Government had the same consideration for the High School as they had for other schools of a similar character. He hoped the hon. member would not proceed with the amendment, but would allow the Bill to pass as it had been presented to the House.

Mr. CARPENTER: It was one thing to initiate a State subsidy and another thing to stop it. One would infer from the remarks of the member for East Perth that the fact of giving the school power to raise its fees immediately justified the stopping of the subsidy at once.

Hon. Frank Wilson: They cannot take advantage of it until they have better accommodation.

Mr. CARPENTER: It would have been preferable if the Government had proposed to abolish the subsidy on a sliding scale, diminishing the amount at the rate of £200 or £300 per annum. One could not forget that although in these days we favoured State education, in years gone by, before the State could do what it did to-day, those who had charge of this school had done good work. If it were not for this fact, and that the institution was an educational one, he would support the amendment.

The ATTORNEY GENERAL: It was regrettable that any amendment should have been moved to the Bill. One could sympathise with the member for Swan because he was anxious to preserve the superiority and almost monopoly of State education. It was true that the State was undertaking the education of the child from the cradle up to the professorship, and he yielded to none in the desire to see the State educational system perfected, but at

the same time there were other sentiments than that of mere pride. Surely it was not an unnatural thing to have some gratitude for those men who had kept the torch of education alight when the State was unable to do it.

Mr. Lander: You have been grateful to the tune of £40,000.

The ATTORNEY GENERAL: Even if that was so the State was not doing the work, and this school was to all intents and purposes for a long time the State's secondary school. The State insisted upon its being governed in a certain way, upon a certain standard of education, upon certain fees being charged, and, in fact, had full regulation through the governors it could appoint, of the whole brief of the institution. It was a quasi-State establishment up till quite recently, and because the State was now able to start education on its own footing, was it to say to what had been a State establishment so long, "Immediately we can do without you, we will give you the kick-out"?

Mr. Lander: We do not say that; we say give them two years.

The ATTORNEY GENERAL: If the hon. member could cut them off without a shilling he would do so.

Mr. Lander: No, I would give them proper warning.

The ATTORNEY GENERAL: What was proper warning for readjusting an institution of this kind? This had been all along a secular school, for the parent Act contained the words "Provided always that the education to be given in such school shall be exclusively secular." Hon. members forgot the fetters in which the school had worked.

Mr. Gill: Golden fetters.

The ATTORNEY GENERAL: Where was the wealth the school had accumulated?

Hon. Frank Wilson: Look at their buildings!

The ATTORNEY GENERAL: Take any other institution in the world that had been running in partnership with the Government, was it unfair notice to give it three years in which to make an entire change? The time would be actually only about 2½ years, and was that too much for an institution that would have to entirely readjust its affairs, find a new building, and additional professors, because the present staff would be inadequate to enter into successful rivalry with the other secondary schools.

Mr. Lander: Let them get a move on.

The ATTORNEY GENERAL: The school had turned out good people, and had contributed something to the educational life of the State; it had, in fact, stimulated those rival institutions which were now in the forefront of competition in educational matters. We should surely have some love for those who had tried to make educational advancement when the State neglected to do so. Although we were establishing State institutions, he by no means would discourage the rivalry of private effort. He was proud of the part taken by the Christian Brothers, the Claremont Scotch College and the Grammar School at Guildford. We had bound the High School by Act of Parliament and made it what it was, and should we now punish those who were trying to carry on the institution? It was no use decrying it because it had not fulfilled our ideas in every respect. It had had its place in the community and had reacted on every educational institution in the State. It had kept up the standard of intellectual activity in every similar school and to sneer at it, and treat it with contumely showed we had not the better feelings to discern the merits of those who had been the benefactors. It would be becoming for the State to give due notice of the dissolution of partnership, and two and a-half years was not too long to enable the Governors to make their adjustment for continuing the establishment. He hoped the amendment would not be pressed.

Hon. FRANK WILSON: To equalise the subsidy the governors would have to double the number of pupils who attended, or double the fees now being charged. To double the number of pupils was impossible, because they had not the necessary accommodation, and to double the fees would result in the school being closed down. In order to be fair they had to give reasonable time to enable the governors to finance new buildings, so that

the school could successfully accommodate more pupils, and successfully ask higher fees more in consonance with the other schools. Three years was none too long to carry out the idea.

Mr. GILL: If there was a chance of success he would urge Mr. Lander to take a division. He was not supporting the amendment out of hostility to the institution, neither did he support it because he did not think the institution had served a useful purpose. Of that he was convinced, but that was all that could be said. It had served a useful purpose and been paid for it. The State had met its obligations to the extent of about £40,000.

The Attorney General: In how many years?

Mr. Lander: About 46 years.

Mr. GILL: The fact of discontinuing was no reason why compensation should be paid.

The Attorney General: It is not compensation.

Mr. GILL: It was.

The Attorney General: It is notice of the termination of our partnership.

Mr. GILL: For years the question of stopping the grant had been discussed, and there was no necessity to give long notice.

Hon. Frank Wilson: This is the balance of the term.

Mr. GILL: The amendment reduced the term by only one year and that was not worth wasting time over. The Governors had received all the consideration they could reasonably claim.

Mr. ALLEN: The proposal to give the High School until 1915 to make necessary arrangements to carry on was pleasing to him. Considering the disadvantages under which it had laboured, he was surprised at the success with which it had met. The Governors had not been in a position to erect buildings, such as other schools possessed, and in view of the competition it was surprising they had done so well. The institution had served a useful purpose and all would regret to see it go out of existence. He hoped the Governors would be able to rebuild and continue to carry on, and produce such men as in the past, men who had been a credit to the school and to the State.

Mr. TURVEY: There was not the slightest intention on his part to reflect on the High School, but he still adhered to the opinion that the subsidy should not be extended till 1915. The State schools had turned out some of the finest citizens to be found in any part of the State. As far back as 1897 *Hansard* showed that the member for Moore had advocated that the State should take over the control of the institution, and it was admitted that the institution was not up to date. The justification for a subsidy had ceased many years ago, and the leader of the Opposition had pointed out that when he was Premier he had recommended that the subsidy should be withdrawn.

Hon. Frank Wilson: That is no reason why you should treat them unfairly now.

Mr. TURVEY: If the recommendation was made then, why should the subsidy be continued now?

Hon. Frank Wilson: We gave them five years' notice two or three years ago.

Mr. TURVEY: The member for East Perth was right when he said members should show a little backbone. If there had been a better House he believed the amendment would have been passed. There was no desire to press for a division, but still he stood to the opinion that extending the subsidy to 1914 was treating the High School people very well indeed.

Mr. LANDER: The High School had received fair consideration. Other schools advanced, but the High School did not launch out. Had they so desired it the Government might have helped them to rebuild by giving them a lump sum instead of continuing the subsidy.

Amendment put and negatived.

Hon. FRANK WILSON: Had the governors a title to the land? He understood that they had no right to sell or mortgage. They should have the right to sell their old site, and also power to mortgage their new site.

The PREMIER: Under the Act of 1876 the governors had within their trust complete power to deal with the High

School lands. The section of the Act provided that the governors

> Shall by the same name from time to time and at all times hereafter be capable to receive, purchase, acquire, take and hold to them and their successors in trust for and to and for the purposes of such school any messuages, lands, tenements, and hereditaments, of what nature or what kind soever, and also to receive, purchase, acquire and possess upon the same trust and to and for the same purposes any goods, chattels, gifts or benefactions whatsoever, and shall and may by the same name be capable to sue and be sued both at law and equity, and shall and may by the same name be capable to grant, demise, alien or otherwise deal with all or any of the property real or personal belonging to the said school, and also to do all other matters and things and have and enjoy all rights and privileges incidental to or appertaining to a body politic or corporate.

They had not the title, but they had the endowment, and the title, according to legal advice, could not be withheld, because it was granted to them in trust as governors of the High School. It was not intended to interfere with their rights as given under the parent Act.

Clause put and passed.

Clause 3—agreed to.

Title—agreed to.

Bill reported without amendment, and the report adopted.

QUESTION—FINANCIAL STATEMENT.

Hon. FRANK WILSON: I would like to ask the Premier whether he will be able to deliver his Budget next week, or whether he can name the date. I believe he did intend to deliver it to-night.

The PREMIER: I hope to be able to do so, but I would not like to bind myself to any particular day. The gentleman appointed Governor of the Commonwealth Bank is likely to visit the State next week, and I am hopeful of being able after conferring with him to arrive at some basis which may affect the Budget and delay me a few days.

QUESTION — COMMONWEALTH NAVIGATION LAW.

Hon. FRANK WILSON: Has the Premier's attention been drawn to the Navigation Bill now before the Federal Parliament, as this will prohibit passengers travelling along the coast of Australia in oversea vessels? The trade is to be confined to inter-State vessels only. Will the Premier take any action or bring any pressure to bear in order that the people of States like Western Australia, which are not connected with other States by rail, will still retain the privilege of travelling by the mail steamers between the States until they have that railway communication. It applies, of course, to Western Australia and Tasmania only. We are four days away from South Australia and it will be a great hardship for the people of our State if we are prohibited from travelling by the mail steamers at any rate until we get a Trans-Australian railway. I mention this now because I was too late to put the question to the Premier at the proper time.

The PREMIER: I understand Sir John Forrest had moved an amendment to provide that until the capital city of any one State is connected with the rest by rail this shall not apply. It has not been discussed as yet. We have not considered the amendment, but we are of opinion that the members of this State in both Houses should make representations on the floor of the House so that that amendment may receive every consideration. I think there will be no difficulty in obtaining the support of the rest of my colleagues in giving consideration to that phase of the question in order that people may travel to the East with as much comfort as possible until we have the benefit of the iron horse.

Mr. Carpenter: There is some doubt as to the constitutionality of that amendment.

House adjourned at 10.10 p.m.