Legislative Council,

Tuesday, 1st October, 1912.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Report and balance sheet of the Government Savings Bank for the year ended 30th June, 1912. 2, Amended regulations by the Central Board of Health under the Health Act, 1898. 3, Report of the Government Railways for the year ended 30th June, 1912. 4, Annual report of the Commissioner of Taxation to the 30th June, 1912. 5, By-laws of the Serpentine, Denmark, and Shark Bay Roads Boards.

QUESTION — ARBITRATION BILL, DELAY IN COUNCIL.

Hon. D. G. GAWLER asked the Colonial Secretary (without notice): Has the attention of the Colonial Secretary been drawn to a paragraph in this morning's *West Australian* wherein it is stated that the metropolitan council of the Australian Labour Federation has by resolution protested strongly against what it terms the unwarranted delay that has taken place in the passage of the amending Arbitration Bill through the Legislative Council; and, considering that in one case the adjournment of the second reading debate was moved by Mr. Cornell, and in another case by Mr. Ardagh, presumably with the approval of the Minister, does the Minister think that paragraph is justified?

Hon. M. L. Moss: Why take any notice of it?

The COLONIAL SECRETARY replied: No, I do not consider that the paragraph is justified. The second reading of the Bill was moved on the 12th September, and Mr. Moss moved the adjournment of the debate until the 18th September. That may seem a fairly long time, but we must remember that the Bill is a lengthy, comprehensive, and important one, and no doubt the hon. member wanted to make a thorough examination of its provisions. After that there were several speeches, but the discussion of the Bill by private members only extended at intervals over a week. Then we had to consider the Tramways Purchase Bill, and to reach finality in regard to it, and it seems impossible for the House to have done more than was done in the circumstances. If there had been anything bearing even the semblance of obstruction I would have protested, but we have had merely an intelligent discussion of the Bill.

QUESTION — TRANSCONTINENTAL RAILWAY, CONCESSIONS TO FEDERAL GOVERNMENT.

Hon. M. L. MOSS (for Hon. J. D. Connolly) asked the Colonial Secretary: 1, Have the Government seen the report of the speech in the *West Australian* of the 25th instant by Mr. O'Malley (Minister for Home Affairs), wherein it is stated that arrangements have been made with the State Government for the carriage by rail of the material required in the building of the Transcontinental Railway and with the Fremantle Harbour Trust regarding wharfage? 2, Is it true that such arrangements have been made? 3, What is the nature of such arrangements? 4, Particularly what concessions have been granted by the State Government and the Fremantle Harbour Trust in respect of the matters above referred to? 5, Is the paragraph appearing in Schedule No. 9, Department of Home Affairs, as follows: "Wharfage.—Arrangements have been made with the Government of Western Australia under which a reduced wharfage charge of 1s. per ton will be charged in respect of material landed at Fremantle for purposes of the railway," correct?

The COLONIAL SECRETARY replied: 1, Yes. 2, Yes. 3, The Commonwealth Government are paying to the State Government the ruling rates, *i.e.*, with regard to wharfage dues and railway freights. 4, The only concession which has been granted by the State Government or the Fremantle Harbour Trust is in providing storage ground for rails and fastenings in the event of the Railway Department finding it inconvenient to transport the material direct to the storage depôt at Kalgoorlie. 5, No; in so far as the statement relating to the reduction of wharfage charges is concerned.

BILL — FREMANTLE-KALGOORLIE (COOLGARDIE-MERREDIN SECTION) RAILWAY.

Assembly's Message.

The Assembly having disagreed to one of the amendments made by the Council, the reasons for the same now considered.

In Committee.

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

Amendment No. 2.—This Act shall come into operation on a date to be fixed by proclamation: Provided that such proclamation shall not be made or published until the Government of the State has made arrangements with the Government of the Commonwealth to allow entry into Australia of all the plant and material necessary for the construction of the line free from the payment of all duties of customs:

The CHAIRMAN: The reason given by the Assembly for not agreeing to the amendment was as follows :—In view of the large amount which the State will collect for cariage of the Commonwealth Government's material, and on which full freight will be charged, and in view of the various undertakings made by previous Governments, it is not considered advisable to make the suggested claim."

The COLONIAL SECRETARY moved—

That the amendment be not insisted upon.

Hon. M. L. MOSS: The object of moving the amendment in the first place was to compel the Assembly to express a definite opinion upon an important question involving the expenditure of a large amount of the State's money. It was exceedingly regrettable that, in the conduct of proceedings in another place, a step had been taken which was foreign to the conduct of business in this Chamber, because members of the Council had always steadily avoided any improper references to members of another place. They had generally managed to conduct their public business by dealing only with the members of this Chamber, and had not thought it necessary to descend so far as to make an attack upon a member of another place.

The CHAIRMAN: Do I understand that the hon. member is discussing the question.

Hon. M. L. MOSS: No; his object in rising was to make a personal explanation. It was not his intention to make any personal attack on the Minister for Works, although from what had appeared in the public Press it seemed that in the consideration of this amendment the Minister for Works had been improperly afforded the opportunity of making a direct attack upon him. One could afford to allow that attack to pass unnoticed, because the Minister for Works was neither one of his constituents nor a member of this Chamber. He (Mr. Moss) retained, at any rate, a good deal of the esteem of members on both sides of polities in the Council. In moving the amendment he had stated that the material would cost probably a million pounds. Those figures had been taken largely from the statement made by Mr. Sanderson, but apparently the cost would not run into a million of money. The discussion of this amendment in another place centred in the cost of the rails, but the records of *Hansard* would show clearly that he had referred to rails, plant, and material. It was quite obvious that the charges for the rails, fastenings, plant and material, and the rolling stock to equip a line which was

of different gauge from the other portions of the State railway system, would cost very nearly a million; and notwithstanding that it had been said in another place that the estimate was an extravagant statement made by the most irresponsible person who occupied a position in Parliament, he still maintained that a million pounds would be very near the mark. Taking the figures mentioned in another place, the duty would be £62,000 if the rails used were of foreign manufacture; and it was pleasing to learn the Government could afford to throw away this £62,000 without making anything like an effort to save it for the taxpayers of the State. It was asserted in another place by members on both sides of the House that this amendment should not be agreed to because it was going back on a promise previously made to construct the railway, but, as Mr. Colebatch had pointed out clearly and in a very convincing way, had the railway been built in 1903, when Sir Walter James made the promise to construct it, the State would have received back 75 per cent. of the duty on the rails and fastenings and plant and stock required. Therefore, while we were undoubtedly anxious to carry out the moral obligation upon us to build this line, we were doing it at a very heavy additional burden on the people of the State. In compelling the members of another place to vote on this amendment, his purpose was achieved, and he would not now further press for its adoption unless hon. members desired to insist upon the amendment. The Assembly claimed that, in view of the large amount which the State would collect for carriage of the Commonwealth Government's material on which full freight would be charged, it was not considered advisable to make the suggested claim. It was by no means a convincing reason. What the State got for the carriage of the Commonwealth material would not all be profit. However, the position was that the Government did not seem to think it worth while making an attempt to save the £62,000 duty on this material, and it would probably be more than that when the material and plant and rolling stock were added to the rails.

Hon. A. SANDERSON: While accepting full responsibility for being instrumental in having this matter brought forward for discussion to enable the taxpayers of the country to see what was going on, he had no desire now to press the amendment if members were satisfied. He took no notice of the remarks in regard to the alleged inaccuracy of the estimates advanced in the Council in regard to the amount that would be lost to the State, though if half a million was objected to as being too large a figure, he would like at a suitable opportunity to ask the Minister what amount had been paid by the Railway Department in Customs duty since Federation. If the people of the country when they realised the figures, were satisfied, he could not help it; but he would not be satisfied. It meant another step towards unification and towards the Commonwealth taking over the railways of this State. If the Assembly, who were primarily responsible to the taxpayers, desired to have their way, well and good; but they could not say they had not had full warning as to the position of affairs.

Hon. J. F. CULLEN: The amendment had done good by drawing attention to the relationship of the State and the Commonwealth on the question of State requirements. As pointed out by Mr. Colebatch, had the line been built when Sir Walter James made the promise, the requirements for this railway would have returned three-fourths of the Customs duties to the State. The amendment, however, could not be insisted on because of the very difficult ground on which it rested. Western Australia could not take the ground that duty should be remitted on any Government requirements unless the same was done to other States, and it might not be prudent to press the point that the Government requirements for this work were for a semi-Federal work, because later on it might form the basis of a claim from the Commonwealth in regard

to the State section of the Trans-Australian railway. Nevertheless the broader question must come up sooner or later as to whether it was a reasonable business arrangement that State requirements should pay duty to the Commonwealth. It seemed unnatural that the State should pay duty to the Commonwealth Government for Government requirements.

Hon. H. P. COLEBATCH: One point required to be made clear. It was stated by the Minister in another place that the duty on the rails would be £19,000 if the rails were of British manufacture and £60,000 if they were of foreign manufacture, whereas it was said in the Legislative Council that the duty would amount to £150,000 or £200,000. Did the Minister in another place merely refer to the section of the line from Merredin to Coolgardie? If so, that would account for the variance, because Mr. Moss and Mr. Sanderson had distinctly referred to the saving of duty on the whole of the line from Fremantle to Kalgoorlie. As to what the other States would be entitled to, we would be glad indeed to see South Australia get a similar concession to that the amendment asked for, and we would welcome any similar concession to another State. If by fighting this thing the Federal Government could be induced to give this concession and an understanding was come to that the other States would get a similar concession, it would hasten the day for making the Trans-Australian railway of the one gauge from start to finish. Western Australia was the poorest of the States concerned in this railway, yet it was the only State doing anything in the matter. The other States were doing nothing. South Australia, on the contrary, had insisted on a modification of the Bill Western Australia accepted and was not giving the Federal Government the same concessions in the matter of land that Western Australia was doing. The Council's amendment should not be abandoned.

The COLONIAL SECRETARY: Without notice he was not in a position to supply the figures asked for, and he did not know what was in the mind of the Minister in another place. In dealing with this question he had not taken figures into account, because it did not matter whether there was £100 or £100,000 involved, there was no possibility of inducing the Federal Government to give this concession.

Hon. M. L. Moss: Have you tried?

The COLONIAL SECRETARY: The present Government had had ample experience of the Federal Government. They had tried in various directions, not in regard to this matter, but in regard to other matters, but the Federal Government were unbending, and it seemed to him there was no hope. If they thought there was the slightest possible hope the State Government would approach the Federal Government and would have pleasure in doing it, but how could the Federal Government make this concession to Western Australia? There would be an outcry throughout the Commonwealth. Probably it could not be done without an Act of Parliament to wipe out a sum ranging from £60,000 to £200,000 according to varying estimates. He could say no more than to hope that the House would not insist on the amendment.

Hon. M. L. MOSS: At last we learned that the Federal Government were unyielding and unbending in regard to every effort the State Government made, notwithstanding the State Government were showing the greatest amount of consideration in every respect to the Federal Government. Look how the State Government knuckled down to the Commonwealth authorities in the question of the Savings Bank deposits, and now they proposed to do the same thing in connection with the material for the Trans-Australian railway. We were treated with the utmost want of consideration all through. There was no reasonable attempt being made to get out of the Federal Government something that would save money to the State. The Colonial Secretary claimed there would be an outcry. This matter would not end on the floor of the House; it would be mentioned before a larger tribunal later on when public opinion would be expressed upon it. He was not wedded to the actual wording of the amendment, but could not the Federal Government be

asked to buy the material and plant and rolling stock and sell it to Western Australia at cost price? There would be no outcry then. Western Australia was doing very well towards the other States. Mr. Colebatch had properly drawn attention to the fact that we were the only State in the Commonwealth making this large sacrifice in order to build the 4ft. 8½in. line within our own boundary, so anxious were we to act up to the letter of the obligation, which had passed away from the realms of what was legal and was now only moral in its effect upon us. It was not too much to ask that the Government should make an effort which, according to the Colonial Secretary, they had not made.

The Colonial Secretary: We do not wish to make ourselves look ridiculous.

Hon. M. L. MOSS: At the proper time, on the public platforms of the State, the hon. member and his colleagues would have an opportunity of trying to convince the people that in making such an attempt they would have appeared ridiculous. In all probability the public would not agree with them. Having regard to the sacrifice Western Australia was making, surely the Government, on their part, should have attempted to save the State expenditure which might have been averted. He did not propose to do anything which might be construed into an attempt to block the Bill. The Government had declined to approach the Commonwealth Government with a view to securing a remission of the duty on this railway material or, alternatively, to inducing the Commonwealth Government to purchase the rails and sell them to the State at cost price, and therefore he would take no further steps in the matter.

Hon. J. CORNELL: Mr. Moss had suggested that the Federal Government should buy the rails and sell them at cost price to the State. What was meant by cost price?

Hon. M. L. Moss: Invoice price.

Hon. J. CORNELL: The people of Australia had agreed that there should be no discrimination between the States; it had been the policy of the Federal Government to charge all States duty.

Hon. M. L. Moss: Do you believe in that?

Hon. J. CORNELL: Certainly he did believe in it. In his opinion cost price would be the invoice price plus freight and duty.

Hon. M. L. Moss: Not the duty.

Hon. J. CORNELL: To attempt to carry out the proposal would be altogether unconstitutional, and would give any other State a perfect right to ask for a similar concession. To dictate to the Federal Government would be to place ourselves in a ridiculous position, more particularly as the people of the Commonwealth as a whole had spoken in no uncertain voice with regard to discrimination as between States. It had been said that we were making a sacrifice to build the line.

Hon. Sir E. H. Wittenoom: So we are.

Hon. J. CORNELL: Well, if we thought it was unjustifiable we should vote on the main principle and not on a detail, the principle as to whether or not the State should construct the 4ft. 8½in. line to Kalgoorlie. By all means let the fate of the Bill be decided on that issue; but we should not hang up the Bill on something which it was not possible to get until such time, at least, as the Constitution was amended. It had been said that all railway material for the use of the Government should enter the Commonwealth free of duty; but this was beside the mark, for it had been decided by the electors that duty should be paid by the States. He hoped the amendment would not be pressed.

Question put and passed.

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

BILL—INDUSTRIAL ARBITRATION.

Second Reading.

Debate resumed from the 25th September.

Hon. R. G. ARDAGH (North-East): Earlier in the evening reference was made to the undue delay which allegedly has taken place in this Chamber in regard to the passage of this important measure. I am in accord with the remarks

made by the leader of the House to the effect that no undue delay has taken place. I moved the adjournment of the debate at last sitting of the House until to-day. I did so, not with the intention of making a speech on this measure—because, having heard the speeches made by other hon. members, I realise that a great deal has to be done in regard to this measure when we get into Committee—and consequently my remarks to-day will be but few. I have listened carefully to all the speeches delivered in respect to this measure, and I was struck by the remarks which fell from certain hon. members, particularly Mr. Sanderson, who, I gathered, are opposed to compulsory arbitration. Mr. Sanderson said he was disgusted with the whole affair. For my part I am equally disgusted with those who declare against arbitration.

Hon. A. Sanderson: Compulsory arbitration.

Hon. R. G. ARDAGH: Yes, I will go so far as to say that. I believe compulsory arbitration is the best means of settling disputes between master and man.

Hon. M. L. Moss: What is your opinion of those who declare in favour of it and subsequently strike?

Hon. R. G. ARDAGH: I admit there are many people who do not believe in compulsory arbitration. They have a perfect right to their own opinion; but personally I believe in arbitration. Sometimes the workers have been practically forced to break the law owing to an undue delay in getting to the court. I can give you an instance of this delay. In July last a case was cited by a goldfields union of dairy employees for a breach of the award on the part of the employers. The union applied to the court to have the case heard. The case was set down to be heard on Tuesday, 24th September. On Monday, 23rd September, the secretary of the organisation received the following letter:—

> I desire to notify you that the proposal to deal with the dairy employees enforcement cases at Kalgoorlie on Tuesday next has had to be abandoned for the time being. I am unable to say definitely when the hearing will take place, but you will get the prescribed notice when a definite appointment has been made.

Hon. M. L. Moss: Who signed that letter?

Hon. R. G. ARDAGH: It is signed by the clerk of the Arbitration Court. If these inspectors referred to in the Bill——

Hon. M. L. Moss: Before you get away from that point, was not that delay in consequence of other cases having been listed before the one you speak of?

The PRESIDENT: Order!

Hon. R. G. ARDAGH: However that might be, it only goes to show the faults in the present Act. Until some remedy is provided by appointing inspectors to administer breaches of awards, it is no wonder if bodies of workers become dissatisfied. The breach I have mentioned occurred twelve months ago, and it was not until July that the employees attempted to cite a case against the employers, the result being that the case has not been heard yet. If the inspectors mentioned in the Bill are appointed, such cases can be heard promptly and dealt with promptly before the Court. The inspectors would bring the case against either the employers or employees, and this would facilitate greatly the business of the court. In my opinion, that is a splendid feature of the Bill.

Hon. D. G. Gawler: The inspectors do not hear the cases.

Hon. R. G. ARDAGH: They would have the power to bring the cases against the parties and get them brought on more speedily. If there were a dozen cases, they could be gone on with just the same. I believe in arbitration. It is the best means of settling disputes, and, until some better method is discovered, I am going to support compulsory arbitration both in this Chamber and out of it. Arbitration has been tried in New Zealand for many years, and whilst perhaps there are many in that country who are opposed to the Act, and whilst probably it does not give all the satisfaction it might, there is this to be said in its favour, that it has been the means of preventing many disputes between employers and employees—disputes which

might have ended in prolonged strikes. Consequently, if for no other purpose, it has done good in this direction. and I venture to say it has done good also in other directions. Mr. Moss has intimated that it is his intention to move for certain amendments in Committee. On coming to the Chamber, I received what appears to be a copy of a new Arbitration Bill to be introduced at the instance of the Perth Chamber of Commerce. I have not had time to go through it yet, but I take it that this is an indication of what we can expect when this Bill reaches the Committee stage; consequently I think it is useless for members to talk further on the second reading. We might as well wait until we get this new Bill which is being brought forward. and deal with it in Committee in conjunction with the Bill which we have been discussing since the 12th September. It is my intention to say nothing further at this stage, but I will content myself with waiting until the Bill reaches Committee.

Hon. E. M. CLARKE (South-West): After the able speeches which have been delivered by several members against provisions in this Bill, it is superfluous for me to delay the House very long. Though I may be condemned in some quarters for saying it, I am satisfied that compulsory arbitration in Western Australia or in any other place will not be effective. I go so far as to say that although I feel this, I am willing to give it another trial. What do we find in the old country? They will not look at it. In New Zealand, it is no use mincing matters, it is a failure, and in Western Australia it is a failure. Much has been said about the difficulty of approaching the court. Difficulties always arise in administering a new Act. Amendments are always required before an Act can be made perfect, and our Arbitration Act could have been amended in this way. I hold that we cannot compel a man to go to work. I do not care who holds a different opinion: if he will look into the matter he will realise that if a man does not choose to work he cannot be made to work. It would be almost as hard to try to make an unwilling man work as to take a dozen horses to water and make them all drink. However, I am willing to give compulsory arbitration another trial. But what has happened in the past? We find there has been a way of avoiding some of the provisions of the present law. What I am saying is said in no hostile spirit, but I like to deal with facts as they appeal to me, and they are facts which can be proved. In numbers of instances the workers instead of saying straight-out that they are going to strike go into conference, or make some other lame excuse. A lot has been said to the effect that employees cannot get to the court. I am inclined to think that sometimes they do not want to get to the court. That is my candid opinion. It is not often that I trouble the House by quoting extracts, but I want to give one or two quotations. The first is with regard to the alleged lock-out which occurred a short while ago and the case against the firm of Goode, Durrant & Co. I will not weary the House by reading the whole of the report of the proceedings, but will take the magistrate's summing up—

> Evidence for the prosecution was tendered by the two women and Mr. B. J. Stubbs, president of the union. In the cross-examination both Miss Nantes and Miss Smith said that they had stopped away "to try and make the firm pay them more wages for their work, viz., 38s. weekly." Proceeding, his worship found as a question of fact that Miss Nantes and Miss Smith became dissatisfied with the terms of their employment, and left, and that though Mr. Pearce, the factory foreman, was willing to take them back, Miss Nantes had shown in cross-examination that they stayed away because they wanted a higher wage. They remained absent in order to compel their employers to pay them higher wages, and if that was not more in the nature of a strike than a lock-out he totally misunderstood the meaning of those two terms. There was one point in the case, continued the Magistrate, which had troubled him exceedingly. When in the witness box Mr. B. J. Stubbs had indignantly repudiated the

idea of there being an arrangement for piece work between the firm and the girls. Now, the girls themselves said they were willing to do so many pieces for so much wages. They found they could do more and they asked for increased pay and got it. Then they found they could do still more, and they were promised a proportionate increase in wages. If that was not piecework, what was? He found that there was nothing done by the firm in the nature of a lock-out, and, secondly, that the two employees concerned terminated their engagement of their own free will and left the service of the defendant company because they were dissatisfied with their terms of employment. That terminated the relationship between the defendant company and the two employees. Only two out of 200 employees left. Miss Smith and Miss Nantes, when they interviewed Mr. Pearce, said they were willing to come back to work. But they did not turn up at the fixed time, and later told Mr. Pearce that the union had not allowed them to come. Then they drew their wages, and, further, drew the day's security pay which was always held as a matter of custom by the firm. Thus the connection between those two girls and the firm was absolutely and finally terminated. Decision must be given for the defendant firm, with costs. In answer to questions by Mr. Hudson, his Worship said: "I find that the defendant firm did not break its agreement with its employees in any way. They honestly and carefully abided by the agreement drawn up by the union's own president."

It seems in that instance it was very easy to get to the court. It seemed very easy to cause a respectable firm like this a good deal of worry and trouble, and the court pointed out that instead of a lock-out there was practically a strike. Let me say here that I do not hold any brief for the firm in question. When such things are going on to what conclusion must we come? Let me take another case. There was that alleged monster which existed in the other States, known as the Coal Vend. That matter was investigated at immense cost. Proceedings are also being taken against another alleged combine, the Sugar Refining Company, but that matter has not yet been disposed of. The case of the Coal Vend is over. A report states—

> The High Court delivered unanimous judgment on the appeal in the now celebrated coal vend case. The issues were argued on both sides for 17 days, and the Chief Justice (Sir Samuel Griffith) delivered judgment for the whole court. The effect of the finding is that Mr. Justice Isaac's judgment has been completely set aside, the applicants exonerated, and the Crown ordered to pay the costs of the action and the appeal as between themselves and the appellants. The court held that the Crown had entirely failed to prove either intent or detriment, and that on the evidence the combination was not only not unlawful, but perfectly reasonable according to the law and the rules of trading. The Chief Justice said: We are bound to decide the case on the evidence, and on that we are of opinion that the Crown has failed to prove any actual detriment to the public. This disposes of the claim to an injunction under Section 10. The result is that the appeal must be allowed and judgment entered for the appellants (defendants) with costs, and with costs of the action.

I want to say that to my mind at no time in the history of Western Australia has there been a greater need for industrial peace than at present. This is one of the factors which will make or mar this State. I am pointing out the obnoxious clause which provides for all sorts of pains and penalties against the agitator. The provision will absolutely annihilate the agitator unless he can prove to the satisfaction of the court that a certain section of the community ordered him to do so-and-so. That, to my mind, would be on all fours with a provision which would allow a man to drop a bomb into this place and destroy

it, and allow him to escape punishment if he proved that the union had told him to do it. Can anything be more ridiculous? It is no laughing matter. No clause should be regarded as a joke when it is seriously proposed that it should form part of a Bill.

Hon. J. E. Dodd (Honorary Minister): There is no analogy whatever between your contentions.

Hon. E. M. CLARKE: There is another clause to which I object, and that is preference to unionists, and I will come to a matter which strikes me most forcibly. The following words, which are not my own, express my feelings:—

> The State has no right to inflict an economic disability upon a citizen simply because in the exercise of his freedom, he refuses to join a particular organisation. There ought to be freedom to join a trades union, and freedom not to join it, and the State which represents both parties, and taxes both, ought to take no sides with either. The demand for a preferential right to employment in favour of either unionists or non-unionists is a bit of class selfishness: it is a sin against the most democratic, and the most Christian of all principles, equality of opportunity for every man. The public funds to which both parties contribute, certainly ought to be used for the equal advantage of both.

It has been said, and I think it was mentioned in this Chamber, that if an industry will not pay a fair living wage it should not continue. The term "fair living wage" appears to be very elastic. Under this Bill I presume that if a man has a wife and one child he is to get so much, and if he has half a dozen children it is obvious he must get considerably more. If he has a dozen, where is the employer then?

Hon. F. Davis: It says "average worker."

Hon. E. M. CLARKE: But one man may work twice as hard as another.

Hon. J. E. Dodd (Honorary Minister): You do not want to discriminate.

Hon. E. M. CLARKE: Certainnly not, but why does the Bill do so. If we are to say what is a living wage we should remember that there are men and men. I will give an instance, and there is nothing like coming to facts. I have a man in my service, a big lump of a fellow, and a fine farmer, who is getting 8s. a day, and he has a wife and family. He has been with me for 12 months and now he is talking of going to the old country for the purpose of bringing out his brothers. Will members tell me that he is not getting a living wage? He is actually living on it and saving money as well. He has a nice cottage and a bit of a garden, and also, what is dear to the heart of every Englishman, some fine hams and sides of bacon hanging on his walls.

Hon. J. Cornell: How long have you had him with you?

Hon. E. M. CLARKE: Twelve months.

Hon. J. Cornell: Then you ought to put him in the museum.

Hon. E. M. CLARKE: He is a fine workman, and a man, every inch of him. I would like to refer to the president of the court. For my own part, even if he were the best judge who ever set foot in Western Australia, I would not give him the powers that it is proposed to give in the Bill.

Hon. Sir E. H. Wittenoom: He can do what he likes.

Hon. E. M. CLARKE: I would not give him anything approaching those powers. Even a High Court judge, who was no other than Judge Isaacs, has had his ruling overridden by the High Court. Here we propose that the ruling of the president of the court shall be final. I say that such powers should not be given. Why should we say that against the decisions of the president there should be no appeal, and why should we set up the president of this court as a dictator against whose decisions nothing should be said. Such a thing might have existed 200 or 300 years ago, but it should certainly not exist at the present time. I think I have said enough on this Bill, and after it has passed the second reading and we are in Committee on the measure, dealing with it clause by clause, hon. members may rely upon it that I shall make one to criticise it whenever criticism is necessary, and my object will be to endeavour to make it a fair and a

workable measure. As I have already pointed out we want fairness and justice meted out, no matter what the colour of the politics or the religion may be. We are all white and British subjects, and the law should be for all, and whatever we have, we should have fair and equal justice.

Hon. Sir E. H. WITTENOOM moved—

That the debate be adjourned.

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

Ayes	16
Noes	8
Majority for	8

AYES.

Hon. H. P. Colebatch	Hon. E. McLarty
Hon. J. D. Connolly	Hon. M. L. Moss
Hon. J. F. Cullen	Hon. W. Patrick
Hon. D. G. Gawler	Hon. C. Sommers
Hon. A. G. Jenkins	Hon. T. H. Wilding
Hon. W. Kingsmill	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. A. Sanderson
Hon. C. McKenzie	*(Teller).*
Hon. R. D. McKenzie	

NOES.

Hon. R. G. Ardagh	Hon. J. E. Dodd
Hon. E. M. Clarke	Hon. J. M. Drew
Hon. J. Cornell	Hon. Sir J. W. Hackett
Hon. F. Davis	Hon. B. C. O'Brien
	(Teller).

Motion thus passed, the debate adjourned.

ASSENT TO BILLS.

Messages received notifying assent to the following Bills:—

1. Tramways Purchase.
2. Election of Senators Amendment.
3. Health Act Amendment.
4. Methodist Church Property Trust.
5. Inter-State Destitute Persons Relief.

BILLS (2)—FIRST READING.

1. Fremantle Harbour Trust Act Amendment.
2. Public Service Act Amendment.

Received from the Legislative Assembly.

BILL—UNCLAIMED MONEYS.

Message received from the Assembly notifying that the Council's amendments had been agreed to.

MOTION—UNIVERSITY SITE.

Debate resumed from the 17th September on the motion of the Hon. J. F. Cullen, "That in the opinion of this House, the University Senate, having accepted the Government offer of the Crawley Estate in exchange for endowment lands of corresponding value, should now, with the consent of the Government, negotiate with the Trustees of King's Park for an exchange of the Crawley Estate for land of corresponding value on the highest available part of King's Park, as the most suitable site for the University of Western Australia," and on the amendment of the Hon. J. D. Connolly that all the words after "University," in line one, be struck out, and "of Western Australia should be placed in a more suitable position than that proposed at Crawley" be inserted.

Hon. B. C. O'BRIEN (Central): When this matter was last being discussed in the House I moved the adjournment of the debate, and I desire now to say that I am going to support the amendment moved by Mr. Connolly. I have not a great deal to say except to emphasise the opinion that I still think we ought to be able to find a more suitable site for a university than Crawley. I think the Crawley site would be far and away better adapted for a park or for recreative purposes than a university. I think that when we come to offer opposition to the views of the Senate in their choice of a university site we should be prepared to submit an alternative site, and one which in our opinion would be more suitable. But it does seem strange that in this young city of ours—and it is still practically a small place—we cannot find a suitable site. At first I was inclined to agree with Mr. Cullen that we should have chosen a site in King's Park, but after having heard the speeches of other hon. members I have decided at last to throw in my lot with the amendment moved by Mr.

Connolly, because I admit I am just as conservative as any member in keeping intact King's Park as it is. In the hope of obtaining a site in the vicinity of a spot where Mr. Connolly indicated, that is along the line to Claremont, I shall vote for the amendment. I believe a fine area can be found there which will be a great advantage as a site. My purpose in supporting Mr. Connolly is that the site he proposes will be absolutely central as far as present indications go. The City is expanding very fast and, after all, that site is not at all distant from the main portion of the City. It is right on the railway, and a great point to be considered is convenience—the convenience of the students who have to attend the institution at all times of the day and evening. It will be conveniently reached from Fremantle and Midland Junction, as well as being handy and easy of access from the City.

Hon. Sir J. W. Hackett: You mean the West Subiaco site?

Hon. B. C. O'BRIEN: Yes. Those are my reasons for supporting Mr. Connolly in his amendment, after having heard his speech and the speeches of other members. There is a lot to be said against the Crawley site. As has been pointed out, it would never be a suitable spot for the erection of a palatial building such as a university should be, and for nice recreation grounds that are essential to an institution of this kind. We have greater opportunities in the site suggested by Mr. Connolly, also in the King's Park site, although now I prefer that the King's Park site should be left out. Other sites have been mentioned, the one on which the Parliamentary buildings are erected, and the Observatory and other sites. These I consider unsuitable. The Parliamentary site is very suitable for the purpose to which it is at present put, and should remain so. The Observatory site, if it is not to be continued for its present purpose, may in future fill some more useful purpose. I think we might go further afield and look for a site for a university. Crawley, I think, is unsuitable for that purpose, and in the immediate future will be wanted for the recreative purposes of the citizens of Perth. I support the amendment moved by Mr. Connolly.

Hon. F. DAVIS (Metropolitan-Suburban): In view of the fact that the debate has now centred round the amendment, there are just one or two phases which appeal to me. A good deal has been said as to the unsuitability of the Crawley site for the purpose of a university on account of the dampness of the area. On looking over one of the illustrated journals the other day, I noticed that it is proposed to place the new London University on a site fronting the Thames river.

Hon. W. Kingsmill: What is the area?

Hon. F. DAVIS: I did not notice.

Hon. W. Kingsmill: Seven and a half acres.

Hon. F. DAVIS: But the point appealed to me directly I saw the suggestion. It appealed to me that in London, where they have had the experience of many centuries, they have deliberately chosen a site washed by the waters of the Thames. That was one proof to me that Crawley could not be so very objectionable after all. This is a question which, to my mind, should be left entirely to the Senate of the University to decide. It appears to be logical that that should be the case. The Senate have been chosen by the Government for this amongst other duties, and they have had the opportunity and time to give careful consideration to the question, and, having given that careful consideration, it seems most peculiar, not to say illogical, that any other body, even a legislative body, should try to over-ride the decision at which they have arrived. For that reason it seems that this Council should wisely vote against both the amendment and the motion.

Hon. J. F. Cullen: Is that not ultra-modesty?

Hon. F. DAVIS: No. It appears to me to be common sense. Having given the power to a body to do certain work, we should allow them to do that work, and accept their decision.

Hon. J. F. Cullen: Right or wrong?

Hon. F. DAVIS: Not necessarily right or wrong. On the Senate are men who

have the capacity to decide, perhaps the best men in the State—they ought to be to decide this question—and having given them the power, is it not wise to accept their decision and abide by it?

Hon. J. F. Cullen: They are almost evenly divided.

Hon. F. DAVIS: The rule of the majority should decide. For these reasons, when it comes to a vote, I shall vote against the amendment and the motion also.

Hon. J. CORNELL (South): I am opposed to both the motion and the amendment, and I want it distinctly understood that I am not arguing from a university point of view, or a city point of view, or the merits of a university. I never attended one and I never hope to attend one. I oppose the amendment because it is too vague. It says "in Western Australia." That might mean something, but, in my opinion, it means nothing.

Hon. Sir E. H. Wittenoom: It might mean Lamington Heights.

Hon. J. CORNELL: Yes, it might mean that, but it means nothing in my opinion. As far as I can gather the motion means nothing and will do nothing. I believe the power to choose the best site has been handed to the Senate, and if the Senate are not a representative body and a body not competent to judge, then that is a reflection on those who are responsible for their appointment. I think they are competent, and I abide by their judgment. Of what utility will the amendment or the motion be, if carried? What will the effect be?

Hon. M. L. Moss: A pious resolution.

Hon. J. CORNELL: Yes, just a pious resolution, that is all it amounts to. I am prepared at all times to support a tangible motion that will have some logical outcome. I shall not support the motion or the amendment which Mr. Moss, in accord with me, says means a pious resolution. It means nothing and will do nothing. As a consequence I shall vote against the motion and the amendment as a protest against a waste of time in this Chamber.

Hon. J. E. DODD (Honorary Minister): I have very little to say in connection with the motion, because there is a Bill coming before the House, in fact it is on the Notice Paper, dealing with almost the same matter.

Hon. J. F. Cullen: Not necessarily.

Hon. J. E. DODD (Honorary Minister): It deals with the exchange of the land.

Hon. J. F. Cullen: We do not object to that, at least I do not.

Hon. J. E. DODD (Honorary Minister): It seems there is a remarkable diversity of opinion in connection with the question as to where the University should be. I think the members of this House may be divided into four groups—those in favour of Crawley, those who are opposed to Crawley and in favour of King's Park, those who are in favour of some other site as suggested by Mr. Connolly in the amendment, and those who are opposed to the Government.

Hon. J. F. Cullen: Opposed to what?

Hon. J. E. DODD (Honorary Minister): To the Government.

Hon. J. F. Cullen: Nonsense.

Hon. J. E. DODD (Honorary Minister): It is not nonsense. No matter what site had been chosen we should have had some opposition in this Chamber.

Hon. J. F. Cullen: The Government are not in it.

Hon. W. Patrick: That is very unfair.

Hon. J. E. DODD (Honorary Minister): We have had the composition of the Senate brought into this matter. We have also had the workers' homes principle brought into the debate, and no matter what site had been chosen, I say there would have been some opposition tendered against the Government.

Hon. J. F. Cullen: There is no ground for making such a statement.

Hon. W. Patrick: One of your strongest supporters is supporting the amendment.

Hon. J. E. DODD (Honorary Minister): The motion was proposed in a very fair manner, and good argument was put forward by the hon. member, but in a motion of this kind there was no need to introduce the composition of the Senate, and party feeling in connection with the selection of the Senate, also in-

troducing workers' homes and the method adopted by which the homes are to be paid for. These matters, as well as outside extraneous subjects, have been introduced in this debate, and to tell me that these were things that members knew nothing about would not be true. I do not intend to say much, because we have the other Bill coming on. We have the selection committee of the Senate recommending Crawley, and the Government offered Crawley. Who are the best judges of the site if the Senate are not? The Senate were appointed to decide on the site and they having carried out their duties, and their obligation, requested the Government to hand Crawley to them in exchange for other land, and that was done. That being so, I fail to see that we should alter it at all. Having appointed a Senate with the best qualifications, we should abide by what they have recommended. There are one or two points in connection with the Crawely site that have been raised, and that I, for one, cannot follow. In the first place it is said Crawley is a recreation reserve; it was bought for the purpose. Now we have had, in another place, the late Premier denying that, although it was freely stated here, I believe by Mr. Connolly, who was a member of the late Government, that it was bought for a reserve.

Hon. J. D. Connolly: Then what was it bought for if not for a reserve?

Hon. J. E. DODD (Honorary Minister): I am quoting the words of Mr. Wilson, the late Premier of the State, who said it was not bought for a recreation reserve.

Hon. J. D. Connolly: Quote his words.

Hon. J. E. DODD (Honorary Minister): I cannot find them just now, but if I had thought that I should have been speaking now, I should have shown that I am correct, if I would have been in order in doing so. During the last debate, I think, which took place in the Legislative Assembly, Mr. Wilson made the statement which I now repeat. Then again some reference has been made to the inaccessibility of Crawley. That argument I cannot follow. I am willing to agree with many members that we should get as many reserves as we can. I hardly think we can have too many, but the State seems large enough, and surely we can always reserve enough land for playgrounds and reserves for the people. As to the accessibility of Crawley, it is not a hard matter to take a tram around the river to Crawley. I think the King's Park is a little more inaccessible to ordinary individuals than Crawley is. I think it was Sir Winthrop Hackett who drew attention to this fact. It is just as far away when you have to go panting up the hill to King's Park on a hot day, as to take the tram to Crawley; therefore the argument, from that point of view, will not hold water. Then there is the argument from the central standpoint. It is hard to say where the centre of Perth will be in the course of a few years. It may extend west or north, but I do not see how anyone can foresee the most central site on which to place the University. At any rate there is not much in the argument that the students of the University will find Crawley any more inaccessible than King's Park.

Hon. W. Kingsmill: What about West Subiaco?

Hon. J. E. DODD (Honorary Minister): I do not propose to deal with that.

Hon. W. Kingsmill: Why not; it is a possible site?

Hon. J. E. DODD (Honorary Minister): When we have the Bill before us hon. members will have the opportunity of saying something more about the West Subiaco site. I intend to oppose the amendment.

Hon. C. SOMMERS (Metropolitan): At the risk of being regarded as one of those persons who are against the Government, I desire to say a few words on the amendment. It does not seem to me that the question of site is a matter of concern to the Government one way or another. On this matter, I take it, we are all desirous of seeing selected the best site that can be obtained. There is no great urgency in regard to this particular work. It must be a considerable time before any building can be erected on the site, whether it be West Subiaco or Crawley. At first I was of opinion that Craw-

ley would be an ideal site for this purpose, but the more I have looked into the arguments, and the more I have thought over the subject, the more I see the disadvantages of that site for University purposes. We are deficient of water frontages which have a good clean stretch of sand, where children can play in summer time. I well remember that the late Sir George Shenton found that, despite all his efforts to keep the public off that foreshore, in summer time they simply swarmed there. The city is extending, its population is increasing rapidly, and we must look ahead. Where a few hundreds use the beach to-day, thousands will use it in a few years, and they will swarm over the water frontages and over the University grounds. That is not desirable from the point of view of the peace and comfort of the students. I admit that, so far as appearances go, the site is all right, but the very fact of having that fine river frontage will be a drawback. We certainly should not endeavour to prevent the people from using that foreshore.

Hon. Sir J. W. Hackett: The foreshore is reserved.

Hon. C. SOMMERS: It is impossible to confine the people to a few chains of foreshore. They will swarm over the foreshore and want to camp on it, and in this climate it is desirable that they should be able to do that. That reserve is looked upon as the water frontage for the people of Subiaco, where there is already a dense population and one that must increase very much in the future. It is a natural outlet for the young people of that district, who wish to have a swim, and to sometimes camp there at night. As it is a considerable distance away, and because of the other disadvantages I have alluded to, if it is possible to secure a more suitable site, the matter of delay should not enter into the question at all. At West Subiaco there is a large area of ground, to which no objection can be taken from a residential point of view, and I cannot help thinking that, after all, a wise exchange has not been made by the Senate. It is wrong of any hon. member to say that this is a party question. I believe that the Senate have done their best, and by a small majority have decided that Crawley is the most suitable site; but it does not follow that they are right, and as I do not think there is any urgency in the matter of choosing a site, and in order that we may see if something better can be done, I intend to support the amendment.

Hon. W. PATRICK (Central): I intend to support the amendment. There is not the least doubt that from a picturesque point of view we could get no finer site than Crawley. It is a river frontage that will certainly be a magnificent site for a public building, but the opinion of a great many of the leading doctors in the City is entirely against it from a health point of view. My objection to it is on entirely different grounds. I consider that before many years the portion of the river running through the City will become a harbour, and in that case we could not possibly have a worse site for a university than alongside a port. Beyond doubt the river must inevitably become a place of wharves and docks in the near future. There is no capital city in any portion of the world, which has not, if its natural position was not suitable for a harbour, made it suitable, and in some cases at enormous expense. Perth is particularly well situated for the creation of a harbour at no very considerable expense, and for that reason I am in favour of the amendment. I do not see that there is any great hurry, and it was unworthy of Mr. Dodd to introduce the question of party politics. The University Act was introduced by a Liberal Government, and I am sure there is no man in this community, whether he belongs to the Labour party or to the Liberal party, who is not entirely in sympathy with the very best educational system that can be produced by money.

Hon. R. J. LYNN (West): I intend to say very little in regard to this site. I think it would be possible to secure a much higher position than the Crawley site, but I was somewhat inclined to respect the recommendation of the Senate,

who have given this matter very great consideration. Mr. Dodd made reference to what the late Premier said regarding this site, and I merely desire to put the hon. member right as to what Mr. Wilson said in another place. Crawley was never purchased for a university site. I think Mr. Wilson in speaking in the Assembly specially remarked that the purchase was made in order to give more land to the people, and to secure a road for the benefit of the public along the foreshore of the Swan river. In addition to the Crawley estate, the Dalkeith estate adjoining was purchased for the same purpose. So far as I am concerned, I am not actuated by any party motive, because I consider the selection of a site for the University quite outside the realms of party politics; but I am inclined to support the amendment in order to bring about more discussion in view of the objection lodged by so many medical men. If some other site can be suggested, and the Senate still remain obdurate, this House will at any rate have given due warning.

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

BILL—FREMANTLE RESERVES SURRENDER.

In Committee.

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

Clause 1—agreed to.

Clause 2—Power to surrender certain reserves:

Hon. H. P. COLEBATCH moved an amendment—

That in line three after "No. 1532" the following words be added—"or any portions thereof."

The amendment would allow the municipality to surrender the whole or any portion of the reserves. If it was thought that the whole of the reserves was not required for workers' homes, the municipality could surrender just as much as was required and no more. The Bill as at present drafted meant that the municipality was bound to surrender the whole of the lands, and the Government were bound to use the whole of them for workers' homes.

Hon. M. L. MOSS: The amendment was a good one. There was a feeling at Fremantle that these reserves should not be handed over to the Government unless they were to be used for the purpose of workers' homes—that the municipality ought not to be deprived of the land, and the land locked up for an unreasonable time through the undue postponement of the erection of the homes. If the amendment was carried, it would not prevent the municipality from surrendering the reserves at once, but it would enable the municipality to call on the Government to say how many subdivisions were required at once, and to surrender them from time to time as they were required for workers' homes.

Hon. R. J. LYNN: The Fremantle municipality were anxious to make this surrender and the only concern felt in Fremantle was to an early start being made with the erection of workers' homes. The amendment was an admirable one.

Amendment put and passed; the clause as amended agreed to.

Title—agreed to.

Bill reported with an amendment.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—PEARLING.

Second Reading.

Debate resumed from the 24th September.

Hon. W. KINGSMILL (Metropolitan-Suburban): It is not my intention to offer more than a few remarks on this Bill. Indeed, I should not have adjourned the debate had it not been for the fact that some years ago I had some little experience in the industry with which this Bill deals. It is not my intention either to traverse the Bill in detail, but merely to deal with some of the features of it, some of the more salient features, those that appear to me in an unfavourable light. I hope the leader of the House will realise that, when I do not say anything about the features of the Bill that I approve of, he will understand that I feel my speech would be very unduly pro-

tracted, and that he would have every right to complain about the wealth of my complimentary powers. So he will take it that any criticism I have to offer is only on those parts of the Bill of which I disapprove. It has always been the fashion in Western Australia to allude to the pearling industry as one that contributes practically nothing to the public purse. I need hardly say that is an extreme fallacy. The pearling industry contributes a very fair amount to the public purse when we consider the turnover of the industry, and that, after all, there must be a very fair amount paid to the State as income tax, and as dividend duty, and when we further consider that the industry obtains practically all the ships and boats in which it is conducted locally, and further that the Customs duty on imported stuff for the up-keep of those engaged in the industry, and for the appliances which cannot be manufactured locally, amounts to no inconsiderable sum.

Hon. Sir E. H. Wittenoom: That goes to the Federal Government.

Hon. W. KINGSMILL: Quite so, but we, of course, get that share——

Hon. Sir E. H. Wittenoom: A small share.

Hon. W. KINGSMILL: That share we are entitled to. It goes, after all, into an Australian fund. When we consider these things I think a fair case can be made out for the contention that the pearling industry contributes fairly reasonably to the revenue; and those engaged in the industry have at no time been reluctant when called upon to contribute towards the State revenue. I remember a good many years ago when I paid an official visit to Broome, which was then, as now, the centre of this great industry, the pearlers waited upon me and said that they would take it very kindly if the Government would supply a light for them. I assented to the proposition, and asked what return they would be willing to make if a lighthouse were erected on the point which is the landfall of Broome; that is, Gantheaume Point. They said they would be perfectly willing to pay light dues of so much per boat. I think it was £1 per boat per annum. This arrangement was entered into, and the Gantheaume Point lighthouse was built. That lighthouse had a unique record in Australia, if not in the world. It returned about 10 per cent. direct revenue to the cost of it. Later on, I understand—I do not remember during whose regime—these light dues were remitted; that source of revenue was wiped out which need not have been wiped out, and which the pearlers at the time I am speaking of had not the slightest reluctance in paying. One of the most objectionable, and one of the most ridiculous features of the Bill, is that which has been introduced into it since the Bill came into another place, that is, the imposition of a proposed royalty of £5 per ton on shell won in what I understand are known as territorial waters. Now, territorial waters are those waters within three miles of the low-water mark. It seems to me rather an audacious proposition that the pearlers should be called upon to keep account of where their shell is obtained. If they start out with the best intentions —and I credit them with nothing else— there are few who can tell how much shell is obtained within territorial waters and how much shell is obtained outside territorial waters. As a matter of fact, anybody who has visited the North-West for the last few years must know that practically no shell whatever is obtained within territorial waters so far as the boats working out of Broome are concerned. It is true that the boats working further south, about Exmouth Gulf, and around Onslow and Mary Ann Passage, and those parts of the coast, may occasionally obtain shell within territorial waters, but the amount is so very small compared with the total yield, and the difficulty of ascertaining the locality whence the shell is obtained is so extremely great that, even if this proposed royalty is imposed —and I hope when the Bill leaves this Chamber the proposed royalty will no longer find a place in it—it would be the most difficult thing in the world to insist upon its collection and the most difficult thing in the world to provide for the enforcement of the provisions if any dispute were made on the part of the pearler. Furthermore, the Government are dealing

with an industry which is a very fluctuating industry. I am informed by those engaged in this very industry that, since that provision was introduced in the Bill, there has been a drop in the average price of shell of no less than £60 a ton. I ask the Government in all seriousness, do they propose further to increase the burdens on these people by proposing a royalty which must be ineffective, and which must be unfair in its incidence? I listened some time ago to a speech delivered by a member of Parliament. He had had some experience of the North-West, but not very much of the pearling industry, and the picture he made of that industry resembled nothing so much as a summer sunset in the richness of its colours. Everything was absolutely lovely. It was like travelling over a coral reef in calm water. The colours seemed to dazzle. According to that gentleman all that had to be done was for one to find £700 and purchase a lugger, and then, in the words of the old story-books, "he lived happily ever afterwards." The lugger assured him of an income of £500 a year. After working for a year or so on this basis, he naturally would buy another lugger, after which he would proceed to buy more luggers, until the bounds of his fortune were only calculated by the capacity of his efforts. I am sure pearlers wish that such a state of affairs existed. People seem to forget that in pearling, as in other matters, there is a great deal of risk attached. Only the other day I was speaking to a man who found one of the best pearls ever found in the world I suppose. It was found in Broome. Two or three days after he found it, he obtained £5,500 for it on the spot, and the stone, as they invariably call it at Broome, was afterwards sold, I believe, at £15,000 or £16,000 in London; but that man, through no fault of his own—he was a man of steady and good habits—has since lost in the same industry the greater part of the money he undoubtedly made during the season in which he found that pearl. That is sufficient to prove that pearling is not all that the gentleman whom I had the pleasure of listening to—and it was a pleasure while it lasted—painted it. The only trouble was that, after all this dream fabric that he wove around this industry, it was just one's bad fortune to wake up when it came to the important and material part of it. I do not suppose it is claimed for a moment that the Government shall collect this £5 royalty on shell found outside territorial waters. That would be almost too audacious a poposition for any Government to put forward. I suppose one of the greatest difficulties to be met with in the pearling industry, and a difficulty which I think should inspire a Government controlling the destinies of the State, and who desire to treat the industry as leniently as possible, is a difficulty that arises from what I can only characterise as the dual control or charge of the industry. Of course this State may lay down conditions to regulate the industry, and in my opinion in this Bill some of the conditions which are laid down, some of those adaptations of the Merchant Shipping Act to the boats trading out of Broome, sail, I fancy, somewhat too closely to the constitution, somewhat too closely to the dividing line between Federal and State control; but leaving that out of the question, the life of the industry, as I look at it, is controlled by the Federal Government and not by the State Government. The Federal Government have the right to say whether coloured labour shall or shall not be employed in the pearling industry. The leader of the House said, and I think he strained himself somewhat when he said it, that white divers had been tried in Broome and found to be a success. I do not think he will find that many of those engaged in the industry—and I have spoken to several since that statement was made—will back him up in that statement. The white diver undoubtedly is able to undergo just as real hardships, to descend to just as great depths and to stop at those depths just as long a time as is the coloured man; but, as one who loses a horse employs an aborigine to track it, so one looking for pearl shell employs for his purpose a person whose instincts enable him to find pearl shell more easily than can the white diver. I do not know whether any member here

to-night has ever walked over a reef laid bare at low tide, a reef where pearl shell exists. If he had done so he would appreciate the difficulty of seeing pearl shell in its native habitat even when pointed out; and if any unaccustomed person went to such a place without the guidance of some other person who knew the game, so to speak, they would find it the most difficult thing in the world to detect this pearl shell. Thus the white diver, although he can do many things as well as can the coloured diver, yet he has not that facility, that faculty, that instinct of detecting shell which the coloured diver possesses. It is no detraction from the white diver to say this, for that in which he is lacking is simply one of those instinctive faculties which has been, so to speak, bred out of the white man, but which remains in the coloured man, who is nearer to Nature in his instincts.

Hon. J. Cornell: The same argument was used in regard to the Kanakas and the sugar industry.

Hon. W. KINGSMILL: I did not know that sugar cane concealed itself amongst other vegetation with so much success that it takes a Kanaka to detect it. However, I am willing to accept the hon. member's statement with the utmost good faith. From my point of view, that is the principal argument in favour of the retention of the existing state of affairs in regard to this particular industry. The principal difficulty, I would reiterate, which the industry has to face is that, whereas restrictions and fees and royalties may be imposed upon it by the State Government, after all, the life supply of the pearling industry, that is, the supply of suitable labour, is in the hands, not of the State, but of the Federal Government. Just a word or two with regard to exclusive licenses. The Bill makes provision for the granting of exclusive licenses, and I hope it is not seriously intended to grant these exclusive licenses for anything else but the cultivation of pearl shell. It would be a great deterrent on the North-West portion of our coast if they were granted for any other purpose.

The Colonial Secretary: You would not allow them to work shell?

Hon. W. KINGSMILL: Only for the obtaining of shell from cultivation. Another point I would urge upon the Minister is that it is very hard indeed to combine in one Bill provisions applicable both to the industry in Shark Bay and that in the North-West. The species of shell at these two places are absolutely distinct, the conditions and the life of that shell are absolutely distinct, the method of working is different, and altogether it is very hard to combine in one measure equitable provisions for both branches of the industry. With regard to Shark Bay, the rough cultivation of pearl shell has been in vogue for many years past. The more a holding is worked in Shark Bay the better it becomes. If the holding is properly worked the shell is dredged at intervals, broken up—for here it has a tendency to go into a conglomerate mass—and returned to increase as it should increase. The more this is done the better the holding becomes. Such a course is impossible with the more widely distributed, but immeasurably more valuable shell in the North-West. For years past my sympathies have been with Mr. T. H. Haynes, who was with us, but has now gone to England, who conducted, at a very considerable cost to himself, some particularly interesting experiments in regard to the cultivation of pearl shell at Hermite Island in the Montebellos. He spent something like £6,000 on these experiments, and while his results may have been more negative than positive, still I am sure he was on the right track. The experience he has gained, if not very profitable to himself will undoubtedly be profitable to those who come after him, and I was sincerely sorry that the Federal Government, on his deciding to leave Western Australia, did not accede to his request and carry on his experiments where he had left off. I look upon it as almost an assured fact that before many years are over the cultivation of large and valuable shell in the North-West will become an accomplished fact, and will put the industry on a basis altogether different from the precarious basis on which it at

present exists. I hope, however, that no exclusive licenses, except for the purpose of cultivation, will be granted under the Bill when it becomes an Act, and furthermore that the conditions to be laid down for these exclusive licenses, and which I presume will form part of the regulations under the Bill, will be fairly stringent, so that those who obtain exclusive licenses will have to see that proper work is performed. I hope, too, that a fair understanding with regard to renewals will be made in the Bill. At present it is somewhat problematical. I understand that no man has a right to ask for a renewal.

The Colonial Secretary: Not the right to demand.

Hon. W. KINGSMILL: I think that if the conditions are carried out he should have the right to demand. It is only a fair thing. If anybody starts cultivating pearl shell he knows a period of some years must elapse before he can expect to obtain any revenue; and just, perhaps, when he has got his exclusive license into a fair state of reproductiveness, the period of the license terminates and the Government have the option of terminating the lease. This, I think, would be a great injustice not only to the man concerned but by the destruction of a fairly profitable branch of the industry, a great injustice also to the State. I do not intend to touch upon any more points of the Bill, so the leader of the House will see, considering the extent of the Bill and the shortness of my remarks, that my opinion of it is distinctly complimentary. I intend to support the second reading.

Hon. Sir E. H. WITTENOOM (North): I have pleasure in congratulating the Government on having brought in the Bill, recognising as I do that it is a consolidating measure. I think all industries should be put under some method of being carried out on a proper scale, and, instead of having a number of disjointed Acts, wherever possible we should have a consolidating measure. Under these circumstances, I say it is good business to have brought this in. I notice two of the chief points in connection with the Bill are, first to get a little more revenue and, secondly, to enter certain objections to coloured labour. In reading over the excellent speech made by the Colonial Secretary on the introduction of the Bill, I notice the Minister stated that only £363 was obtained in the matter of revenue from the whole industry. I might have said a good deal on that point were it not that all my remarks have been anticipated by Mr. Kingsmill, who has just dealt with the measure so fully. He has referred to the numerous boats which have been built at Fremantle, the volume of the business carried on at Fremantle and the Customs duties paid by these pearlers, and although perhaps that does not come wholly to Western Australia, yet a portion of it does; and at the same time it must be remembered that these people have to meet these expenses. An idea with which the Colonial Secretary has tried to inspire the House is that these people pay little or no duty, and on the other hand he has also remarked the high price shell is bringing. Mr. Kingsmill has already referred to the fact that within the last fortnight shell has dropped £50 per ton. I am quite prepared to admit that shell has been bringing an exceptionally high price, and I believe those engaged in the industry have recently been carrying on profitable operations. But against that we must remember the extreme risks undertaken. Well within the memory of most of my hearers will be the terrific hurricanes which have dashed the fleets to pieces and smashed up the boats. Numbers of lives and boats have been lost. And these boats cannot be protected by insurance like the ordinary steamers and other vessels, because it is so costly as to be unprofitable; so, under the circumstances, a very large amount of risk is accepted by the pearlers. I am not speaking from heresay. I am not speaking merely on behalf of my constituents, but from a very large personal experience which I have had. I once owned a boat up there myself and employed a number of divers, and after three or four years I had the pleasure of paying £8,000 out of my own pocket for my experience in

the industry. This is actual fact and not anything from hearsay, and although I am pleased to think the pearlers of the present day have hit upon luckier times of high prices, I cannot forget that it it is quite within the range of possibility that the condition of affairs which I so painfully knew may occur again. So under the circumstances we ought to be very reasonable in dealing with an industry of such a capricious nature as the one under notice. In looking through the Bill I find two amendments of considerable importance which were not in the original draft. These two amendments are comprised in Clauses 23 and 105. The one proposes an export duty on the shell. Mr. Kingsmill has dealt with this so fully that I will not weary members with a reiteration of what he has said. The other point is the question of white labour being employed in the boats. Clause 105 provides that no person shall take any ship to sea for the purpose of pearling unless the master or one of the crew is a man of white or European race. In my opinion that is a perfectly superfluous clause. I have seen a good deal of this pearling. These luggers are sent out from the centre ship with divers on them. If the owners thought it better to employ white men they would send out white men with the luggers. Now, they are to be forced to send out a white man on each boat. When we have these two proposals together, the imposition of an export duty and the placing of a white man on every ship, we have to consider that the extra cost of running the business with white men would operate against the pearlers being able to pay the export duty. In these circumstances I think it would be very hard to pass these clauses.

Hon. F. Davis: What would be the extra cost of a white diver?

Hon. Sir E. H. WITTENOOM: I could not say.

Hon. W. Kingsmill: It would be the cost of the shell he did not get.

Hon. Sir E. H. WITTENOOM: It would be that on the one part, and there would be the extra cost of accommodation. It is very difficult to convey to the hon. member what the differences would be; if he had ever seen the state of affairs he would know that very few white men would like to live on a lugger like these men do. There is another point against these clauses, and that is that a royal commission, I understand, has been appointed by the Federal Government to inquire into these two matters, and if we pass these clauses we will be anticipating what this commission may decide upon. The commission was, I believe, appointed on the 10th April to enquire into the class of labour at present engaged, the reason white labour has not been hitherto more generally employed, the practicability of white labour being introduced, the cultivation of pearl shell oyster, and the means to encourage white labour (a) wholly and (b) partially. If we carry these clauses we will be anticipating the result of this commission's enquiry, and we will be wise if we consider before we pass them. Another thing we must remember is that these clauses were not introduced by the Government but were introduced by private members as a side issue. They were introduced in a very clever manner indeed, because the question of coloured labour was brought in by a private member and it placed the Minister in this position, that if he argued against the clause they would say he was in favour of coloured labour, which of course would be very damaging to a man of his sentiments. Although he tried to be as fair as he could, it was very difficult for him to withstand it, and the House should therefore consider these two clauses carefully. When we come to them, I intend to oppose both on the grounds I have stated, first that they are under consideration by a Federal commission, and next that they were not introduced by the Government of the day, and were never intended to be part of the Bill. With regard to the remarks made by Mr. Kingsmill on the cultivation of pearl shell, I do not think I shall bother very much about that: I have heard a good deal about it for the last ten or fifteen years and I have never seen a cultivated shell yet, and I have known several people to attempt it. I

am not afraid that they will cultivate any; indeed I am afraid they will not. I do not think that I need say anything more except that I shall give attention to the Bill when it reaches the Committee stage, and consider it my duty to oppose the clauses I have mentioned.

Question put and passed.

Bill read a second time.

BILL—LANDLORD AND TENANT.

In Committee.

Hon. W. Kingsmill in the Chair; Hon. M. L. Moss in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Restrictions on and relief against forfeiture of leases:

Hon. M. L. MOSS moved an amendment—

That before "condition," in paragraph (a) of Subclause 7, the words "covenant or condition against the assigning, under-letting, parting with the possession or disposing of the land leased or to a" be inserted.

These words were in the English statute from which this measure was copied and apparently they were omitted in the copying of it.

Amendment passed; the clause, as amended, agreed to.

Clause 4.—No fine for a license to assignee:

Hon. D. G. GAWLER: The clause applied without restriction, and would apply to existing leases so that existing leases containing the conditions set out would be subject to the proviso that such consent should not be unreasonably withheld, but no fine or sum in the event of a fine should be paid for the consent. It was questionable whether it would be wise to make that retrospective. It might not be fair to the parties to these leases to impose such a condition on them, as it would materially alter the position of the parties.

Hon. M. L. MOSS: This provision was in the English Act, and was a very good one. Many of the landlords exercised the superior position they held and compelled a man who unfortunately held a lease from them to pay up sums of money and do all kinds of things that they had no right to exact when he submitted a reasonable person as assignee or subtenant. Evidently the same thing prevailed in England, and the Act there was then passed. It was true this would apply to every lease in existence. He desired that members should see that the landlord was sufficiently protected, and the clause set up a fair position. Where the covenants were being performed by the tenant, the tenant should have the right to sublet or assign without the landlord being able to exact his pound of flesh in the way of rent and an additional pound of flesh in the way of a fine or premium for his consent. If a man ran a business and established a certain goodwill, the lessee was entitled to the benefit, and not the landlord.

Clause put and passed.

Clause 5—agreed to.

Title—agreed to.

Bill reported with an amendment.

House adjourned at 8.11 p.m.