Legislative Council,

Thursday, 11th December, 1913.

The PRESIDENT took the Chair at 3.0 p.m., and read prayers.

AUDITOR GENERAL'S REPORT.

The PRESIDENT: I have received the following letter from the Audit Department:—

> Referring to my communication of the 11th ultimo, I forward herewith the balance of my annual report for the financial year 1912-13. I have the honour to be, Sir, Your obedient servant, (Signed) C. S. Toppin, Auditor General.

QUESTION—RAILWAY CONSTRUCTION, DAY LABOUR AND CONTRACT.

Hon. A. G. JENKINS asked the Colonial Secretary: Will he lay upon the Table 1, A return showing the total mileage of railways constructed since 1st January, 1912, by (a) day labour; (b) contract? 2, The particular sections of railway included in the above total mileage?

The COLONIAL SECRETARY replied: 1 and 2, Yes.

(1): (*a*):—Day Labour—

Railway.	Date, transferred to Working Railways.	Length.			
		M.	Chs.	M.	Chs.
Narraling Yuna ...	3-5-12	11	76		
Wagin-Dumbleyung Extension	3-5-12	23	63		
Upper Darling Range Railway Extension...	5-8-12	1	31		
Southern Cross Bullfinch	1-12-12	22	23		
Northampton Ajana ...	6-1-13	33	27		
Quairading-Nunagin ...	22-3-13	48	42		
Dwellingup-Dwarda ...	8-8-13	41	22		
Total Mileage ...	...	182	44	182	44
(1.): (*b.*)—Contract—					
Katanning-Nampup ...	3-4-12	37	71		
Boyup-Kojonup ...	21-5-12	50	29		
Tambellup-Ongerup ...	6-1-13	59	39		
Total Mileage ...	...	146	59	146	59
				329	23
Port Hedland-Marble Bar commenced by contract and finished by day labour ...	...	...		114	60
Grand total ...	...	...		444	3

(2.): Answered in (1).

5th December, 1913.

LEAVE OF ABSENCE.

On motion by Hon. F. CONNOR leave of absence for the remainder of the session granted to Hon. R. W. Pennefather on the ground of ill-health.

BILL—BILLS OF SALE ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

Hon. D. G. GAWLER (Metropolitan-Suburban): I heartily support this measure and I think the leader of the House has correctly and fully placed before members the reasons for its introduction, reasons which will thoroughly commend themselves to the trading community. Having had some experience in the working of bills of sale, it is my intention to suggest that the Government will allow me to introduce a few amendments which I hope will improve the scope of the Bill. One is in the direction of altering the present procedure in regard to the lodging of caveats. Under the existing Act, the

time for lodging a caveat begins in regard to the place where the bill of sale is executed, and it has been found in practice that a bill of sale may be executed a considerable distance from the place where the chattels are, in connection with which the bill of sale is given, and also a considerable distance from where the creditors are. My idea is to alter the law by making the time run from the place where the chattels are so that there shall be ample opportunity for the creditor to lodge a caveat if he so desires. In the case of a man carrying on business at Broome or Kalgoorlie, and executing a bill of sale in Perth his creditors have only seven days in which to lodge a caveat, and under these circumstances it is obvious that seven days does not give people in far distant places an opportunity of lodging caveats. Another amendment I desire to make is in regard to the question of debentures. The present Act provides that where debentures are issued they shall be registered, and it goes on to say that unless the debentures or a series of them are all issued or allotted within six weeks of their registration, the registration shall be void. I know of cases in which this has not been done and I think hon. members will agree that where there are a series of debentures it is some time before they are all taken up. If they are not all taken up within six weeks under the present Act, the registration is void. The amendment I would suggest is in the direction of providing that when any debenture is issued or allotted notice shall be given to the Registrar of Companies and he shall keep a book in which to enter particulars, so that it will not matter when the debentures are registered after they are issued. There is a point in Clause 8 with regard to making the wages a preferential claim with which I do not agree. The reasons I perhaps need not trouble the House with at the present time. Generally, however, the measure has my hearty endorsement.

Hon. J. F. CULLEN (South-East): I think it would be well for the Minister to arrange some limitation in Clause 8 with regard to the saving of wages. There is a limitation, too, with regard to the saving of rent and I think this should apply also to wages, otherwise a bill of sale will be no security and the object of the legislation will be defeated. If there is an unlimited opening for wages claims, that unlimited opening could scarcely make any bill of sale any security whatever. I think if the Minister consults with the originator of the Bill he might be able to arrive at some reasonable limitation. I commend the Government for having made a very important improvement in Clauses 4 and 17, which provide for settlers giving security over a crop about to be sown.

Question put and passed.

Bill read a second time.

BILL—PERMANENT RESERVES REDEDICATION.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This Bill is a hardy annual and it is left until the close of the session in order to include all reserves, the purpose of which it is proposed to change. In the case of Reserve A No. 9286, this was set apart for park lands and drainage purposes and was vested in the Kalgoorlie Municipal Council. The land was required for the new service reservoir at Kalgoorlie and it was necessary to include this in the Bill in order that the area might be devoted to a new purpose, and be vested in the Minister for Water Supply, Sewerage, and Drainage. This matter was referred to the Kalgoorlie Municipal Council as they were the controlling body at the time it was taken over for the new purpose, and they have agreed to the change. The area is 74 acres 32 perches. In the case of Reserve A No. 2101, this was set apart for park lands and was vested in the Midland Junction municipality, although it was in the boundary of the Greenmount roads board district. The portion which it was thought to alter represents an area of 16 acres 2 roods 30 perches. It contains a considerable amount of gravel suitable for road making. The Midland Junction

municipality state that they can obtain gravel from the site and they have no objection to the Greenmount roads board doing likewise. It is proposed to exclude it from the class A reserve and vest it jointly in the Midland Junction Municipal Council and the Greenmount roads board, and it will be set apart as a reserve for gravel. In the case of reserve 84278, this is included in the very large area of country set apart as a caves reserve around the Yallingup Caves.

Hon. J. D. Connolly: Have you the plan?

The COLONIAL SECRETARY: No, but I have the files. The residents of Yallingup desire a hall site and also that provision should be made for church sites, and consequently two acres has been surveyed for the purpose. Applications for church sites have been received, and there may be more in future. It is proposed to set apart this area to serve the purpose.

Hon. F. DAVIS (Metropolitan-Suburban): I desire to refer to the reserve at Greenmount, which is really between Midland Junction and Greenmount. It has been vested solely in the Midland Junction municipality. I have an intimate personal knowledge of the position and the possibilities of that reserve. It seems to me the Government are acting wisely in granting that reserve for the purpose mentioned, although it would perhaps have been better if the reserve had been entirely altered in the direction of making the base of the Greenmount hill a reserve, and using for other purposes the land now reserved. However, I welcome the provision so far as it goes. In the opinion of the Midland Junction municipality, and of the Greenmount roads board, both will benefit materially by the alteration.

Hon. J. D. CONNOLLY (North-East): I do not intend to oppose the second reading, but I think that on occasions of this kind the leader of the House ought to have a litho. of these reserves, because it is extremely hard to follow him without a litho. When I occupied the position I was always very particular to give the House the fullest information in regard to these reserves, because they are intended to be reserved for all time, notwithstanding which there is, unfortunately, a tendency on the part of all Governments to part with these reserves on the slightest excuse. Therefore, I think it behoves the House on every such occasion to exercise the closest scrutiny because, as I say, these reserves are too easily parted with. I would ask the Minister not to go into Committee on the Bill to-day, but to produce a plan of the reserves by to-morrow for the use of hon. members when in Committee. On the face of it I do not think there is anything to hesitate about. The first reserve I know of myself, and the second seems plain enough, while the third, at Yallingup, may possibly encroach more or less on the caves reserve. I think it would be well if the Minister would bring down his plans to-morrow, in order that hon. members may see for themselves.

The COLONIAL SECRETARY (in reply): I have no intention of going into Committee to-day. I only received the file dealing with the subject five minutes ago, and probably the plans are on the file. As I came to the Order of the Day I thought I would move the second reading.

Hon. E. M. CLARKE (South-West): The first two of these reserves I am absolutely ignorant of. I do not even know where they are, except that they are somewhere on the hills facing Perth. The third one, I happen to know, is in the angle of the two roads at Yallingup, that is, the road from Busselton to Yallingup and the road from Yallingup on to the Margaret. As Mr. Connolly says, we should know where all these blocks are. The descriptions are confusing, and I hope the Minister will have the plans produced before we go into Committee.

Question put and passed.

Bill read a second time.

BILL—LAND AND INCOME TAX.

Second Reading—Bill Defeated.

Debate resumed from the 9th December on the motion for the second reading and on the amendment by the Hon. J. F. Cullen that the word "now" be struck

out and "this day six months" added to the motion.

The COLONIAL SECRETARY (Hon. J. M. Drew, on amendment): Mr. Cullen commenced his attack on this Bill by one of those dogmatic assertions which so often supply the place of argument when the hon. gentleman addresses the House. He emphatically declared that 99 out of every 100 land owners are enemies of the Government. It is a very sweeping statement, and coming from any other source some evidence as to its accuracy would have been expected; but evidently the hon. member thinks that his say-so should be all sufficient. I am well aware that in some of the older settled agricultural areas of the State, where the bucolic mind has been poisoned by the emissaries of our opponents, the Labour party are viewed with some feelings of apprehension: but, taking the farming community of Western Australia as a whole, I am loth to believe that there exists such abhorrence of the Government as has been pictured by Mr. Cullen. If 99 of every 100 land holders in Western Australia are enemies of the Government there must be a degree of base ingratitude among that part of our population which no reasonable person could expect or anticipate. As a matter of fact, no Government which have ever been in power in Western Australia have done so much for the selectors as have the present Ministry. Our term of office has been marked and I can even say illuminated by every consideration for the man on the land, and the unfortunate condition of the deficit to-day is in a measure due to the generous assistance rendered to the agriculturists by the present Government. There are on our books at the present time many thousands of pounds which would be in the Treasury chest if there was a less considerate Government holding the reins of power. It is a fact which cannot be disputed that we are now, and have been for many months back, carrying a large number of selectors on our backs. We extended the limit of advances from the Agricultural Bank and money has been loaned to the farmers on such a scale as has never before been attempted. Some hon. members would probably feel inclined to dispute this, but I have here some figures in support of it. In the last year of the previous Government the total advances from the Agricultural Bank aggregated £283,000. For the financial year ended 30th June last the amount authorised was £660,765 and the amount advanced £636,723, or considerably over 200 per cent. more than the amount loaned during the last year the previous Government were in office. We have established an agricultural implement factory which will mean a huge saving to the farmer; it will put pounds into his pocket, whereas this measure, which is so strongly opposed by members of the House, will only take pence out of his pocket. We abolished the extra freight charges on all country lines, charges imposed by a previous Administration. That step is costing the State £30,000 per annum, and we got only three lines of notice of it in the leading journal of the State, and with, possibly, one or two honourable exceptions, I do not think any member of the House representing an agricultural constituency has had the generosity to make any acknowledgment of that great service rendered to the farmers by the present Ministry. To-day we are losing at the rate of £47,878 a year on agricultural lines. That is helping to build up the deficit. Those lines will, no doubt, pay some day, but that day is not yet. We have had to find the money to undertake and construct the agricultural lines authorised by the previous Government, and we have had to pay the interest on that money. Every session since we have been in office we have introduced a programme of agricultural lines. We have made provision for the expenditure of vast sums in the development of agriculture, and in every way we have been the friends of the man on the land. Only the other day we made sweeping reductions in regard to charges for the carriage of wheat over the railways under construction, a scale of charges which was imposed by our predecessors.

An endeavour is made to lead the public to believe that the additional land tax proposed by the Bill will rest principally on the shoulders of the farmers. Those who create that impression should know full well that it is a gross misrepresentation of the true position. The increased amount of land tax to be raised under the Bill is estimated at £15.481, and the proportion of that which will be borne by the farmers is only an insignificant sum. The immense proportion of it will fall upon the town and city property owners. It seems to me that the farmers will be devoid of intelligence indeed if they fail to recognise that they are being made a stalking horse in this connection by those opposing the measure for other reasons. The position is that the Government have to bear a loss of £47,878 a year on these agricultural lines—at any rate that was the amount up to the 30th June last.

Hon. W. Patrick: How do you make that up?

The COLONIAL SECRETARY: You read the report of the Commissioner of Railways.

Hon. W. Patrick: Is it the loss on the carriage of manure?

The COLONIAL SECRETARY: No, on the Working Railways. You will find the loss on the agricultural lines last year was £47,878. That was not taking sinking fund into account.

Hon. W. Patrick: If you leave out the agricultural lines you have nothing else.

The COLONIAL SECRETARY: There was a loss of £47,878 for last year.

Hon. W. Patrick: It is all nonsense.

The COLONIAL SECRETARY: It is not all nonsense. You will see it in the report of the Commissioner for Railways.

Hon. W. Patrick: I have read it.

The COLONIAL SECRETARY: I cannot understand the hon. member's attitude. Then again there is, as I have said, the loss of £30,000 through the abolition of extra rates on the country railways; and all we are asking the whole farming community of Western Australia to return for these concessions, for this evidence of generosity, is a small fraction of £15,000. As I pointed out in my second reading speech, the interest and sinking fund has increased since we have been in office to the extent of £162,000. All that money was borrowed and used for the development of the State, and, with the exception of the purchase of steamers there was no serious criticism of the undertakings of the Government. If we are to continue borrowing money for the purpose of carrying on developmental work, which means that we must provide for interest and sinking fund perhaps long before those works will pay, although eventually we know they will pay, particularly the agricultural lines—if we have to provide interest and sinking fund we must have increased taxation, otherwise the credit of the State must suffer considerably in the money market.

Hon. Sir E. H. Wittenoom: What about the increased cost of Administration?

The COLONIAL SECRETARY: There is only one alternative to the lines we have followed, and that is to cease borrowing, to cut down expenditure in every direction, and to have a breathing space for a very lengthy period, but that is a course which I am certain would be reprobated by the majority of those who are opponents of this measure. They want the same rate of expenditure to continue, but they do not want to be called upon to foot the bill. Mr. Colebatch the other night submitted a programme of public necessities which he said would involve the expenditure of something like ten millions, and no doubt if the hon. member had his way and had the framing of a policy, he would find abundant avenues for the expenditure of even that large sum; but he would scarcely expect that all these schemes should pay from the very start, and I would be glad to know from him how it would be possible for him to finance them, how it would be possible to find the interest and sinking fund on the money borrowed unless by some form of increased taxation. It is not my intention to traverse the ground covered by Mr. Cullen. I do not

propose to deal with his pathetic appeals on behalf of the poor insurance companies, nor in regard to the unfortunate absentee land owners, who perhaps made their money in Western Australia and have left for other spheres to spend it. I do not propose to deal with those aspects of the case, nor do I think the suggestion proffered by him to the New South Wales Premier, and apparently not accepted in the generous spirit in which it was tendered, would meet with a large volume of sympathy from the members of this Chamber. Give the municipal authorities power to raise more money was Mr. Cullen's way out of the New South Wales difficulty, and I suppose what the hon. member suggests is that the municipal authorities should be given power to more heavily tax the land owners. That is a proposition which, if accepted by the House and by the people, would be welcomed no doubt by the Colonial Treasurer, but I doubt very much whether it would meet with a great deal of favour from those land owners for whom the hon. gentleman professes so much friendship. I do not propose to say more; I feel that it is useless to say more. If hon. members have not realised the position, if they have not realised long before this that very much more money is required in the form of taxation if the development of the country is to proceed, I am afraid any efforts of mine would fail to convince them.

Amendment (six months) put and a division taken with the following result:—

Ayes	17
Noes	6
Majority for	11

AYES.

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

NOES.

Hon. J. Cornell	Hon. B. C. O'Brien
Hon. J. E. Dodd	Hon. F. Davis (*Teller*).
Hon. J. M. Drew	
Hon. J. W. Kirwan	

Amendment thus passed; the Bill defeated.

BILL—FACTORIES ACT AMENDMENT.

Second Reading—Bill Defeated.

Debate resumed from the 10th December on the motion for the second reading and on the amendment by the Hon. H. P. Colebatch that the word "now" be struck out and "this day six months" added to the motion.

Hon. J. E. DODD, Honorary Minister (in reply): I would first of all like to say a few words in regard to the deputations which Mr. Colebatch so kindly and so incorrectly referred to. The deputation from the employers was specially postponed at their request in order to allow documents to be received from Kalgoorlie, and the Kalgoorlie employers to be represented on that deputation. I was prepared to receive the deputation a fortnight prior to the date on which it was received. If that was not known to Mr. Colebatch it should have been known to him before he made such inaccurate statements.

Hon. H. P. Colebatch: Why did you not receive the Chamber of Manufactures? They did not want the date postponed.

Hon. J. E. DODD (Honorary Minister): The Chamber did not make their request until some time later.

Hon. H. P. Colebatch: The secretary complained that he made it a long time ago.

Hon. J. E. DODD (Honorary Minister): In addition to that, the union officials rang up and asked me whether there was any objection to their being present at that deputation.

Hon. W. Kingsmill: They should have asked the people who formed the deputation.

Hon. J. E. DODD (Honorary Minister): Wait a moment. I had no objec-

tion, and I asked the introducer of the deputation if there was any objection to his part. He said he had none, and no objection was raised to those two persons being present. At the close of the deputation Mr. Albany Bell, representing the pastrycooks, asked whether or not the employers could be represented when the counter deputation from the employees was received by me. I told Mr. Bell that he would be notified when that deputation was to be received, and he was notified. That is the whole history of those deputations. Mr. Bell was notified, and he thanked me very much for my courtesy in doing so. He appeared with the deputation and had a considerable amount to say with two or three other employers. The complaint is made that the employers had not sufficient notification of the introduction of this Bill. This legislation was foreshadowed in the Governor's Speech last year, and was again mentioned in the Governor's Speech this year, and if the employers had desired to present their views why did they not do so? They knew that legislation was to be introduced to deal with factories, they saw those announcements in the Governor's Speech, and in addition there were reports in the *West Australian* of a deputation which waited upon me in that connection. But the employers made no move whatever, and they never approached me, for the simple reason that they knew from the reputation of this Chamber that they could rely upon having their case defended in this House to the very fullest extent. That is the position; the employers took no action, they never made any attempt to approach Ministers in any way whatever, although they knew perfectly well that this legislation was to be brought in.

Hon. H. P. Colebatch: They did not know what was in the legislation.

Hon. J. E. DODD (Honorary Minister): They may not have known the extent of the legislation, but they knew that amending legislation was to be introduced. The same thing occurred in connection with another Bill that was before this Chamber. I received a deputation to-day on behalf of the Colonial Secretary in reference to the same matter. Although the organisations knew that legislation was being drafted and were perfectly aware six months ago that it was being drafted, no attempt was made in any way to approach the Government not only in regard to factories legislation but also in connection with the Bill I have just referred to. The history of the debates in this Chamber during this session has given the employers an idea, and a right idea, that this is a Chamber of non-progression, a Chamber in which they know perfectly well the views they put forward will receive more than favourable consideration, and that being so they would not go to the trouble of approaching the Minister or the Government, knowing full well that the views they put forward would be received here, and would be received very favourably. I do not know that I ever heard a case put up against a Bill with less sincerity, and with less ability, than I have in connection with this particular measure. The almost unparalleled presumption of the hon. member who put up a case against this Bill is beyond one's comprehension. Not only did the hon. member know nothing about the Bill, I do not think he had even read the amending Bill, but he had not even looked at the original Act, and he had the audacity to get up and attempt to criticise the measure. I am pleased that he did at least withdraw one statement he made when he said that one particular section had been cut out of the Bill, which had not been cut out. The hon. member did not know, he had simply taken the views submitted to him by the Chamber of Manufactures. The same objection was put to me by the Chamber of Manufactures on paper, and by members themselves, that this particular section had been taken out. As a matter of fact, it is in the Act at present, and it has not been cut out of the amending Bill. I think the record of this House, if this Bill is to be thrown out, will show that it is a record of callous disregard for the interests of the workers. The attitude adopted with a

previous measure, the Mines Regulation Bill, showed that there exists an absolutely callous disregard for the well being of the employee, and that whatever legislation may be brought forward on behalf of the employee will receive short shrift at the hands of members of this House. I regret that any Chamber such as this, composed of members who know very well the needs of the workers—if they do not, they should know—should show such indifference to any measure brought forward on their behalf. The cynical indifference displayed by the hon. Mr. Colebatch to this Bill will, I think, go down to history. We may be clothed with a little brief authority here, but so far as the objects we are seeking to obtain are concerned, the methods adopted by the hon. member in dealing with such legislation as this is only going to futher these objects, and that increased vote which is being obtained every time to take more power away from this Chamber and more power away from the States, and put it into the hands of the Federal Parliament, is likely to be still further increased in the future, and I am sure that if a referendum comes here in favour of handing over more power to the Federal Parliament a largely increased vote will result in Western Australia.

Hon. M. L. Moss: It is not safe to prophesy; prophets do not live in these days.

Hon. J. W. Kirwan: What about the last State elections?

Hon. M. L. Moss: I would not take your opinion on anything.

The PRESIDENT: Order! The Honorary Minister is addressing the Chamber.

Hon. J. E. DODD (Honorary Minister): The same thing was said when prophecies were made before in connection with these matters, but Mr. Moss if he were staying in this Chamber would have more concern for a matter of this kind than he has shown. If the hon. member had decided to remain in this Chamber for the next few years, he would not view the methods that are being adopted to kill industrial legislation with the unconcern that he is doing now. So far as the ultimate object we are seeking to obtain is concerned, I say it is better for us to have this industrial legislation thrown out, in the way it is being thrown out.

Hon. H. P. Colebatch: Is that why you bring it down at the end of the session?

Hon. J. E. DODD (Honorary Minister): The indifference displayed by Mr. Colebatch who I assume is the spokesman put up by his party in this non-party Chamber to oppose this measure, the absolute indifference the hon. member displayed towards this Bill must ultimately tend to further the objects we are seeking to obtain. Already what I may term one almost inhuman act on the part of this Chamber has been repudiated by the electors who sent members here. In connection with one industrial measure I have drawn attention to, I may mention the attitude of hon. members has been repudiated by the mine owners and mine managers, which shows what is the feeling of some of the electors who send their members to this House. There has been nothing to reply to in connection with the speech by the hon. Mr. Colebatch. The hon. member never sought to discuss the Bill in any shape whatsoever. He simply referred to the lateness of the session, and I wish to say that if members are prepared to discuss this Bill and go right through with it the Government will not stand in the way of them sitting even to the beginning of next year, to enable them to have sufficient time. We are not anxious to close down when a measure of this kind is before the House, but are prepared to find the time if hon. members are prepared to consider the Bill. One or two remarks were made to which I will reply. First of all Mr. Colebatch made some reference to the baking of bread, and said that night work, so far as he was concerned, effected no deterioration.

Hon. H. P. Colebatch: I said nothing of the kind.

Hon. J. E. DODD (Honorary Minister): What did the hon. member say?

Hon. H. P. Colebatch: I said I admitted the evil effects of night work upon the constitution.

Hon. J. E. DODD (Honorary Minister): I understood the hon. member to say that he was an example of night work not effecting any deterioration.

Hon. H. P. Colebatch: Nothing of the kind.

Hon. J. E. DODD (Honorary Minister): I am sorry that I erroneously imputed even that to the hon. member. Further the hon. member said the Bill would override awards of the Arbitration Court, but it would do nothing of the kind. Provision is made in the measure for a proclamation to be issued exempting any part of the State from its operations, and under that proviso if there was an award in existence in any part of the State a proclamation could be made exempting that particular part of the State until this award expired. Not any of the awards are of very long duration. The hon. member proceeded to refer to the onus of proof, and he stated we were seeking in all cases to throw the onus of proof upon the defendant. Here again the criticism that has occurred in this House shows the utterly one-sided opinion of hon. members. Where the onus of proof may be thrown on the defendant to the benefit of the employer, nothing whatever is said, but where the onus of proof is thrown on the defendant so that it may benefit the employee we hear these storms of indignation raised by hon. members, which shows how utterly politically insincere they are. I do not know that I have heard any more politically insincere speech than that delivered by the hon. member in this respect. What are facts concerning the onus of proof in this Bill?

Hon. W. Kingsmill: Is the hon. gentleman in order in referring to speeches made in this House as being politically insincere?

The PRESIDENT: Yes, I think so, "politically" not "personally" was said.

Hon. D. G. Gawler: It was very bad taste.

Hon. J. E. DODD (Honorary Minister): The hon. member in replying to Mr. Cornell and by way of personal explanation attempted to counteract the statement he had previously made in this connection. Not only did he do so in his speech, but when Mr. Cornell drew attention to the fact that the onus of proof existed in the present Act, by way of personal explanation Mr. Colebatch tried to show that the hon. member was wrong.

Hon. H. P. Colebatch: I did show that he was wrong.

Hon. J. E. DODD (Honorary Minister): The hon. gentleman very conveniently quoted certain things and left others out. He quoted only two instances of the onus of proof under Section 57, whereas there were more than two. First of all it is provided that it shall be sufficient to allege in the information that the factory is a factory within the meaning of the Act. The onus of proof is there on the part of the owners to prove it is not a factory. Again the onus of proof is on the defendant that articles prepared or manufactured or made are not prepared or manufactured or made for sale. Further the onus of proof that the person named in the summons as an employee of the defendant in a certain capacity was not employed in the capacity named in such summons is on the defendant. Again, a person who on inspection appears to the justices to be of the Chinese or other Asiatic race shall be deemed to be of such race, and it shall lie on the defendant to prove to the contrary. There we have two subclauses which the hon. member did not quote.

Hon. H. P. Colebatch: That does not make it the same as your Bill.

Hon. J. E. DODD (Honorary Minister): Again, in Section 48 of the existing Act we find that—

> In any proceedings against the occupier of a factory for employing any person in breach of this Act—(1) Proof of the person being found in any part of a factory in which the work of the factory is going on shall be *prima facie* evidence that the person was then being employed in the factory: and (2) When a person employed is, in the opinion of the justices, apparently of the age alleged by the complainant, it shall lie on the defendant to prove that such person is not of that age. (3) When any person apparently of the Chinese or other Asiatic race is

found in a factory, it shall be deemed that he was employed therein, and it shall lie on the defendant to prove that such person was not employed therein.

In those three subsections the onus of proof is thrown on the defendant. The present Bill repeals the Act in that respect, and simply throws upon the defendant the onus of proof in almost every case. In addition to what I have already said, we find under Section 51 of the existing Act that where an occupier is charged with a default done or committed by some other person the said occupier shall be exempt from any penalty on proving that he supplied proper means and issued proper orders for the observance and used diligence to enforce the observance of the Act, and that the said default was done or committed by some other person without his connivance and that he had done all that could be reasonably expected of him to prevent the offence. If the hon. Mr. Colebatch had taken the slightest trouble to study the Act in any way whatsoever he would not have made the speech he did, or the statements that he did. Some reference was also made to the question of apprentices and premiums, and all I can say in reference to that—it is almost useless to discuss the Bill in detail—is similar to what the hon. Mr. Davis said, that industrial conditions have entirely altered to-day from what they were in the old days, when every man was his own master and when, undoubtedly, boys and girls had to be apprenticed in order to learn a trade. We have spent some thousands of pounds on technical education and technical education is one of the greatest aids to the teaching of boys and girls to learn their trades. It is doing a great deal in the way of overcoming the difficulties that are before us in connection with modern industrial conditions. In reference to the word "employed," on which some criticism has been indulged in, and the limitation of the number of employees to constitute a factory to two, I may say that wherever it is in the interests of the employer, the employer is most decidedly in favour of this clause in the Bill. Even at the deputation which waited on me the other day two classes of employers were quite prepared to accept the definition in the Bill and one class was prepared to go a little lower than that and make the number to constitute a factory, one. Where the interests of the employer are involved and he fears competition, he is quite prepared to take the responsibility and limit the number of the employed not to two, but to bring it down to one. These are some of the things that have to be contended with in dealing with such a Bill as this, and when the employer is approaching members of the Chamber, I say again that whenever the interests of the employer are concerned he will accept the definition in the Bill. Some criticism was indulged in in reference to hotels, tearooms and restaurants. It was said that all these places would be brought under the Bill, in fact quite a speech was devoted to show the injustice of the Bill in this respect, but not one solitary difference has been made in the definition of factory except the lowering of the numbers. If it is not a factory under the Act to-day it is not a factory under the Bill. The same will apply to tearooms. Yet this stage fright which has distinguished the employer in regard to one or two of these measures is because they are reading something into the Bill that is not there, something that is in the present Act and to which they have not given the slightest attention. It is absolutely wrong. I do not know that I need say anything further. I am sorry, for the reputation of this Chamber, that the measure is to receive so little consideration and debate, as this measure has. In the debate on the Mines Regulation Bill the opinions expressed were that the miners were strong and able to take care of themselves, and consequently no great harm would result in deleting all the provisions that were likely to tend to benefit the workers; consequently they were deleted. But here we have a Bill that is not protecting strong trades, but protecting those who are weak and unable to take care of themselves. It is framed in the interests of the children, some under the age of 14 years;

it is to protect the interests of boys under the age of 16 years, and in some respects it deals with adults.

Hon. D. G. Gawler: Cannot the Arbitration Court do all these things?

Hon. J. E. DODD (Honorary Minister): No, it cannot. If the hon. member had followed closely what I have said in reference to this, he would know that in the particular industries, covered by factories, it is impossible to organise the workers to approach the court, and this Bill seeks to protect the employees who cannot approach the court, or who are so unorganised that they cannot approach the court. It is dealing with those who are unprotected.

Hon. D. G. Gawler: The provisions of the Arbitration Act about organisation are wide enough.

Hon. J. E. DODD (Honorary Minister): It is found impossible everywhere to organise the workers who are principally engaged in factories. The very fact that such a large number of minors, or those under age, are working in factories, is conclusive evidence that it is almost impossible to organise them. In the mining industry no one can work underground unless he is an adult, and very few persons indeed working on the surface are not adults. The same thing applies to the skilled trades, but here we have a class that are unorganised and even if they were organised they would not have sufficient means in order to take their cases to the court. And when we have a House like this in the twentieth century seeking to throw a Bill out without the slightest consideration, a Bill that has made no difference whatever in the legislation in vogue throughout Australia and New Zealand, except in one or two small particulars, when there is nothing in this Act that is not in some other Act in Australasia, I say it is not just. I would point out that we are not taking out the industrial plums, which was suggested to-day in our esteemed morning contemporary, taking out the industrial plums from the Factory Acts of the various States and placing them in this Bill. We are trying to bring before the House a reasonable Bill, a Bill that we could reasonably expect would receive some consideration. I do not say we could expect the Bill to be carried in its entirety; we had not hoped that, but we hoped that some consideration would be given to it, and where possible to point out any objectionable clauses in the Bill, and the Government would be pleased to meet members.

Hon. J. D. Connolly: Do you think there is time to give consideration at this hour of the session?

Hon. J. E. DODD (Honorary Minister): I have already said we are prepared to sit on as long as the hon. member likes to discuss the Bill. The Bill was crowded out last session because of so much other legislation. It is particularly amusing to hear Mr. Connolly refer to the lateness of the session. I have referred so often to the Redistribution of Seats Bill that I am tired of doing so, but I would point out that it came up in the closing hour of the session, a measure dealing with the distribution of the electoral boundaries of the State, and nothing was said about the lateness of the session at the time, either here or in another place. But that is entirely different from bringing in a Bill that is likely to be of some use to those who are unable to protect themselves. I need not say more. I am sorry the amendment has been moved to such a Bill as this.

Amendment (six months) put and a division taken, with the following result:—

Ayes	..	..	19
Noes	..	..	8
Majority for		..	11

AYES.

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

Noes.

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

Amendment thus passed; the Bill defeated.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

In Committee.

Resumed from the 25th November.

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

Clause 1—agreed to.

Clause 2—Qualification of judges' associates for admission as practitioners:

Hon. D. G. GAWLER moved an amendment—

That in paragraph (a) "ten" be struck out and the word "two" inserted in lieu.

His object was to provide that an associate should serve a period under articles of clerkship and thus gain practical experience in the law. Instead of accepting an associate simply because he had served as such for 10 years, he desired that the service as associate should be reduced to two years, but that in addition it should be necessary to serve three years under articles of clerkship.

Hon. M. L. MOSS: It was doubtful if the hon. member who had introduced the Bill in another place would allow it to be mutilated as the hon. Mr. Gawler suggested. The hon. member had suggested the amendment so that the applicant for admission should get practical experience. Any associate who had served 10 years with a judge had received a large amount of practical experience. It was equivalent to serving in the chambers of a barrister for a similar period. We admitted members of the English or Irish bar, and the hon. member should put the experience of such a man, perhaps a greenhorn just called to the bar, against that of a judge's associate. There was no comparison. The Bill would be of no good at all if the amendment was passed because it would be impossible for those concerned to serve three years' articles.

Hon. A. Sanderson: Would not it be advisable to have the opinion of the Barristers' Board?

Hon. M. L. MOSS: Though he was an ex officio member of the Barristers' Board, so far as he knew the Bill had not been before them, but judging by the opposition of the Attorney General who was chairman of the board, he concluded that the board had considered the Bill.

Hon. D. G. GAWLER: English practitioners were admitted because they were considered capable and they bore, as it were, the stamp of the English authorities. The life of associates did not qualify them to gain experience in the law. They sat and listened to arguments, but the only practical experience they gained was purely in chamber work, and what might be gained from a perusal of documents. Then the associates were called out of court to attend to other duties, and the experience they gained under such circumstances could be set on one side. They gained no experience of office work which was so necessary, and they gained no experience of conveyancing, and to put such men in the field to conduct clients' business in all its ramifications was not wise in the interests of the public. The associates were men of education and character——

The Colonial Secretary: What is the qualification?

Hon. D. G. GAWLER: No set qualification in the way of examination was required, but they would not be appointed associates unless they were men of education and character, but as regarded practical experience, they had none. This matter should be referred to the Barristers' Board or to a select committee, though it was rather late to adopt the latter course.

Hon. A. SANDERSON: The remarks of the hon. Mr. Moss in regard to English practitioners were to be regretted. An eminent member of the Western Australian bar was on the eve of his departure for England where he would be received with the greatest courtesy and consideration and his remarks would probably create a very unfavourable impression.

The CHAIRMAN: The hon. member was hardly in order.

Hon. A. SANDERSON: Whatever examination was adopted, apart of course from a competitive examination, the test must be made low enough to allow the average person to come in so that examinations became a matter of indifference. The public were primarily to be considered. Both the Bill and the proposed amendments should be referred to the Barristers' Board.

Hon. M. L. MOSS: The hon. Mr. Sanderson had evidently misunderstood him. The last thing he desired to do was to cast any aspersion on young barristers who came from England and Ireland. In view of the provision for the passing of the Intermediate and Final examinations, and 10 years' service with a judge, he considered that was a superior qualification with which to turn these men adrift to practise on the public to the training of a man who was merely called to the bar in England. The examination after all was very little. If a man was incompetent the public soon found it out and he was without clients. He appreciated the English qualifications, but he was speaking of the experience required. English barristers had not much to do on the conveyancing side, but they had to face an intermediate and final examination, and they could not pass these examinations unless they had a fairly extensive knowledge of all the principles of conveyancing. An English barrister who was admitted here without any difficulty did not possess as good a qualification from the public standpoint as a judge's associate who had served ten years with a judge. The whole thing ought to be left to those people who were qualified to express an opinion on the matter.

Hon. J. F. Cullen: Will the hon. member take that course?

Hon. M. L. MOSS: As he was under an obligation to an hon. member in another House to try and get the Bill through, that was why he was opposing the amendment moved by Mr. Gawler.

Hon. J. F. CULLEN: Was there any special virtue in ten years? The very fact that the term occurred in the clause suggested to the mind of hon. members that the Bill had been specially framed for a particular case, that some particular individual had had ten years' experience as an associate and therefore was ready. If an associate was going to qualify he could surely do it in three or five years. There was no virtue in ten years. The Bill should go to the Barristers' Board and perhaps the best way to do that would be to reject the clause. If Mr. Moss would not agree to that, he (Mr. Cullen) would move the Chairman out of the Chair and then the Bill could go to the Barristers' Board.

Hon. J. CORNELL: The saying "Where ignorance is bliss, 'tis folly to be wise" had been used quite frequently in the Chamber of late, but it could be safely said that it was never more applicable than on the present occasion. Another familiar phrase was that "when rogues fall out honest men come into their own," and now we might say that when lawyers differed it was time for an ordinary individual to take up a definite attitude. Therefore it was his intention to vote against all the clauses in the Bill.

Hon. J. F. CULLEN moved—

That progress be reported.

The CHAIRMAN: Until when?

Hon. J. F. CULLEN: *Sine die.*

The CHAIRMAN: That amendment could not be taken.

Hon. J. F. CULLEN: Until this day week.

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

Ayes	..	..	9
Noes	..	..	12
Majority against		..	3

AYES.

Hon. H. P. Colebatch	Hon. V. Hamersley
Hon. J. D. Connolly	Hon. E. McLarty
Hon. J. F. Cullen	Hon. Sir E. H. Wittenoom
Hon. J. M. Drew	Hon. A. Sanderson
Hon. D. G. Gawler	(*Teller*)

NOES.

Hon. R. G. Ardagh	Hon. M. L. Moss
Hon. E. M. Clarke	Hon. B. C. O'Brien
Hon. J. Cornell	Hon. W. Patrick
Hon. F. Davis	Hon. C. Sommers
Hon. J. E. Dodd	Hon. R. D. McKenzie
Hon. Sir J. W. Hackett	(*Teller*).
Hon. J. W. Kirwan	

Motion thus negatived.

Amendment put and a division taken, with the following result:—

Ayes	.. .. ..	8
Noes	.. .. ..	13
Majority against	..	5

AYES.

Hon. R. G. Ardagh	Hon. J. M. Drew
Hon. H. P. Colebatch	Hon. V. Hamersley
Hon. J. D. Connolly	Hon. D. G. Gawler (*Teller*).
Hon. J. F. Cullen	
Hon. F. Davis	

NOES.

Hon. E. M. Clarke	Hon. B. C. O'Brien
Hon. J. Cornell	Hon. W. Patrick
Hon. J. E. Dodd	Hon. A. Sanderson
Hon. Sir J. W. Hackett	Hon. C. Sommers
Hon. J. W. Kirwan	Hon. Sir E. H. Wittenoom
Hon. E. McLarty	Hon. R. D. McKenzie
Hon. M. L. Moss	(*Teller*).

Amendment thus negatived.

Hon. D. G. GAWLER moved—

That progress be reported.

The CHAIRMAN: The motion could not be accepted until 4.51 p.m.

Hon. F. DAVIS moved an amendment—

That at the end of paragraph (a) of Subclause 2 the word "and" be struck out and the following paragraph inserted:—"Or shall have completed or may complete in the aggregate a term of 12 years as a clerk in the office of a practitioner or practitioners practising in any one or more of the States of the Commonwealth or Great Britain or Ireland, and shall have been for at least five of such 12 years employed in the capacity of a managing clerk in such office or offices, and that during two of such last-mentioned years he shall have been employed in the office or offices of a practitioner or practitioners practising in the said State of Western Australia.

There appeared to be anomalies in connection with the qualifications for legal practitioners as obtaining in various parts of Great Britain and Australia. An English barrister did not necessarily require to pass the ordinary articles of clerkship, but having passed his examinations he could be admitted to the bar of Western Australia after six months' residence. A managing clerk in Victoria who had not entered articles but had passed his examinations, could come to Western Australia and after six months' residence be admitted. But in the case of one in England, although he had passed the essential examinations it was necessary that he should be resident five years in Western Australia and be a managing clerk for that period before he could be admitted. It was putting a greater handicap on a man who had originally studied for the bar in England than would be the case if he had studied in Western Australia or Victoria. The object of the amendment was to remove that disadvantage, while at the same time safeguarding the interests of those in Western Australia.

Hon. J. D. CONNOLLY: Before the amendment could be agreed to it was necessary to have a definition of "managing clerk," for without such definition to pass the amendment would be to pass something which had no clear meaning. Further consideration of the amendment ought to be postponed until next day to afford opportunity of bringing down the necessary definition.

Hon. D. G. GAWLER moved—

That progress be reported.

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

Ayes	.. .. ..	13
Noes	.. .. ..	9
Majority for	.. ..	4

AYES.

Hon. H. P. Colebatch	Hon. Sir J. W. Hackett
Hon. J. D. Connolly	Hon. V. Hamersley
Hon. F. Connor	Hon. R. D. McKenzie
Hon. J. F. Cullen	Hon. E. McLarty
Hon. J. E. Dodd	Hon. Sir E. H. Wittenoom
Hon. J. M. Drew	Hon. A. G. Jenkins
Hon. D. G. Gawler	(*Teller*)

NOES

Hon. R. G. Ardagh	Hon. B. C. O'Brien
Hon. E. M. Clarke	Hon. A. Sanderson
Hon. J. Cornell	Hon. C. Sommers
Hon. F. Davis	Hon. W. Patrick
Hon. M. L. Moss	(*Teller*).

Motion thus passed.

Progress reported.

BILL—ILLICIT SALE OF LIQUOR.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This Bill seeks to serve two purposes, in the first place the suppression of the illicit sale of liquor and in the second place the abolition of the Australian wine license when it is run in conjunction with a fruit and confectionery business. The sly-grog evil has been steadily growing for many years past until it has reached such proportions as to justify drastic measures being adopted for its eradication. All over the goldfields and in all the larger towns of the State sly-grog selling is carried on to a greater or lesser extent. The Commissioner of Police has made every effort to stamp it out but has found himself harassed by the law, which though making every provision for netting the hotelkeeper has made little or no provision for catching the sly-grog seller, and it is only by the most roundabout process that the conviction of the sly-grog seller can be secured. The old system of employing informers has had to be abandoned. The informer in the past was generally a man with a bad record and was such a degraded specimen of human kind that his word would not be accepted in a court of justice. The hired informer therefore has been dropped: in place of that method a more reliable but at the same time more circuitous system has been adopted. Numerous convictions have been secured during the last twelve months, and the total fees secured amounted to something like £1,600, but those convictions have only been secured at very great expense to the department. The existence of the sly-grog seller, as hon. members must realise, is an injustice to the hotelkeeper, who has to pay big license fees, provide up-to-date accommodation for the public, and subject himself to the supervision of Government inspectors. Under the licensing Act of 1911 it is an offence for anyone to be on licensed premises on Sunday except for a lawful purpose, but it is no offence at all for him to be on the premises of a convicted sly-grog seller. Men who cannot get a drink at hotels on Sundays go to these shanties and have no difficulty in obtaining liquor, and having secured it there on the Sunday they feel an obligation to go back on Monday and right through the week. Consequently since the passing of the 1911 Licensing Act the number of sly-grog shops has increased. But that is not the worst side of the evil. The drink sold at these shanties is not under the control of the inspectors of liquors and is often of the vilest description. It is helping to fill our hospitals for the insane and to provide recruits for our gaols, and it is often a source of suicide, and in some instances the cause of murder. Hon. members will realise that very severe legislation is necessary to deal with such a menace to the welfare of the people. Then there is the travelling order cart which visits centres where men are employed and causes no end of trouble to the employers; the so-called orders are in many instances bogus, but there is no method provided by the existing law to deal with them. This Bill will accomplish that purpose. Another insidious evil attacked by the Bill is the Australian wine shop where wine is sold in conjunction with fruit and confectionery. According to the police reports supplied to me these shops are doing a lot of harm to the community. Sheltered by the fact that fruit and confectionery are sold in these premises, women and girls enter the shops in many cases not to purchase lollies or cakes but to purchase wine. They purchase wine and drink it on the premises, and if the reports supplied to me by the police are correct, and I believe they are, the evil is increasing to an alarming degree, and is having a bad effect on the morals of the community. I think it will be admitted that it must be a very sad commentary on our lack of foresight if after the establishment of an inebriates' retreat for the reformation of drunkards we continue to permit to exist a system which is creating drunkenness among the female portion of our population. I will now deal with the clauses of the Bill. Clause 3 provides that any person who sells liquor or has liquor for sale in or about any premises shall be deemed to be unlawfully dealing in liquor within

the meaning of the Act, unless such person is authorised to sell such liquor under the existing law. The penalty for a first offence is £50 or imprisonment for three months, or both, and for a subsequent offence following on a previous conviction, a fine of £200. It is a very drastic penalty but desperate diseases need desperate remedies. The Bill as introduced in another place provided for a penalty of £100 but I notice it has been increased to £200, so that evidently members of another place realise the penalty should be a very severe one. Clause 4 provides that upon complaint on oath by any person that he believes that liquor is kept on any premises for the purpose of illicit sale, a justice of the peace may grant a warrant to the police to search the premises, and if admission is refused they can break into, enter, and seize the liquor found therein; but in the case of a person having been previously convicted within the last preceding twelve calendar months of unlawfully dealing in liquor, a warrant will not be necessary, and a police officer may exercise his own discretion. After the seizure, the justice of the peace may require any person who has had this liquor in his possession to appear before him in a court of petty sessions. Then under Subclause 3, if the court comes to the conclusion that the liquor was kept for purposes of being illegally dealt in, the liquor and the vessels containing it will be forfeited. Under Subclause 4, where a police officer has entered any premises and seized any liquor, and such liquor has been forfeited, then any person in whose possession the liquor was found at the time of the seizure shall be deemed to have unlawfully dealt in liquor, and be liable to the punishment prescribed for such offence. The onus of proof of innocence is thrown on the person charged. Subclause 5 deals with persons found on premises when seizures are made; any persons found on premises at the time of the seizure render themselves liable to a penalty not exceeding £10, and they shall be deemed to be on the premises for the purpose of obtaining liquor until the contrary is proved. This also is very drastic, but it is also very necessary if it is to be effective, and it can only injure one section of the community, a section who deserve no consideration whatever. Then under Subclause 6 a police officer may demand the names of persons found on the premises, and there is a penalty for refusing to give a name. Clause 5 gives power to a police officer who finds any person drinking liquor in or upon any unlicensed premises where liquor is sold, and if the license authorising the sale of such liquor is not produced by the person appearing to have the management and control of the premises when demanded, the police officer may arrest not only such manager but also every person found drinking in or upon the premises. Every person found drinking in one of these shanties is liable to a fine of £10. Under the Licensing Act there is power to fine persons found unlawfully on hotel premises on Sundays, and it is only right that there should be provision for the imposition of a penalty for those who are found drinking in grog shanties. Clause 6 deals with persons who carry about liquor for purposes of sale, and it cannot apply to anyone except the person who is taking liquor round the country with the object of selling it; the penalty in this clause is for the first offence £50, and for a subsequent offence £200 or imprisonment not exceeding twelve emonths, or both. This will apply to people who travel round with order books, very often bogus, and take drink to centres where men are employed. Clause 7 makes provision that any person who is carrying liquor for delivery off premises on which such liquor is sold, unless the barrel, cask, vessel, bottle, case or package containing the liquor is labelled on the outside with the name and address in writing of the seller and of the purchaser or other person to whom the liquor is intended to be delivered, or the name and address of the seller and of the purchaser or other person to whom the liquor is intended to be delivered, and a description of the liquor and the quantity of liquor to be delivered, are written in the delivery book, invoice, or weighbill in the possession of the carrier, an offence will be committed, and the penalty will be £20. It does not mean that if a man is taking a bottle of liquor home he will be confronted with a police

constable and have his name and address taken, and be liable to a penalty; it is simply for the purpose of putting down this vile traffic. In Clause 8 any person being a dealer who gives away or delivers any liquor to any customer for other things, or under pretence of such person being a customer for other goods, or any other pretence whatsoever, will be deemed to have sold such liquor. Under Clause 9 it will be an offence to supply or deliver liquor to any person who has been convicted of unlawfully dealing in liquor during the last preceding six calendar months; that is very necessary, and the penalty for the offence is £50.

Hon. T. H. Wilding: Even in the case of sickness?

The COLONIAL SECRETARY: No. If the hon. member is the holder of a gallon license or a wine and spirit merchant's license and this person sent him an order which he complied with, the hon. member would involve himself in this penalty. Clause 11 deals with the burden of proof and provides that in all proceedings under the Bill against any person for unlawfully dealing in liquor such person shall, for all purposes connected with such proceedings, be deemed and taken to be unlicensed unless he produces a license authorising him to deal in such liquor. In other words it calls upon him to produce his license. Clause 12 is taken from the 1911 Act, making provision that certain persons are not to be regarded as accomplices. Clause 13 fixes the minimum penalty, which is very necessary indeed. There have been many convictions during the last 12 months or so, but in the vast majority of cases a very small fine has been imposed. This will provide for a minimum penalty.

Hon. C. A. Piesse: Does not this clause override the Penalty Act?

The COLONIAL SECRETARY: It only applies to this particular Bill.

Hon. C. A. Piesse: It overrides the Penalty Act.

The COLONIAL SECRETARY: Certainly. Clause 14 explains itself. Clause 15 in the Bill I propose to delete and insert in its place the following:—

No Australian wine license shall be granted or renewed except in respect of premises (a) used for the sale of Australian wine, and in which no goods of any other kind, except ærated waters, cigars, cigarettes and tobacco, are sold or offered or exhibited for sale or apparently for sale; or (b) certified in writing by the Commissioner of Police to be a restaurant in which cooked meals are served. Provided that this section shall not affect the renewal for the year One thousand nine hundred and fourteen of existing Australian wine licenses.

Hon. E. M. Clarke: Will this Bill do away with grocers wine licenses enabling the holder to sell wine in bottles only?

The COLONIAL SECRETARY: That is a matter I will make some inquiries about. In the case of a gallon license other goods would be sold. I beg to move—

That the Bill be now read a second time.

Hon. M. L. MOSS (West): I am not going to offer any objection to the principles contained in the Bill, but the first thing that strikes me as undesirable about it is this: that in 1911 we codified the licensing laws of the State. We put into one measure 17 Acts of Parliament, the aim being to get all the legislation affecting the one subject into one Act so that the general public could come to the measure and find everything in it. This Bill, however, is an attempt to decide the law, because it is entirely an amendment of the Licensing Act and yet for some reason which I fail to understand it is included in a Bill of its own, and I notice at present on the Notice Paper, that there is a Bill dealing with the question of Local Option, which is also an extraction of a large portion of the present Licensing Act. It is very undesirable after all the trouble we have taken to codify this law that when an amendment is necessary we should not amend the principal Act instead of finding it necessary to bring down the new legislation in two separate Bills. I only mention it by way of my

own protest in the matter because, so far as the Bill itself is concerned, the provisions are of a most admirable character. I do not think we can come down with too heavy a hand on the persons carrying on sly-grog selling. I know from a very reputable person who has in his employ a large number of men that loads of liquor are carted to where these men are and it has been found almost impossible to get hold of the offenders on account of the difficulties of proving this offence. It does not require much argument to show that if men out in the back country are catered for in that direction that the greatest possible amount of injury and wrong is being done by Parliament unless something is done to put a stop to it. The public require protection and the publican requires protection. The publican pays heavy rates and high licensing fees and is, or should be, subject to close scrutiny. I have complained in the past that these severe licensing laws are not administered in the way they should be, but if the publican is compelled to act up to the letter of the licensing law, he is liable to be fined and his license put in jeopardy. He is required to supply the public with accommodation, but the sly-grog seller escapes all that and must make a big profit. Under the old Act of 1880 a person convicted of sly-grog selling was always fined and liable to imprisonment. It is true that the magistrates were accustomed to imprison those persons only until the rising of the court. Still, I think the clause in this Bill requires alteration, and the offender when convicted should be subject to both fine and imprisonment. I am convinced that this class of traffic is not going to be stopped unless the penalties are severe and persons doing wrong not only have to pay a fine but serve imprisonment. There is absolutely nothing in the Bill with the exception of Clause 15 that I have the slightest objection to. The more stringent the law can be made to prevent sly-grog selling the better it will be for the general public and the State as a whole. I have repeatedly in this House drawn attention to the fact that legislation is drawn as though simply to be enforced in the city of Perth, and Clause 15 in its altered form as outlined by the Colonial Secretary preserves that objectionable feature. These wine licenses will I understand be required at Wyndham, Broome, Albany and other places, and yet the certificate is to be approved by the Commissioner of Police. That is a clumsy and awkward provision. The Commissioner will be obliged in connection with the outlying parts of the State to sign the certificate as a mere matter of form, and I suggest to the Colonial Secretary that he should alter the clause so that the certificate shall be from a resident magistrate or any member of the licensing bench. To compel the certificate to be signed by the Commissioner of Police will, in the case of outlying parts of the State, cause unnecessary delay and friction. Subject to that consideration I give my fullest support to the Bill.

Hon. E. M. CLARKE (South-West): While I have no time for sly-grog selling I want to preserve the rights of people carrying on legitimate trade in wine, which is one of the industries of this State. As the hon. Mr. Moss has said, there are many valuable clauses in this Bill, but Clause 15 must be amended so as not to interfere with the legitimate trade in wine.

Hon. C. A. PIESSE (South-East): I desire to commend the Government on their action in bringing forward this measure. I am glad to notice that in Clause 8 they are seeking to do away with that practice, so often adopted by sellers of wine, of supplying wine and charging it up as goods. This is frequently done. In my own small town I think the present holders of wine licenses are a better standard of men, but I did know of two instances where people were always able to get wine and have it charged up as goods, and it was difficult for the person who had to pay for those goods to detect what was going on. I am glad to notice that the Bill is likely to become law, and I trust that the object we all desire, that is, to limit

the drinking places in the State, will be achieved by this measure. I had quite a shock in our own fair City a short time ago when I happened to go into a place where wine was sold and other goods as well. I was astonished to find the place packed with people, and I think what I saw there was much worse than would be found in a public house. I welcome this Bill, and trust it will go through without any amendment.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 14—agreed to.

Clause 15—Australian wine licenses:

Hon. M. L. MOSS: The Colonial Secretary should not ask members to vote on this clause in its altered form until we had seen it on the Notice Paper. Then there was the question raised by Mr. Clarke as to whether we were doing justice in taking away the licenses from *bona fide* grocers. He suggested that progress should be reported.

The COLONIAL SECRETARY: It was not proposed to take away licenses from *bona fide* grocers; they did not hold Australian wine licenses.

Progress reported.

BILL—STAMP ACT AMENDMENT.

Received from the Legislative Assembly and read a first time.

BILL—AGRICULTURAL BANK ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This Bill is for the purpose of increasing the capital of the bank from £3,500,000 to £4,000,000. It is the general custom in introducing a measure of this kind to supply some information in regard to the progress of the bank. I have here a brief account of the operations of the bank for the year ended 30th June, 1913. During the year 5,019 applications were received and the total amount applied for was £923,885. The loans authorised numbered 3,442 and the amount authorised, £660,765; the applications declined numbered 567 and the amount totalled £184,255. Undrawn balances amounting to £166,892 15s. were cancelled, and cancelled loans totalling £3,495 were reinstated making the net appropriation from capital for the year £493,872 5s., and the total appropriation to date, £3,321,709. The purposes for which the amount authorised is to be used are as follow:—To pay off liabilities, £47,700; to purchase stock, £70,566; to purchase implements, £12,019; to carry out improvements, £530,480; clearing, 397,931 acres, £386,030 10s. 6d.; ringing, 204,862 acres, £15,893 9s. 6d.; blackboy and poison grubbing, 47,969 acres, £12,513 14s. 6d.; fencing, 304,067 chains, £91,803 16s. 11d.; draining, 957 chains, £956 2s.; wells and reservoirs, £43,809 16s. 2d.; fallow, 8,551 acres, £3,268 17s.; buildings, £8,642. The amount actually advanced during the year was £636,753 9s. 9d., making with the total amount previously advanced a total disbursement of £2,582,937 14s. The repayments during the same priod amounted to £33,527 14s. 1d., making the total amount repaid, £698,980 5s. 10d. and leaving a balance outstanding on 30th June, 1913, of £1,883,957 8s. 2d. The amount has been applied, as prescribed by the 1912 and previous Acts, to the following purposes:—For the year ended 30th June, 1913, liabilities taken over, amounting to £124,056 5s. 2d.; for purchase of stock, £67,941 3s. 7d.; for purchase of plant, £6,494; for the purchase of implements, £9,731 18s. 3d.; for the purchase of fertiliser, £3,278; and for developmental purposes, £435.024 2s. 9d. The improvements effected by farmers, with the assistance of the bank's funds, are as follow:—For the year ended 30th June, 1913, clearing, 285,350 acres, £289,065 17s. 1d.; cultivating, 360 acres, £110 10s.; ringing and scrubbing, 338,816 acres, £97,428 18s. 7d.; fencing, 227,815 chains, £68,144 17s.; draining, £285 10s.;

water supply, £35,096 0s. 8d.; buildings, £3,206 16s. 2d.; orchard, 321 acres, £4,321; blackboy and poison grubbing, 10,529 acres, £1,606 8s. 9d. The operations for the year ended in a net profit of £9,782 17s. 10d., which will be available for redemption and sinking fund purposes on encashment of the interest due to the bank. I move—

That the Bill be now read a second time.

Hon. C. A. PIESSE (South-East): I desire to say a few words in regard to this Bill. I am sorry that the Government have not seen fit to ask for a larger amount. There is no doubt that to a large extent the Agricultural Bank has been starved. We all know the institution has been of great benefit to the State. The money is not frittered away; it all comes back to the State; it is only a loan for a little while. If I am in order I would like to move that £500,000 be added to Clause 2, because it is absolutely necessary that in this State we should have an agricultural land bank.

The PRESIDENT: The hon. member would be out of order in doing that.

Hon. J. D. CONNOLLY (North-East): I wish to support the Bill, and I agree with the hon. Mr. Piesse in his statement that perhaps it would be better to make the amount larger, because the money will certainly be wanted. In respect to the advances I want to draw the Minister's attention to one phase of this question. The advances by the Agricultural Bank will not be made by the bank unless the titles are registered in the transfer of land office. I was a member of the Government that introduced the amendment to the Transfer of Lands Act, making it permissible for a conditional purchase to be registered in the transfer of land office. I am not sure whether that was a wise proceeding or not in the interests of land settlement or of the way in which it has been administered. Under the Agricultural Bank Act, before a settler can get an advance from the bank he must be registered in the Lands Titles office. A case came under my notice the other day in which A had a conditional purchase lease. He had an advance from the bank seven or eight years ago. A died intestate and the Curator of Intestate Estates took charge of his affairs and B bought the conditional purchase from the Curator and repaid the loan to the Agricultural Bank. B held the land some two years and then transferred it, two or three years ago, to C. Some months ago C wished to obtain an advance from the Agricultural Bank and he applied to the bank for that advance and the first proceeding was to register the title at the Lands Office. The Lands Department executed all the necessary transfers, etcetera, and the first thing C was met with was a letter from the bank that before he could get an advance he had first to show that the original owner was dead. That is not a very difficult proceeding. He got a short notice telling him that he must prove the death of A. But the man had nothing to do with A; he had bought from B. However the man happened to be living in town and he went to the Curator of Intestate Estates and for a fee of half a crown got a death certificate and put it in. He waited a while and then he got another letter which told him that he must show the Curator of Intestate Estates had power to transfer the land to B. That is not a very difficult proceeding, if the man is in town as this man happened to be, but I wish to draw attention to the utter impossibility of a matter like that when a man is living out-back and wants his £50 or £100 clearing allowance. It would have been an easy matter for the man in the Titles Office to go to the Curator of Intestate Estates and see if the whole thing was in order, but C being in town, went to the Titles officer and said, "I have a transfer from the Lands Department of this lease from B who received it from the Curator of Intestate Estates." The officer said, "I am not concerned about that. We are another department." Then C said, "Do I hold a title or not? I received it two years ago from the Government that is all I know." However, he did take it to the Curator of Intestate Estates, who is a very polite officer, and he told the Curator that he wanted a certificate that the man

had died intestate. He got that certificate then he had to get a letter from the Curator that he had power to transfer to B. Then after a while this man received another letter. They wanted more information and he had to go to the Curator of Intestate Estates and obtain the official seal of the Curator that he had power from the court to distribute A's estate, and then to wind up the whole ball of red-tape, he said to the Curator "Now I fine you 3s. 6d. for not putting this in before." Fancy one department fining another 3s. 6d.! The man mentioned this to the Agricultural Bank authorities, and their reply was, "That is nothing; sometimes they go back over three, four, or five purchasers." I mention this to show that, while we may be trying to assist settlers by granting these advances, we are nullifying the work by the way in which conditional purchases are administered under the Land Titles Act. It is almost an impossibility for the man on the land to satisfy the department, and we are killing land settlement by working the business in this way. While we should protect the title it should be done in a proper way. A man hundreds of miles from Perth has no time to come down to attend to these matters, and if he is not particularly good at correspondence what is he to do? He has to write to a solicitor in Perth, and probably it will cost him as much as his first advance in order to get the matter cleared up. Then there is also the delay to be considered. This Bill has everything to commend it. The principle of the Agricultural Bank is a good one, and we are in sympathy with it, and desire to help it by giving it more capital, but unless we remedy the defects we will retard land settlement and defeat the very purpose of the bank.

Hon. C. A. Piesse: How do you propose to remedy it?

Hon. J. D. CONNOLLY: I mention this for the information of the Minister, and I trust he will take a note of what I have said, and bring it under the notice of the Attorney General, and see if instructions cannot be given to the Lands Titles Office not to work in this red-tape fashion so far as conditional purchase leases are concerned but that when these transfers come, as they frequently do, they will call in a Lands Department officer and get the papers and see right away that the transfers are in order. Let the Commissioner of Titles or his clerk satisfy himself that the transfer of the conditional purchase is correct by calling for papers from the Lands Department or Curator of Intestate Estates as the case may be. It could be done by telephone or by taking a minute from the Lands Department. But is it not utterly absurd for one Government department to say that they do not recognise a title of another Government department? Both are Government titles, and can be enforced. If the Lands Department give a transfer of a conditional purchase it is just as good as one under the Transfer of Land Act when it is enforced. But the Lands Titles office adopt the attitude that they will not recognise any other department. I have been informed that this sort of thing is occurring very frequently. This must prove a great drawback to our settlers, and in the interests of land settlement, I mention it so that the Government may have the matter dealt with.

Question put and passed.

Bill read a second time.

In Committee.

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

PAPERS — POWELLISED SLEEPERS, CONTRACTS FOR CARRIAGE.

Debate resumed from the 10th December upon the following motion of the Hon. A. G. Jenkins:—"That there be laid on the Table of the House all papers in connection with the contracts or agreements entered into between the State Government and Messrs. P. McArdell and James Bell & Co. for the carriage of powellised sleepers, including all tenders received for the same."

The COLONIAL SECRETARY (Hon. J. M. Drew): In opposing the motion for the production of these papers,

I will state the reasons given by the Minister for Works as to why he thinks it necessary that the motion should be either withdrawn or defeated—

> The papers should not be laid on the Table for the following reasons:—(a) That negotiations of such importance when undertaken in connection with a trading concern should not be made public. The manager or director of a private firm would not in any circumstances give publicity to such matters. (b) That certain important communications received from firms and agents in regard to this business were marked "private and confidential." The following general information might be given—The Controller of Stores opened up negotiations with certain companies in July. Immediately the business manager of the State saw mills was appointed, he got into touch with the Controller of Stores and it was deliberately decided at that stage that in the best interests of all concerned it was advisable to privately negotiate, rather than to call for tenders publicly. It was generally known by all companies and their agents, who were in a position to quote, that the Government were prepared to take up this big contract —that the Government would gladly receive their quotes. Many agents at different times interviewed the general manager of the State saw mills. When the business was reaching finality, only four quotes were before the department. On the morning of the 10th November, the department were in the position of having to accept one of the four tenders before noon. Satisfactory evidence having been submitted by P. McArdle and Co. of their ability to carry out the contract, and their willingness to accept the conditions laid down by the department, and to make a deposit of £5,000, and they being the lowest tenderers, and having given authority to P. McArdle and James Bell to enter into the contract, their tender being the lowest, was accepted. Every consideration was extended to all those with whom the department were negotiating, and the department have every reason to be satisfied with the terms and conditions secured.

That is all I have to say on the subject.

Hon. A. G. JENKINS (in reply): I am afraid I cannot accept the reasons given by the Colonial Secretary as to why the papers should not be produced. The reasons are not at all satisfactory; in fact they provide very good evidence as to why the papers should be produced. It is a very unusual course when papers are asked for not to agree to their production. As a rule this is purely a formal matter; the Minister places the papers on the Table and that is an end to it.

The Colonial Secretary: Not always.

Hon. A. G. JENKINS: It has only been during the last session or two that motions for papers have ever been opposed. The Minister has given very good reasons why the files should be produced. These negotiations have been completed, a tender has been accepted, and therefore no private information that is disclosed can do any harm at all to any tenderer.

Hon. R. J. Lynn: You are quite wrong.

Hon. A. G. JENKINS: Perhaps the hon. member knows better than I do. I carefully refrained from stating a lot of information which was in my possession, because I did not want to say anything which would be hurtful or derogatory to any company or person or to the Government until I had inspected the file. But, in the course of the short introductory speech which I made in moving the motion, I think I gave the House very good reasons why the file should be produced, in view of the somewhat strange circumstances under which the contract was accepted. I think the House as a matter of right, and in order not to create a bad precedent, will insist upon these papers being produced, so that the whole of the facts may be made available to any person who desires to inspect them.

Question put and passed.

BILL—LOCAL OPTION.

Second Reading.

Hon. J. E. DODD (Honorary Minister) in moving the second reading said:

I did not think that we would be going on with this Bill to-night, and therefore I did not prepare myself to move the second reading, but I will explain the provisions of the measure as well as I can. The Local Option Bill is one which aims at giving the electors power to regulate the sale of liquor. I am not going to give any dissertation upon the evils of strong drink, but I think we all recognise that a regulation of the sale of liquor in some way or other is very necessary, and the Bill is intended to give the electors of the Legislative Assembly the right to regulate the sale of liquor. I think it must be apparent to everybody that the taxpayer has to pay a considerable amount, by reason of over-indulgence in liquor, that is, in the direction of the upkeep of gaols, hospitals, insane asylums, police and law courts, charities, etcetera. To a very great extent the necessity for much of the work of these institutions is due to over-indulgence on the part of people in liquor. Were it not for the evil results of this indulgence the cost in relation to our gaols, hospitals, asylums, etc., would be much less than it is to-day. Almost every judge of the Supreme Court and every magistrate in the State has drawn attention at one time or another to the dire results brought about by the abuse of liquor. Only just recently the Acting Chief Justice emphasized this point in one case. I am sorry I have not the particulars here to-night, but, as I said before, I had no intention of going on with the Bill this evening, consequently I am not as well prepared as I might have been. However, that fact is apparent to everyone, and owing to that there has been an agitation for many years past that the people shall have the right to say what licenses should be given, whether they should be increased, reduced, or prohibited. The Bill proposes to place several questions before the electors. Under Clause 4 there will be found the questions that are to be submitted to the vote of the electors. First of all there is resolution (a), that the number of licenses existing in the district continue, (b) that the number of licenses existing in the district be reduced, (c) that the number of licenses existing in the district be increased, and (d) that no licenses be granted or renewed in the district. In addition to that, where resolution (b) has previously been carried, another vote can be taken as to whether the licenses should be restored. Then again, a resolution may be submitted as to whether or not new publicans', general licenses shall be held by the State. It is provided that so far as resolutions (a), (b), and (d) are concerned they shall not be considered by the electors until after December, 1920. When the Bill reaches the Committee stage, I propose to move an amendment to that providing that the resolutions may be submitted to the electors in 1915. It may be said that in doing that we are violating the compact which was entered into in 1910, when the existing measure was before Parliament, and when a compact was made that the poll should not be taken until 1920. I would point out, however, that no legislature has power to bind future Parliaments; in fact, by making such a stipulation we are really overriding the law in relation to licenses. Licenses are only granted for one year, and consequently the argument that we shall be violating a compact entered into by Parliament cannot be taken into consideration, because a future legislature may be composed of entirely different individuals to those who made the compact, and no Parliament can bind a future Parliament. When the Bill goes into Committee, therefore, it is my intention to move for the reduction of the time limit. It may be urged that we have every right to consider the view point of the licensee, inasmuch as he may have spent a considerable sum of money on his licensed premises, but to my mind there is nothing in that kind of argument. When we come to look at the matter from the points of view of other institutions and other people, I cannot see that any sound argument has been brought forward in favour of compensation for publicans. Let us take the opening of the goldfields water scheme and the consequent wiping out as it were of the condensers which were established in Coolgardie. We find there that an administrative act did away

with the livelihood of a large number of people who were engaged on the work of condensing water, an industry which represented in value many thousands of pounds.

Hon. A. Sanderson: They had considerable notice.

Hon. J. D. Connolly: They could have continued their condensers.

Hon. J. E. DODD (Honorary Minister): The only notice that was given them was that the scheme was being constructed.

Hon. A. Sanderson: And that amounted to six years' notice.

Hon. J. E. DODD (Honorary Minister): However, there was no compensation given these people in any shape or form. Let us consider also what it means to men who are engaged in different works. We will take for instance the man who may be engaged in a factory or in some place where an act of government will possibly take away his means of existence. For instance, there may be a mine in the back country, and by reason of freight being increased or the price of water being increased the means of existence of many may be taken away. In such a case no one ever dreams of asking for compensation. And so it is with regard to tariffs. If a Government decides to bring in a new tariff or to reduce Customs duties it is more than probable, in fact it is almost always the case that an immense number of people are thrown out of work. I am not arguing that it is right; but I am merely giving this as an illustration. A large number of men are often thrown out of employment because of the reduction of the tariff, but we never hear of claims for compensation coming from the men, nor from those who have been employed in factories which may have been closed down as the result of an administrative act of government. So it is in many other directions. Only just recently, the Government have been besieged with repeated applications for work in order to keep factories going, and when they cannot see their way clear to provide that work and those factories are closed down we never hear anything about compensation. Why then do we make a distinction between hotels which might be closed down and other industries which might be similarly placed? To my mind the analogy is the same. I could go on giving many instances of this nature. A public battery, which by reason of the Government policy is closed down, may involve the closing down of some mines, but we never hear anything about compensation being given, therefore I do not think there is anything in the argument put forward on behalf of publicans whose premises may be closed. The three resolutions that are to be deferred until 1920 are (a), (b), and (d). Another principle involved in the Bill is the question of the majority vote. The Bill provides that a simple majority vote shall decide all these questions. Here, again, we shall be met with a good deal of argument and criticism as to whether this simple majority vote is the right one to adopt. At the present time I think the provision is for a three-fifths majority.

Hon. J. D. Connolly: Only for prohibition.

Hon. J. E. DODD (Honorary Minister): It will be provided in the Bill that a simple majority vote will decide all these questions. When we consider that a simple majority vote decides all other questions, no matter how important they may be, and even in the election of the members of the legislature, and in the inauguration of the Commonwealth, I cannot see that we are making any great innovation by saying that such a question as the closing of hotels, or the reduction of licenses, or even prohibition itself, shall be decided by a majority vote. The attitude I have always adopted in respect to this is that the evil of strong drink is just as great as the evil effects arising from the use, or abuse of many drugs; the effect of strong drink upon the human frame is much the same as the effect of opium. Where we have a drug of that kind which does great harm, it seems to me that a simple majority should be sufficient to decide whether or not we should restrict its sale or even abolish the sale altogether. I do not say that we should abolish the sale of liquor in Western Australia, but I do say that owing to the immense havoc wrought upon the health of the people by the abuse of strong drink, and which

is necessitating the maintenance of all the institutions I have mentioned, we have every right to say to the people that a bare majority vote shall decide whether or not the sale of liquor shall be reduced.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. E. DODD (Honorary Minister): When we adjourned for tea I was speaking about the majority vote. The bare majority vote will be sufficient to carry either one of the resolutions submitted. It was pointed out that at the present time Resolution D would have to be carried by a three-fifths majority vote. I notice also there is a minimum number of electors required to vote. As I have said, I can see no objection whatever to the majority vote. Almost every other question is decided on a majority vote, and I fail to see why we should require more than such a vote for a reduction of licenses. I have here a short quotation from a speech made by the Right Hon. Joseph Chamberlain which seems to me to exactly fit the case. Mr. Chamberlain said—

> You must take your choice between two restrictions; either the individual must be restricted from imposing a nuisance on the community against the will of the majority, or else the majority of the community must be restricted from suppressing the nuisance in deference to the interests of the individual.

That seems to fit the case very exactly indeed. The majority of the community certainly should have the right of saying whether or not a nuisance should be abated; and if licenses in a district are held to be a nuisance, to be wrong, held to be doing something against the good government of the district, surely a majority should have the right to say that these licenses should be reduced. I will try to explain one or two of the provisions of the Bill. It is provided that where Resolution C (increase in number of licenses) has not been carried the votes cast in favour of that resolution shall be added to the votes given for Resolution A (number of licenses continued). The same thing applies in the opposite direction, and so where Resolution D (no licenses) has not been carried the votes for that resolution shall be deemed to have been cast in favour of Resolution B (reduction of licenses). If the vote in favour of reduction. Again in Clause 6 there are certain provisions, prescribing that where the resolution favouring continuance is carried, the number shall not exceed that number which existed at the time of the taking of the poll. If Resolution B is carried the number of licenses at the time of the taking of the vote shall be reduced by one-fourth,—the fractions, of course, being disregarded—or if there are only four licenses in existence the number shall be reduced by at least one. If Resolution C is carried, the Licensing Court may, subject to the provisions of Part IV. of the Act increase the number of licenses by granting a license for premises owned and erected by the Government. Part IV. of the Licensing Act deals with the various licenses to be granted, the exemption of new licenses, the method of application, renewals, transfers, removals, etc. Subject to that power the Licensing Court may grant a license to premises owned or erected by the Government. It is also provided that no license shall be granted pursuant to any such resolution unless the applicant shall present to the court a petition which appears to the court to have been signed by a majority of the electors in the district. That is to say, that despite the fact that Resolution C is carried, the applicant has to present to the Licensing Court a petition signed by a majority of the electors in the district as they appear on the roll. The next provision states that if the question submitted to the electors pursuant to Subclause 3 of Clause 4, namely, "Do you vote that new publican's general licenses be held by the State?" is answered in the affirmative the court shall, before granting any publican's general licenses inquire of the Colonial Treasurer whether he desires to establish a State hotel in the district, and if the Colonial Treasurer replies in the affirmative then the State is to be given the preference. In Clause

7 provision is made that in the event of "reduction" being carried the Licensing Court may determine what licenses shall cease to be in force, and it is directed that they shall consider the convenience of the public and the requirements of the several localities in the district. In Clause 9 provision is made for fixing the rent of any demised premises as between the lessor and the lessee, and if necessary such shall be fixed under the provisions of the Arbitration Act. In clause 10 the method of voting is prescribed, the vote being taken, of course, on the Assembly roll. In Clause 16 those parts of Part V. of the Licensing Act referred to in other parts of the Act apart from Part V. are repealed, and Part V. itself is repealed in Clause 17. But it is provided that the resolutions carried at the local option poll in 1911 shall continue in operation and be effective until the first local option vote taken under the Bill. That comprises, I think, about the whole of the provisions of the measure. As I have said, there are two main points: the one is that the majority vote shall decide in the case of "no licenses" and also in the case of "increases," for which in the present Act a three-fifths majority is provided. The minimum number of electors provision is also struck out, and I have intimated my intention of moving in Committee that the poll shall take place in 1915 instead of 1920. The Bill as it appears before us is the same in that respect as the Act, namely that no poll shall be taken on three of the resolutions until 1920. I move—

That the Bill be now read a second time.

Hon. J. D. CONNOLLY (North-East) : I think the same remarks apply to the Bill as were used by Mr. Moss in reference to the Illicit Sale of Liquor Bill dealt with earlier this afternoon; that is to say, we passed the Licensing Act in 1911, an Act consolidating no fewer than 17 Acts dealing with the sale of liquor and the regulation of the traffic, and now we come back to exactly the same position as we were in previous to the passing of the 1911 Act. Because in this session we have already considered a Bill dealing with the illicit sale of liquor, the provisions of which are at present in the Licensing Act. The extension of those provisions should be put into the Licensing Act and not be allowed to constitute a separate measure. Then we have this Bill, the principle of which is the same as that contained in Part V. of the Licensing Act, which deals with the local option provisions. The Bill is simply re-enacting the provisions of Part V. of the Licensing Act, although in a different way in some respects. Why the Licensing Act could not have been amended to provide for this, I do not know. If that were done the whole thing would be contained in one Act, but here it is sought to constitute a separate Act for the local option provisions.

Hon. C. A. Piesse: Is it not as well?

Hon. J. D. CONNOLLY : I do not think so. I think it is well to consolidate an Act of this kind instead of breaking it up into three separate Acts.

Hon. C. A. Piesse : But I am speaking of this Bill only.

Hon. J. D. CONNOLLY : The whole thing deals with the same subject, and should be contained in one Act so that those interested in liquor trade would know exactly under what Act they were operating. Prior to the passing of the 1911 Act local option had been a burning question for many years. I piloted the Act of 1911 through this House. It had been before the Legislature for some two years. View it as we will it is a highly debatable subject, more particularly that portion of the law relating to local option. The Act of 1911 was eventually passed, and now, before those provisions have had a fair trial, an amending Bill is brought down to alter those provisions to a great extent. The first alteration—and it is a very remarkable one as compared with the provisions of the Act—is in the definition of "license" in Clause 2. The local option provisions in the existing Act refer only to general publican's licenses and not to the numerous other licenses. The poll taken affects only general publicans licenses. Hon. members are aware that under the

Licensing Act there is a great number of different licenses. The definition of "license" here applied to everything except hotel and Australian wine and beer licenses. That is, so far as resolution C is concerned. There is no provision made for any hotel license in future, but I think there is only one in the State. There is no provision made either for any fresh Australian beer and wine licenses. So in effect it applies to all licenses contained in the Act. If hon. members turn up the Act they will see that, apart from the hotel and publicans' general licenses, there are wayside licenses, Australian wine and beer licenses, Australian wine licenses, packet licenses, spirit merchants' licenses, two-gallon licenses, gallon licenses, eating house licenses and billiard licenses, in addition to club permits. The local option provisions will apply to every one of them, so that in 1920, if resolution D—total prohibition—were carried, we would not only close up all hotel, wayside, two gallon, brewers', gallon, and eating house licenses, but clubs permits, because the registration of clubs is specially mentioned in this definition of license. It was never intended that local option should go so far as to extend to club registration, eating house, billiard table, two gallon, packet, and even gallon licenses.

Hon. C. A. Piesse: Will it extend to licenses on railway stations?

Hon. J. D. CONNOLLY: No, I think they are specially exempt, but it will extend to other licenses which I have named. This is a very serious alteration, and I draw the attention of hon. members to it. It is not one which appeals to me, and I intend to move an amendment to restrict it practically to the provisions of the present Act. I do not see why local option should apply to club registration, billiard table, packet, gallon, two gallon, and eating house licenses. I referred to resolution D, which is total prohibition. That does not take place until 1920. It is the ten years' time compensation to which the Minister referred, but the Minister stated that it is his intention to move that the date be altered to 1915. This was the provision in the Bill when it was introduced into another place, but it was altered by an amendment to bring it into conformity with the present Act, namely, 1920. There is a resolution that there should be no increase or that there should be an increase of licenses. If the vote is in the negative, the decision is that there shall be no increase. On the last occasion there was a majority of votes against resolution C, so that there could be no increase, but if the provisions of this Bill had then applied, there would have been no chance since that time to get a spirit merchant's, two-gallon, one-gallon, eating house, billiard table license, or club permit. These would have been prohibited for three years, but the poll which took place only applied to general publicans' licenses, so that it had no effect, but this will be the effect of altering the definition of license as set out in this Bill. This is a very important alteration. When we come to Clause 4, we find that the latter portion makes the same provision as the present Act, that the resolutions A, B, and D, for a decrease, and for total prohibition, shall not be submitted to the electors until 1920. That is leaving matters as they are, but this was added by way of an amendment in another place, and the Minister has stated his intention to alter the date to 1915, so that, if the amendment is carried, public houses may be closed without compensation after 1915. We are thus asked to go back on the understanding arrived at when the 1911 measure was passed, namely, to give 10 years' time compensation. The Minister was not very happy in the comparisons he made. He instanced certain businesses that could be injured, and in regard to which no compensation was paid. He asked what compensation had the condenser owners received from the Government when the water scheme was carried through to Coolgardie and Kalgoorlie. That is an entirely different matter, and there is no analogy at all between it and the closing of hotels. The condenser owners could still sell condensed water if they could compete against the water scheme, but

if we close an hotel it is impossible to sell liquor, even if there was a desire on the part of the publican to reduce the price. The two instances might have been somewhat analogous if it was a matter of allowing another hotel to start and to sell beer at one penny a pint, because the publican's permit, whereby he gets his living, would not be taken from him—it would only be a case of keener competition. But when we deprive a man of his license, we take away his living and the entire benefit of his house. The Minister made several other similar allusions, and there was no more analogy between them than between the instances I have quoted. There is a very important limitation in the latter portion of Clause 5. In regard to all the resolutions a bare majority for or against is to decide them, but in regard to resolution D, under the present law, the decision will not take effect until 1920, and it is necessary to have three-fifths of the voters in favour of it. Resolution D provides for the closing of all hotels, and under this Bill for the closing of every form of license in the district, including club permits. It would be a very drastic proceeding to close all the public houses in the district. I do not think it is asking very much in the way of a safeguard to insist that three-fifths of the votes polled should be in favour of the resolution before it is given effect to. It must be remembered that perhaps not 50 per cent. of the electors will vote. Many people are not very much interested in local option. There are two sections who are largely interested, and sometimes they vote together, namely, the publicans and the temperance people. They would not be likely to vote together on resolution D, but in regard to resolution C, which provides for an increase or no increase the publican and the temperance people would vote together, because their interests are identical. The temperance people would not desire any increase and the publicans would be in the same position, because they desire a monopoly. Outside of this, however, we are not likely to get a very large number of people to vote at a local option poll, so that the vote might not represent anything like 50 per cent. of the electors. Remembering that, it is not asking too much to insist that there should be one-fifth more votes on the one side than on the other. After all, it is not a very big difference. I intend to move an amendment in this direction when the Bill reaches Committee. There is another very important alteration in Clause 6. The present Act provides that when hotels are decreased, they shall be decreased at the rate practically of one in 12. If there are 24 hotels, the number will be reduced by two, and if there are between 24 and 36, the number will be reduced by three. This Bill, however, makes a very sweeping change, in that it provides for a one-fourth reduction, so that if there were 12 hotels, three would be closed, and if there were only two in a particular district, one would be closed. Sections 79 and 80 of the existing Act provide for the quota I have mentioned, roughly one in 12, and this Bill reduces it to one in four. This is an alteration which should receive very serious consideration before it is enacted. There is another alteration in Clause 6, that if resolution C is carried, and it may be carried next year, all new licenses shall be granted to the Government, and only to the Government. This is rather a contradiction, because the last paragraph provides that if there are to be new licenses the Colonial Treasurer shall have the option practically for six months, but the other addition contradicts it and says that it shall be given effect to by granting a new license for premises owned or to be erected by the Government. I am inclined to think that the words I have referred to represent an amendment inserted in another place, and that the proviso was in the Bill as it was introduced. The second proviso thus makes it compulsory that new licenses, if any, shall be granted to the Government. This is enacting State control of all future licenses. I do not think that this big principle should be brought in, so to speak, by a side door. That principle should be discussed straight out in Parliament, or submitted to a referendum of the people on the question as to whether they are in favour of State control of the liquor

traffic. What it amounts to practically is that all new licenses in all new towns will be State hotels. These are the main alterations in Part V. of the Act, dealing with local option. There is one other alteration in Clause 13. Under the Act at present, if a man applies for a license the onus is on the applicant to obtain the consent of the electors in the district before the licensing bench will entertain his application, provided of course that a resolution has been carried in favour of an increase. A new license can to-day be obtained as the Government are obtaining them in some places, for an hotel where there is no license within 15 miles, simply by an application to the licensing bench. Clause 13 puts them on the same footing so far as a petition is concerned. Thus, if this Bill is passed, it will be impossible to get a new wayside license 15 miles distant from an existing license without obtaining the signatures of a majority of the people in the district. It is an improvement but at the same time it is well worthy of consideration to see whether a clause of that kind is practicable, because in a new township or a scattered district it may be hard to get a majority, and in a case of that kind people are not so much concerned as they would be in a city, for the reason that the hotel may have been built for the use of the travelling public more than for the use of the residents, and it might not be altogether fair to allow it to be vetoed by the people living immediately around it. That principle is perfectly fair in a town and I had a good deal to do with putting it into the present Act. My reason is that if a district voted for an increase and an hotel was to be erected in a particular part of a district, that particular part might not have wanted the hotel, but it might have been required by the district as a whole. Then the further provision was put in. We go even further in this Bill and apply it to wayside licenses. There are not many alterations in the measure but those that have been made are very far-reaching, and I do not think the House is likely to adopt any of them. If the House does it will be so much waste of time passing the second reading. So far as I am personally concerned, if the measure goes into Committee, I will move amendments in the direction I have indicated.

On motion by Hon. F. Davis debate adjourned.

BILL—UNIVERSITY LANDS.

Second Reading.

Debate resumed from the previous day.

Hon. Sir J. W. HACKETT (South-West): I do not intend to make any large inroads upon what has already been said because for some time I have contented myself with short speeches, or rather not speaking at all. I have been a listener rather than a talker, but in regard to this measure now before us there are a number of errors and fallacies floating about, which I desire to correct so far as lies in my power. My friend Mr. Kingsmill in his analysis of the constitution of the University divided it into certain bodies. I am not going to follow him into that field. The opinion of those gentlemen for the most part is of great value and will be welcomed by the Senate, and every one in the community, but I shut it out of consideration altogether on the present occasion, for the simple reason that the management and control of the lands of the University are expressly by legal enactment vested in the Senate, and in the Senate only. However useful, therefore, the suggestions of others may be, the responsibility of the management of the University property, both real and personal, is the sole duty of the Senate to attend to, and if I know the feelings of that body they will endeavour to keep those powers in their own hands. It may be somewhat curious to say that the trouble that has occurred with regard to the University, which is accountable for bringing in this Bill, is really due to the prosperity of that institution almost from the very start. If the University had only come up to early expectations of, say, 100 pupils in the first year we might have gone along, perhaps, very successfully, but at all events with a certain amount of satisfaction to ourselves. But that is not so. We hoped for something like 70, 80, or at most 100

students, but we have at the present time no fewer than 220, and there is every prospect in the course of the ensuing year of that number being increased by 50 per cent. This accounts for the demands which have been made on the exchequer. For example, we require more money for equipment, more money for teachers, and more money for buildings. We have not got that money and we have had to apply to the universal provider of cash in this State, the Ministry. We had to apply to them to supply our needs, and I may say with regard to the head of that Ministry, that all our applications have been received by Mr. Scaddan with the utmost courtesy and sympathy, and he has been even generous in the way he has responded to our needs. The Premier, however, has at last come to the conclusion that something definite must be done with regard to our finances. We have spent all the money we have, at all events it is all ear-marked, but we must absolutely have further supplies if the University is to do credit to itself. The Premier has complained lately when we have gone to him to get our purse replenished. I might at this stage give a few words of the history of the requests of the University for assistance. Here is a letter written from the Premier's office dated the 19th July, 1913. We had pointed out that we were short of cash and that money would have to be provided, and that we wanted £9,000 free of interest in order to erect additional buildings. The Premier wrote in reply to a communication of mine as follows:—

> Adverting to your communication of the 27th ult., and the deputation which waited on me on Wednesday last, with reference to the Government providing funds for the erection of additional temporary accommodation, I now beg to confirm my offer.

He has always met us in the fairest manner possible.

> In accordance with my previous promise the Government are prepared to find £9,000 free of interest, until such time as a permanent home for the University is erected, provided that the Senate agrees to the transfer to the Government, for the purposes of the Workers' Homes Board, certain endowment lands at West Subiaco, and make a portion thereof immediately available. It is to be mutually agreed that when the permanent site has been decided upon the land thus transferred shall be considered a part of the transaction, and the Government agree not to ask for any additional area in lieu thereof.

Immediately following upon that the Senate appointed a conjoint committee consisting of the finance and the administratime committees of the Senate to consider the whole question of finance. This was immediately following the letter which I have just read. The committee reported as follows:—

> The attached is an estimate of the revenue and expenditure for the calendar year 1914. We do not consider that the expenditure can be less than this, viz., £17,900 without seriously impairing the efficiency of the University. We consider the amount for equipment asked for by the professors should be granted, but to do this would involve an expenditure of £2,500 in excess of the amount available as detailed hereunder:—Authorised for the equipment of the various departments for this year, £5,600; authorised for library purposes for each professor and lecturer—twelve at £100 each, £1,200; estimate by Professorial Board of capital expenditure for 1914, £9,910; total £16,710. Approximate sum available from accumulated funds, etc., £14,200; deficit, £2,510. We recommend that the Government should be approached with a request for the sum of £2,500 for initial equipment, and for an addition of £2,975 to the annual grant.

We have a permanent endowment of £12,000 or £13,000, and they considered that this would have to be increased to £17,900, otherwise the efficiency of the University would be seriously impaired. The report was presented to the Senate and duly adopted by them. Under those circumstances there was nothing for it but to again approach our helpful Premier with the result that on the 20th August this letter was written by the Chancellor to the Premier—

At a meeting of the Senate held on Monday, the 18th instant, it was decided that a Committee of the Senate should wait upon you and explain the financial position of the University, the date and time to be fixed by yourself. It was suggested that Monday, the 25th, at 11 a.m., might be convenient to you. Please find enclosed herewith a copy of a financial report and estimate which was adopted by the Senate. With regard to the question of temporary buildings and laboratory accommodation, the Professorial Board pointed out that unless the laboratories are commenced immediately they cannot possibly be ready for next year's teaching, and the Science and Engineering departments will be very severely handicapped. The Senate would be glad if, pending the settlement of the whole financial question, the plans and specifications of the laboratories may be prepared forthwith by the Chief Architect, so that the work may be gone on with immediately funds are available.

That letter was the first that led the Premier to realise how serious the position was, that money had been found in a sort of haphazard way, without definite plans being made, and the Government seemed to have satisfied themselves that a new rule must be adopted with regard to these advances. I got this reply on the 21st August—

I am duly in receipt of your letter of the 20th instant, and in reply beg to state that until I am in possession of a definite answer from the University authorities to my letters of the 19th ultimo and the 15th instant, I am unable to deal with the matters referred to in your communication under acknowledgment.

Then came this letter, which is the final one closing the correspondence, to which I venture to say the introduction of this Bill is due—

My Dear Chancellor,—With reference to the deputation which waited upon me to-day, when the question of extending further financial assistance to the University authorities, with a view to the erection of additional temporary premises was dealt with, I desire to make the position thoroughly clear to yourself, and through you, the Senate and all interested in the progress of the University. I feel sure that you and your colleagues in connection with the management of this important institution realise that it is really a Government one. This is evidenced by the fact that when financial and other assistance is required, approaches are made to me as the head of the Government. The Cabinet likewise recognise that it is a Government institution, and are with the Senate in its laudable desire to make the University worthy of the State from its inception, and to raise it above any financial difficulties. I recognise that if at this stage anything should be done which would prevent the University rendering proper service, through lack of equipment or accommodation, it will naturally reflect on the management of the institution in later years. At the same time, the Government is of opinion that it would be much more in the interests of the University and of the taxpayers of the State who have to find the money, if instead of continually providing additional temporary accommodation, we could place such accommodation as from time to time the needs of the institution demonstrate on ground which it is known will be not only the present but the permanent home of the University. Therefore, it becomes necessary to point out as strongly as I possibly can in words, that this cannot be done until the question of the site for the University has been definitely fixed, and I am of opinion that the present time is opportune for the reopening of this important question.

I need not go over the history of last year when a Bill almost precisely the same as this was presented to Parliament, adopted by another place, and rejected by this House.

The Government, while adhering to their previously expressed opinion that Crawley is the most suitable site, are not desirous of doing anything which

savours of compelling or forcing the Senate to accept that view, whilst itself holding a contrary opinion; but, if it is to be accepted, the Government think that a Bill should again be introduced to Parliament with that object in view, so that all buildings for the future utilisation of the authorities of the University of Western Australia shall be erected on the finally selected home of that body, as definitely agreed between the Government and the Senate. I have come to the conclusion, further, that until this all-important outstanding matter is adjusted (as it should be) I, as representing the general taxpayer, am not warranted in granting the desired assistance in a piecemeal manner. I therefore commend the matter to your most careful consideration, in order that prompt action may be taken with the object of determining the site, as a necessary preliminary to the settlement of all other questions.

That is the correspondence so far, and acting on that the Senate carried a resolution by 10 votes to 5 that—

> In the opinion of the Senate it is advisable for the University Bill which dealt with the transfer of land to and from the University authorities to be re-submitted to Parliament with a view to obtaining sanction for the course desired.

The Bill referred to was approved in the Senate by 10 votes to 6 last year and this year again by 10 votes to 5. The correspondence speaks for itself. We must have money if the University is to do credit to the country, and the Premier, with a judgment I am not going to quarrel with and a statesmanship which redounds to his credit, says he will proceed no further until the University, the Government, and the other parties interested have decided upon the permanent site on which that great institution is to be established in our midst. I need not go into the endowment lands question. Members will remember that, as far as possible the valuations of the Government, of Mr. Gardiner, and Mr. Learmonth were equal, wonderfully alike seeing that the land was valued haphazard. But I desire to point out that an expression which dropped from Mr. Colebatch, probably only a rhetorical one, that we were being asked to steal the University land, is surely a mistake. After all, what does the endowment of the University amount to? Something given by the State, whether in cash or in land. A large amount of this endowment land will to my mind probably lie there for a generation to come unless means are found to develop it, and that again requires money.

Hon. F. Connor: So will the park in Thomas-street lie there unused.

Hon. Sir J. W. HACKETT: If the funds of the University fall short, to whom are we to go? To the Government. That has been so in the past and will be so in the future. All endowments of that character sound well. This endowment sounds well, and probably if the land was 100 years old and still unused it would be a valuable possession, but at the present time it has hardly any value except the price which it would fetch in the market. Mr. Connor just now interjected in reference to King's Park. King's Park has first of all the same great misfortune attached to it as the Italian poet said of Italy, "the fatal gift of beauty." Every stranger who comes here and has some fancy goes to King's Park to work it out. I could put down half a dozen or a dozen suggestions for beautifying King's Park and adding still greater beauty to it if it were handed over to the golf player or the University or some other body, but I will not delay the House by reciting them.

Hon. F. Connor: It is favoured by suicides at present.

Hon. Sir J. W. HACKETT: The hon. member does raise one of the most important recommendations when he speaks of Thomas-street. That park is one of the most beautiful, and I venture to say, as far as I know and probably as far as any member of this House knows, the most interesting park in Australia. From a botanist's point of view there is nothing like it in the Eastern States.

Hon. F. Connor: What about the National Park in New South Wales?

Hon. Sir J. W. HACKETT: That is entirely distinct, and even there the flora is not guarded and protected. Near Thomas-street there is a patch of flowers that do not grow in any other part of the park, and the desire of those who have that park in their care is that all the peculiar varieties of flowers, which have made Western Australia the glory of the British dominions and which are scattered in clumps all over the park, shall be rigorously protected. That is something to be treasured and to be prized. Yet on the very first visit the organiser of the University paid to King's Park he became obsessed with the idea that that was the site for the University because it was so beautiful. We want that beautiful site, and other sites added to it, and I am happy to say that I believe the King's Park is absolutely safe in the guardianship in which it is placed. There is a majority of the King's Park board in favour of keeping it as it is, there is a majority in the Legislative Assembly, and a majority in the city council of the same mind, and we could get up a circle of meetings to show that there is a majority amongst the people.

Hon. J. D. Connolly: Hear, hear!

Hon. Sir J. W. HACKETT: I thank the hon. member for that "hear, hear," because he was looked upon as one of the possible vandals.

Hon. J. D. Connolly: Where did you get that idea?

Hon. Sir J. W. HACKETT: I speak strongly on this question because of remarks that were made yesterday. If this question were to be settled by my using any little influence I possess in regard to King's Park it is possible that my help might be forthcoming in that direction—I only say possible—but as a matter of fact any such action would be as if I were to charge a cannon. The protecting powers are too strong, I thank heaven, to allow that park to be invaded in any one corner, for such an invasion would quickly extend to all other corners. I hope the park will be treasured as the only garden of wild flowers of its character in the Commonwealth of Australia. For my part I should prefer to see the University remain in Irwin-street for an indefinite time rather than use it to injure the King's Park. There is one other point I should like to refer to. West Subiaco is said to be a good site for the University. That site labours under two disadvantages; it is most unsightly and it is most inaccessible.

Hon. F. Connor: A railway runs through it.

Hon. Sir J. W. HACKETT: If any hon. member were to take a motor car and go to West Subiaco and then try to reach the sand bank at the back, which would be the site of the new University, he would find himself most completely puzzled. On account of the laying out of the roads it is a most difficult place to get at.

Hon. F. Connor: I have walked over it twenty times.

Hon. Sir J. W. HACKETT: And I have walked over it twice for every time the hon. member has done so. In fact I have explored all these proposed sites once again since the Bill was introduced. I will not delay the House longer, but I wish to point out that the main need of our University at the present time is a Bill of this kind to settle the question of the site, for I am perfectly satisfied that not for a long time to come, if at all, will the present Premier and his colleagues break down in their resolution not to give further haphazard and increasing assistance to the University, but to wait until some definite scientific scheme is put before them. We want the Premier's £3,000 annual subsidy; we want that £9,000 for temporary buildings, and we want the £2,500 for initial equipment, and without that assistance the University would be in a parlous state.

Hon. A. SANDERSON (Metropolitan-Suburban): We have all listened with respect to the opinion of the hon. member who has just spoken; his long political career, quite apart from his official position in connection with the University, both are claims that he has, to speak with authority and to be listened

to with respect. I have one advantage that the hon. member has not, and possibly one only in this matter, and that is that I am not committed to anything, but I am most anxious to do what is reasonable and fair, representing the electors. I am going to put before the House the position as it strikes me, and I will not pretend that I will go very far, but as far as I do go it will be a perfectly clear position, and I shall challenge the hon. member—or anyone else, men who are better qualified than I am, having paid attention to this matter for many months if not for years—to put me right if I am straying from the path. May I tell hon. members who have not followed this subject at all closely that it is a difference of opinion between the Senate and Convocation. That statement is not challenged.

Hon. C. Sommers: What about the teaching staff?

Hon. A. SANDERSON: I put the teaching staff in a somewhat different category. One must pay the greatest respect to the teaching staff, as, in keeping with what prevails elsewhere, sooner or later the responsibility is thrown largely on the teaching staff. That will come in time. The present teaching staff here have hardly had time to become acquainted with all the local conditions. Those hon. members who have not followed this at all, or are not interested, or may be opposed to the University, will find that this difference of opinion exists between the Senate and Convocation, and Parliament is called upon to decide between these two. I have just been turning up what happened last session, and on looking at the position I took up myself, I find that I made this remark, "That I can only say that I do not believe in the management of the University being given to Parliament, and so I hope this thing will be finally settled next session." That is, this session. On looking at the division—which was one of those very close divisions that occasionally occur in this Chamber on matters of very considerable importance—I find that there was a majority of two against. There is no necessity to exaggerate. I simply make the bald statement that my own vote and the vote of another member whom I influenced—not privately, which I never do, but in the course of public discussion here, and carried him over to the other side—turned the scale. Therefore, I quite realise the responsibility that rests on myself and, of course, every other member in giving a vote on this question. I challenge again those members who are more intimately acquainted with the University to say whether it is not a difference of opinion between Senate and Convocation, and the question we have to decide is which way our vote will go, in favour of the Senate, or in favour of the Convocation. I have no hesitation whatever in siding with Convocation.

Hon. Sir J. W. Hackett interjected.

Hon. A. SANDERSON: That is true, the land had to be vested in somebody and the land could not be vested in X. Convocation did not exist, and the land was handed over to the Senate. I ask this question of those members who are going to speak after me, "Why was Convocation brought into existence"? I do not think it is an unfair analogy to liken the two bodies to the Houses of Legislature so far as the University is concerned, the Upper and Lower House.

Hon. Sir J. W. Hackett: There is no democratic constituency.

Hon. A. SANDERSON: That is rather a dangerous interjection. Who appointed the Senate? That is the question if we are to be dragged into this. The Government appointed the Senate, and I think it is common knowledge that it is very largely a Government party nomination. I do not wish to force that, or emphasise it too much, but the impression I have got is that it is a party nomination. There may be members of this House who have not followed this matter very closely, and it is of considerable importance that those members who have not made up their minds should have a clear statement put before them on the essentials, because I challenge again any member who is not intimately acquainted with what is going on, and what has been going on for the last 12 months or more, to say whether he had a fair idea of the

position of affairs from the statement we listened to from the head of the University. No doubt it is a statement which will be read with interest and attention by those people who are in touch with University matters, but it was not a statement which will enable people, and members of this Chamber who have not followed University affairs closely to form a clear idea of the position of affairs.

Hon. J. W. Kirwan: This is the second time the Bill has been before the House, so there has been a previous debate on it.

Hon. A. SANDERSON: Yes, 12 months ago, and a great deal has occurred since then. I myself am in a much better position to give an opinion and to vote now than I was 12 months ago. If the hon. member who interjected will do me the honour to look up the *Hansard* reports of last session he will find that I spoke in a somewhat hesitating manner. I voted against the question in order to gain more time to consider the matter. I had no fixed definite opinion then. I have a fixed and definite opinion now. The Senate and Convocation—there is the difference of opinion, and I am going to vote with Convocation because they are the more representative body, and I say with the greatest respect that they are a more highly qualified body. I am told that, practically speaking, Convocation are unanimously in favour of the rejection of this Bill. I pause for a reply.

Hon. Sir J. W. Hackett: I know nothing about Convocation.

Hon. A. SANDERSON: That is a very unfortunate state of affairs: the Chancellor knows nothing about Convocation. Well, then, let Convocation have an opportunity of officially informing the Chancellor of their opinion.

Hon. Sir J. W. Hackett: I do not think they are unanimous.

Hon. A. SANDERSON: I was informed not that they were unanimous but practically unanimous. I am not aware of the numbers, but I believe a very large majority in Convocation are in favour of the rejection of this Bill. Here is the final point that I wish to put before members who have not made up their minds, that if we agree to this measure we practically decide for all time what the University is going to do, whereas if we reject the Bill it does not after all injure the University very seriously. I have tried to confine the discussion as far as possible inside the University, rather than go outside into party politics, with the exception, of course, of that nomination of the Senate, and I do not say it offensively, but I suppose one must blood the noses of one's own hounds. There were some appointments to be made, and no doubt the party in power thought they had some excellent members who deserved some recognition. I am quite certain it would have been done by the other side, and I do not know that there is any great outrage committed, but when there is a wavering in the balance someone would naturally whisper in your ear, "He is a good supporter of the Government," and we know what human creatures politicians or political leaders are. I do not want to make it by way of a great taunt, nor do I want to drag in the party spirit, but I think it is an accurate statement to say the Senate at the present time are nominees of the Government, and they are therefore largely supporters of the Government.

Hon. Sir J. W. Hackett: There are four Labour men out of 18.

Hon. A. SANDERSON: I do not wish to mislead the House in any way, and if it will put the thing in a more fair manner I will withdraw altogether that reference to the Government. I am prepared to withdraw that and bring the discussion back to that one point of the difference of opinion between Convocation and the Senate. It is somewhat of a responsibility for any member of this House to vote in favour of this Bill which will definitely decide for all time the position of the site of this University. Let Convocation convert the Senate or the Senate convert Convocation. Let there be some agreement. To pursue the analogy I previously referred to, we may be taken as representing the Crown. Two bodies that we have called into existence to manage the University are at loggerheads. What would the judicious and constitu-

tional Sovereign do? He would try and see if by a little postponement, a little discussion, there could be some means out of the deadlock between these two bodies. If these two bodies come before us with a vote, both in Convocation and Senate, in favour of any measure, the heaviest responsibility would rest on this House, to pursue the analogy, if we rejected the opinions of these two bodies, but in this case where we have a difference of opinion between these two bodies and we are called to act as umpire, as it were, is it not only wise but even our duty to say, "Postpone this and see if you cannot come to some agreement among yourselves."

Hon. J. W. Kirwan: In the meantime the work of the University is being impaired.

Hon. A. SANDERSON: I do not want to be dragged off the discussion, but to tell me that the University is going to be seriously impaired by the postponement of this, strikes me, as one who knows anything at any rate about university matters, as being very nearly ridiculous. What will make the University will be, not the building or the site, but the teachers and the students, whether they are in a tin shed or in marble halls. But I do not want to be dragged aside from the discussion to the question of the University, which I have not had time nor perhaps an inclination to prepare a definite opinion upon. If the hon. member wants any information on university training and curriculum I can recommend him to go to the professors and the students and not come asking me questions about it. I trust the House will reject this measure until these two bodies which we have called into existence have come to an agreement between themselves.

Hon. J. D. CONNOLLY: This is not a Bill under which hon. members are called upon to discuss the question of where the University shall be built. I certainly refuse to discuss that question just now. This is a Bill to take certain endowment lands from the Senate and give them in exchange a site for the University. I am against the Bill for the reason that I am against taking the endowment lands from the University. I am not going to express an opinion as to whether Crawley is or is not a suitable site. I have already given that opinion. That is not the question to-night. The question is whether members approve of the principle of the Government taking the endowment lands from the University. These endowment lands were given many years ago by a former Government and should be, I think, as sacred as Class "A" reserves, and should not be commandeered by the Government when they have become valuable. The Government should find a suitable site for the University, one which will be agreeable to teachers and students and hon. members alike. It should not be given in exchange for the endowment lands; surely there is land enough in the State. It is not a business proposition for the Government to take the endowment lands which have become of value and use them for another purpose. For these reasons I am going to vote against the Bill. I confine my arguments to the taking of the endowment lands. The question of fixing a site for the University I refuse to discuss at the present time, any farther than to remark that certain hon. members have suggested putting the Bill through so that the University may obtain Crawley, and in return trade off Crawley to the King's Park Board in exchange for a portion of that park. If that is the intention of hon. members who favour the King's Park site I think it is only waste of time.

Hon. W. Kingsmill: It is an additional reason for voting against the Bill.

Hon. J. D. CONNOLLY: It is certainly an additional reason to my mind. So far as I can exercise my influence, either as a member of the King's Park Board or as a member of Parliament, I shall do all I can to prevent one inch of that park being alienated. I was surprised at Sir Winthrop Hackett, in reply to my interjection, expressing any doubt as to my opinion on that point; because last year, when Mr. Cullen introduced a motion to alienate portion of the park lands, I made my opinions clear. The argument is that this is only for a University, and that we might grant it for that purpose if not for anything else. Let me remind

the House of the present small population of Perth and of Western Australia. Here, before we have a big population we are attempting to take away part of that park. What condition will that park be in after 25 or 30 years if we make this early start at alienation? There will be very little of it left. One would think there was no land whatever outside the City. Surely the country is wide enough without encroaching on the park. Apart from taking the park from the people there is the important question mentioned by Sir Winthrop Hackett, namely, of destroying the flora in the park, and as he points out, it will in the course of time if it is not to-day, be the only park of its kind in Australia. The aim of the board is to preserve that native flora for ever. Imagine in years to come, when there is a big population here, having in the midst of that population such a park as we have to-day. For the reasons I have given I intend to vote against the Bill. I have every respect for the opinion of the Chancellor and I would go a long way to agree with him in anything he might express a wish for in regard to the University, but I maintain we are not opposing him by voting against the Bill, because I do not think he believes that Crawley is a suitable site. In any case we are voting on the principle of the taking of the endowment lands from the University.

Hon. F. CONNOR (North): Certain ideas have struck me while listening to the opinions expressed by hon. members One is that although a large majority of the opinions so expressed in connection with this matter are in favour of a portion of the King's Park being set aside for the University, it is my opinion—although I would be in favour of portion of the King's Park being given to the University—it is my opinion that it cannot be done. There are forces at work which will prevent it being done. That being so we come down to the question of where the site is going to be. The project adopted by Mr. Kingsmill is not practical, because the land is not available, and, moreover, it is of too small an area. Where, then, are the University buildings to be erected? I fail to see why they should not be erected on the University's own ground at West Subiaco, where there is a main trunk railway right through the land, and where students from Fremantle or Midland Junction or further away desiring to attend classes can get into the railway train and walk off the station right into the grounds which belong to the University. The Government in their wisdom have made up their minds that that particular site shall be taken from the University and made available for workers' homes. Workers' homes are an equally important proposition with the University, but there are plenty of other places where workers' homes could be erected, although there are not plenty of other places where they have land available for the University, a magnificent area on a beautiful rise, right on the trunk line of railway, enabling the students to get there at any time. The proposal of the Bill is that the several lands described in the first schedule, consisting of 361 acres, shall be offered to the Government. They are valuable lands, right on the main trunk railway, and in exchange for the 361 acres the University is to have 165 acres at Crawley. That is to say, they are to give more than double what they will receive.

Hon. Sir J. W. Hackett: Not in value.

Hon. F. CONNOR: But in acres. I will go into values if the hon. member wishes, and refer him to the fact that the site for the University at Crawley has been turned down by the most important people that could turn it down, by the health authorities, by a vote of the doctors of the City. It has been turned down not only by them but by a majority vote of the teachers who will have to attend the University, and it has been turned down by a vote of Convocation as against the Senate. These are strong reasons. We are asked that the University should give away 361 acres in a better position than Crawley could possibly be except that it has a river frontage, for 165 acres of land. We are asked to turn down a position which would be ideal as a university site, inasmuch as it consists of

magnificent high land on the trunk line which the University students would be able to reach by one railway journey from either side. Under the circumstances I cannot support the Bill.

Hon. J. E. DODD (Honorary Minister, in reply): There have been a good many views expressed in this debate, but there seems to be a more general agreement of opinion than there was last year when a similar Bill was before us. However, there is to be a considerable diversity of opinion even at the present time as to which is the best site for the University, and what has been done to bring about a settlement of the battle of the sites. The Government are not particularly anxious about this matter. They are certainly anxious to have the site fixed in the interests of the University and of the students and those who will make use of the institution, but the Government are not particularly anxious which way this matter may go, except that as regards King's Park, I do not think there is one member of the Government who would yield one iota in that respect. There have been some very good efforts made during the debate to bring about a settlement of the question. I refer particularly to the speeches of the hons. Mr. Cullen, Mr. Sommers, Mr. Kirwan and Mr. McLarty. Those gentlemen are honestly and anxiously trying to bring about a settlement on the best terms to the University and on fair and equitable terms to the Government, but the Government would not consent to yield one iota in regard to any site so far as King's Park is concerned. I am only echoing the sentiment of one or two other hon. members when I say that I hope not one inch of that ground will be alienated for any other purpose than the one for which it was dedicated. It would be absolutely cruel to devote any part of that land to any other purpose than that of a park. The hon. Mr. Kingsmill took objection to the Crawley lands being overrun by the people. I directed attention to this before when the hon. Mr. Cullen in advocating King's Park for a site for the University used exactly the opposite argument, that the University ground would be a park of which the people would make use. Here we have exactly opposite views, the hon. Mr. Kingsmill objecting that the place would be overrun by the public, and the hon. Mr. Cullen advocating the site because the public would frequent it.

Hon. W. Kingsmill: They would not camp and cook and live in King's Park.

Hon. J. E. DODD (Honorary Minister): The hon. Mr. Cullen said it would be free and open, and the hon. Mr. Kingsmill does not want it overrun. The Government have not been ungenerous in respect to the University. They have desired to meet the University in as fair and generous a manner as possible and when we consider what the Government have offered to do in building a tramline, buying land in addition to the land already offered to them, making roads and in other respects we have not been ungenerous in our treatment of the University Senate. The hon. Mr. Kingsmill also laid a good deal of stress upon the teaching staff's memorial. All I can say is that this is an entirely new theory of government. If we are to take what the teaching staff of the University may say and consider their views as to where the site should be, we will be entering upon an entirely new phase of government which I for one will not countenance for one moment. If we are to do that in connection with the University staff, we ought to do it with all other teaching staffs, and they too should have a say in regard to the sites and management of our schools. The teaching staff of the University are out to suit themselves and it is no slight to them to say that this is what they are doing. They are out for the best site to suit themselves, not only from the point of view of teaching, but from the point of view of residence and social conditions and to say that we are to consider the attitude of the teaching staff in deciding where the site of the University shall be, quite apart from what the taxpayers may say, is opening up a new theory of government, to which

I for one would never give any countenance. The hon. Mr. Cullen also directed attention to the fact that the Senate was only a provisional body and that they should not decide the question. Every body of this nature formed provisionally fixes up these provisional matters, and surely it is the duty of the Senate, despite the fact that they are a provisional body, to do all they can to bring about a settlement of this question and not wait until the Senate shall be largely elected by Convocation. The hon. Sir Winthrop Hackett has pointed out clearly the responsibilities of the Senate, and if hon. members turn up the University Act they will find that it bears out fully what the hon. gentleman said. The Senate have the control and management of property, as is defined in Section 14, the power to lease land as stated in Section 15, and the power to dispose of land acquired by gift, as provided in Section 16. These are the responsibilities and duties of the Senate and not of Convocation, and if we turn to Section 6 of the Act we will find that it is provided that the University shall be a body corporate with perpetual succession and a common seal, so that the Senate are not exceeding their duties, but are doing what they should do in trying to bring about a settlement, and Convocation are more of an advisory body than a governing body. Section 37 of the Act provides that a subsidy shall be paid out of Consolidated Revenue to the Senate, all of which goes to show conclusively that the Act provides that the Senate shall be the body which shall manage the University and that Convocation are really only an advisory body. Some mention has been made about the party aspect of the Senate. I do not wish to dwell on that aspect of the debate except to say that because the Government are prepared to go outside of the ordinary custom by appointing persons from what may be termed the industrial classes, they have been looked upon as having made these appointments for some party purpose. The same applies to all appointments which have been made for some years. It had become customary to make appointments from one particular class, and as soon as some attempt is made to do justice to another large body of the people, we have the privileged classes making the statements which seem to imply that the appointments should be made from only a few of the privileged class.

Hon. H. P. Colebatch: What do you mean by the privileged class?

Hon. J. E. DODD (Honorary Minister): The class which in the past had all the appointments made from their number, while the industrial sections had not even had a justice of the peace appointed from among them.

Hon. E. McLarty: They are getting plenty now.

Hon. J. E. DODD (Honorary Minister): And because the custom has been broken, because someone has dared to go outside of that, because someone has decided that the so-called industrial classes possess a little bit of sense and reason, we are charged with party bias in regard to the appointment of the Senate. One aspect of the matter seems to have been forgotten by several speakers, and that is the point of view of the taxpayer. The taxpayer has to be considered, and the Government are in the position of being the party to look after the interests of the taxpayer. The Government have said that they will not go on making advances for temporary buildings on temporary sites, and until the question of the site of the University is settled, very little hope can be held out of any more advances being made of the nature of those advances which have been made in the past, and I think the Government are studying the interests of the country and the taxpayer by so doing. I regret that despite the good feeling engendered throughout this debate by the various speakers, there should have been one particularly jarring note, and again I am forced to refer to the hon. Mr. Colebatch. The hon. gentleman charged the Government with being a party to stealing the endowment lands of the University, stealing them, when the Bill before us is one which provides for a fair exchange, and there is no question of stealing about it.

Perhaps this is a word which is so common in the hon. gentleman's vocabulary that he cannot get away from using it, but I think that the statement is one which was simply charged with political venom, and was not made with the idea of trying to settle the site of the University or with any idea of approaching the matter in that spirit in which other members have approached a big problem which is exercising the minds of very many of those who have the interests of the University at heart. It is, as I have said, a statement charged with political venom, made with the sole purpose of damaging the party at present in power, and I say it is absolutely discreditable to one who is aspiring to the leadership of a great party, the Liberal party——

Hon. H. P. Colebatch: What warrant have you for making such a statement as that?

Hon. J. E. DODD (Honorary Minister): The hon. gentleman made this statement and made it with the one object, and the one object was to try to damage by any means whatsoever the party in power. Can anything be gained by such tactics? I believe the majority of members here are anxious to see this question settled, to see the University fulfil the purposes for which it is intended, and I believe everyone is anxious to sink almost every other feeling in order to bring about a settlement of the question, and yet we are told that the Government in bringing about this fair exchange of land——

Hon. H. P. Colebatch: It is not a fair exchange.

Hon. J. E. DODD (Honorary Minister): Are stealing the endowment lands of the University. The exchange which is proposed under the Bill is according to those who have made the valuations, a fair exchange, and the Government have not been ungenerous, as I have already pointed out, in their treatment of the Senate of the University. Let me refer to at least one point that perhaps has been lost sight of during this debate. If this exchange is brought about it does not necessarily mean that the University must be built at Crawley; it will simply mean that the exchange may be made, and after that it will still remain an open question with the Senate as to where the site shall be. That aspect should not be lost sight of, despite the fact that Mr. Cullen stated that the University would have to be built at Crawley.

Hon. J. D. Connolly: Is this an exchange of endowment land only?

Hon. J. E. DODD (Honorary Minister): It is for the exchange, but it is not absolutely necessary that the University shall be built at Crawley.

Hon. J. D. Connolly: Is that not the purpose of the exchange?

Hon. J. E. DODD (Honorary Minister): It is, but I repeat it is not absolutely necessary that the University shall be built at Crawley.

Hon. E. M. Clarke: It is implied though.

Hon. J. E. DODD (Honorary Minister): So far as the Government are concerned it is in some respects a matter of indifference to them as to what the fate of this Bill may be, but as regards the future of the University and the settlement of this question, we think that the very first step should be to carry the vote on this Bill.

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

Ayes	9
Noes	14
Majority against ..	5

AYES.

Hon. F. Davis	Hon. R. J. Lynn
Hon. J. E. Dodd	Hon. C. McKenzie
Hon. J. M. Drew	Hon. B. C. O'Brien
Hon. Sir J. W. Hackett	Hon. R. G. Ardagh
Hon. J. W. Kirwan	(*Teller*).

NOES.

Hon. E. M. Clarke	Hon. R. D. McKenzie
Hon. H. P. Colebatch	Hon. E. McLarty
Hon. J. D. Connolly	Hon. W. Patrick
Hon. F. Connor	Hon. C. A. Piesse
Hon. D. G. Gawler	Hon. C. Sommers
Hon. V. Hamersley	Hon. T. H Wilding
Hon. W. Kingsmill	Hon. A. Sanderson (*Teller*).

Question thus negatived; the Bill rejected.

House adjourned at 9.20 p.m.