by referring to any more of the clauses. I wished to refer more to the policy of the Bill. I think the Government are very unwise in bringing in a drastic measure such as this at the present time. It is one that I feel sure will heap lots of burdens on those who are trying to develop the country at the present moment —burdens which they are not in a position to bear. I was going to say I would vote against the second reading, but I shall reserve my judgment until I have heard the rest of the debate.

On motion by Hon. H. P. Colebatch debate adjourned.

BILLS (3)—FIRST READING.

1, Public Works Committee.

2, Municipal Corporations Act Amendment.

3, Government Tramways.

Received from the Legislative Assembly.

House adjourned at 10 p.m.

Legislative Assembly,

Tuesday, 19th November, 1912.

The DEPUTY SPEAKER (Mr. Holman) took the Chair at 3.30 p.m., and read prayers.

MINISTERIAL STATEMENT—

PERTH TRAMWAYS PURCHASE.

The PREMIER (Hon. J. Scaddan): I wish to announce to the House that I have this day received a cablegram from the Agent General in the following terms:—

> Tramway meeting, shareholders have confirmed directors' action.

This now makes the Perth tramways the property of the State.

QUESTION—WARDERS' INQUIRY BOARDS.

Mr. UNDERWOOD (for Mr. Dwyer) asked the Premier: 1, Is it the intention of the Government to refuse to allow warders in asylums for the insane to be represented before boards of inquiry by counsel or by other persons? 2, If so, does this rule or regulation extend to warders in prisons and to members of the police force, and what are the reasons for such course being taken, and have the wishes of the officers and persons concerned been at all consulted in the matter?

The PREMIER replied: 1, The question of establishing either a board of inquiry or a board of appeal in connection with the hospital for the insane is now engaging attention. The board will be representative of each party to the issue, and additional representation by counsel is considered unnecessary and expensive. The regulations relating to appeal boards under the Railways and Public Service Acts, which have worked satisfactorily, prohibit the appearance of counsel. 2, Owing to the police board of inquiry having summary jurisdiction under the Police Act, with power to impose fine or imprisonment, counsel is permitted in these cases. It is not intended to allow counsel to appear under the gaols regulations. The question has not been referred to the officers and persons concerned.

BILLS (2)—THIRD READING.

1, Municipal Corporations Act Amendment.

2, Government Tramways.

Transmitted to the Legislative Council.

BILL—LAND ACT AMENDMENT.

Report of Committee adopted.

BILL—PEARLING.

Council's Amendments.

Schedule of 16 amendments requested by the Legislative Council now considered.

In Committee.

Mr. McDowall in the Chair, the Minister for Works in charge of the Bill.

On motion by the MINISTER FOR WORKS, amendments Nos. 1 to 15 made.

No. 16—Third Schedule, in line 1 strike out the figures "£5 0s. 0d." and insert £10 0s. 0d." :

The MINISTER FOR WORKS moved—

That the amendment be made.

Mr. MALE: The question of the royalty was now outside the Bill but this amendment raised the license for each boat from £5, as in the Bill, or from £1, the existing license fee, to £10 ; but the financial position in regard to pearling had altered considerably since the Bill was before the Assembly. In opposing the royalty he had not objected to the license being increased to £5 because the administration of the Bill would no doubt be heavier than previously, but at the time mother-of-pearl shell was at its absolutely highest price. The price in Broome in August was considerably higher than he ever remembered it to be, but since then there had been two auctions, one in September prior to the time when this Bill was before the Upper House in which a reduction was shown of £60 per ton, and last week there was another sale in London at which the price receded a further £60. Therefore, since the introduction of the Bill to Parliament in the first place, the price of shell had gone back nearly £120 per ton. The member for Roebourne (Mr. Gardiner) quoted a number of figures, pointing out that the average price was £250 per ton, and he (Mr. Male) pointed out at that time, from his 20 years' experience of pearling, he could not remember shell having reached such a high price. To-day he doubted whether there was a market in Broome for the sale of shell, but should there be buyers, and in the uncertain state of the market, the price would not exceed £180 per ton. The high price lasted only a few weeks. With the present prospects, the market disorganised, and the state of Europe considerably disorganised, and with American buyers standing off, we had to consider whether the industry should be charged the additional impost proposed by the Legislative Council. In his opinion the extra charge should not be made. The price of shell should be based on a fair average, and when it was considered that the average cost of raising shell was something like £150 to £160 per ton, the margin left with the price at £180 was not considerable. Every £5 we deducted from the pearlers was a consideration to them. The State was getting considerable revenue from the industry, indirectly if not directly. We were getting income and dividend taxes. We were getting receipts from customs and light and other dues, and other charges were made, and it was not right, therefore, that we should increase the license fee from £1 to £10. There was nothing in the industry at the present time to warrant such a big increase.

The MINISTER FOR WORKS: It was recognised that there was a temporary drop in the price of pearl shell.

Mr. Male: It is not temporary.

The MINISTER FOR WORKS: The hon. member was taking a rather pessimistic view of the position when he tried to make the House believe that the drop was permanent. It was known that the supply of pearl shell was diminishing, and while that did not apply to our coast, it applied elsewhere, and as a consequence the value must increase. The price recently was very high indeed, and the consequence was that a considerable quantity of shell was rushed on to the market. That had the effect of bringing about a decline in the value. The hon. member stated that we got a big return from the industry indirectly, if not directly, but the return the State got was small compared to what the

State should get from an industry of this description, and while the industry was paying a certain proportion to the State, it was small compared to what the State was justified in demanding for the services the State rendered. Under the Bill the State was taking on a greater obligation. Then, so far as the Legislative Assembly was concerned, when the Bill left the Chamber there was provision for a royalty on the production of shell. That had been thrown out in another place, and the increased license fee had been substituted. He would be the last in the world to disappoint the Upper House when they were assisting the Government to get that which the Government were entitled to receive. The Upper House would be keenly disappointed at the attitude of the hon. member because there were in the Legislative Council members who had an interest in pearling and who had an intimate knowledge of the industry.

Question passed; the Council's amendment made.

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

BILL—STATE HOTELS (No. 2).

Second Reading.

The PREMIER (Hon. J. Scaddan) in moving the second reading said: Hon. members will observe that this Bill provides for the establishment of State hotels in addition to those already established, one at Wongan Hills and the other at Rottnest Island. It will also be noticed that we make provision for the carrying on of the Gwalia hotel and the Caves House at Yallingup which were previously established without Parliamentary authority. The measure will bring these two houses into line with the rest of the hotels now controlled by the department, and they will all be on the same basis. It is as well to assure hon. members that it will not be necessary to apply to the licensing court to obtain a license as we did in the case of the hotels at Gwalia and Yallingup. The main feature of the Bill is that portion which asks authority to establish the two hotels I have named. As far as that at Wongan Hills is concerned, there has been an application before the licensing bench by private persons who desire to establish a hotel there, but the people of Wongan Hills protested against a private license being held and they have asked the Government to establish an hotel. We also have had offers to establish an hotel for a period, and then allow it to be handed over to the Government. We however object to that because of the opposition lodged by the people there. The reason for a special Act is that while we have provision in the present Licensing Act for the Government to obtain the views of the people on the question of State hotels, we really have no power to comply with their wishes. Since the passing of the Licensing Act the local option poll which was taken was against the increase of licenses, and though the result might be unanimously in favour of a State hotel in the district, the Government would be powerless to establish such an hotel within the 15 miles radius. It could not be done in any case if an hotel were existing within 15 miles of the place where the application was made, and there is no provision to enable the State to establish an hotel even outside the 15 miles radius, yet a private person can come along and obtain a license notwithstanding the fact that at the poll there was a majority in favour of no further increases. The Government are, therefore, absolutely prohibited from doing anything in the way of establishing State hotels notwithstanding the fact that at the last poll there was an overwhelming majority—with one exception only—in favour of all new licenses being held by the State, yet we have no power to establish those new hotels. The other Bill which the Government submitted, having been thrown out by another place, we are now compelled to seek the approval of Parliament for each new hotel we desire to establish. As far as Rottnest Island is concerned, there may be a difference of opinion as to the desirability of having a license

in connection with the Government hostel there. As far as I am concerned, if Rottnest is to be made the success we all desire to see, in view of the huge expenditure of money on that place, we must of necessity have a license in connection with the hostel. It is our intention in the event of obtaining the consent of Parliament to a license being held in connection with the hostel, to prohibit the landing of liquor on the island by any private person. At the present time parties take over great quantities of liquor and frequently indulge to such an extent that they become a nuisance to themselves and everyone else. We want to keep the island popular as a health resort, and we must prevent anything in the way of over-indulgence in liquor, and by having a license in connection with the Government hostel and preventing liquor being taken to the island by private people we shall, I think, bring about that end. It will then be possible to obtain it on the island in moderation and there will not be the same fear of abuse in its consumption. Under these conditions the house would undoubtedly be more popular than it is without a license. Of course it may be contended that we ought to prohibit liquor being landed, even though we did not establish an hotel there. There will be some who would agree with that. But I am not one who believes in the policy that because my taste does not require strong liquor no one else should indulge in it. I believe that through a State hotel we can dispense liquor over there in moderation, which will be to the advantage of those tourists who require it. If they like to indulge in moderation there is no reason why they should not.

Hon. W. C. Angwin (Honorary Minister): You do not think we will require a policeman over there?

The PREMIER: I do not think there will be any need for a policeman, although in the past there have been times when there was occasion for such an officer, owing to picnic parties taking over more liquor than was good for them. It frequently happens that picnic parties, nervous that the supply may run out, take over a good deal more than is necessary; and then on the last day or so of their visit they indulge in what might be called a drunken orgie, to avoid the necessity of bringing the surplus liquor back with them. In some cases they distribute part of the liquor among the residents, and unfortunately some of these get too much. Under the circumstances a licensed house will be to the advantage, not only of the Government, but of the patrons of the island. The license will serve to make the hostel a paying proposition, and to extend the conveniences already offering on the island, while at the same time it will prevent over indulgence by those who visit Rottnest. I move—

That the Bill be now read a second time.

Hon. FRANK WILSON (Sussex): I have not the slightest objection to giving the Government power to establish an hotel at Wongan Hills and another at Rottnest, provided the people require them, and provided also that the licenses are obtained in the ordinary way by application to the licensing court. But I must express surprise at the Premier, who is supposed to be so strong an advocate of temperance, arguing in favour of an hotel at Rottnest. So far as I am personally concerned, I should say we require no hotel there. Have a rest house, or house of accommodation, if you like.

Mr. Swan: You take a flask full with you when you go.

Hon. FRANK WILSON: That is neither here nor there. I presume I could take what I required. The Premier would not take anything; he does not need it. The argument that because excursionists and picnic parties have taken large quantities of liquor with them in the past, we therefore must prohibit the introduction of liquor to the island, except through the State hotel, seems to be drastic indeed. The Premier argues that people take large quantities and, therefore, consume large quantities, and run riot on the island and make it undesirable to decent people. They could get large quantities from the State hotel if they wanted it.

I presume we would not limit the State hotel to selling whisky by the nobbler ?

The Premier: We would refuse to sell a second time if the customer became a nuisance.

Hon. FRANK WILSON: I do not think so, The Premier is so fond of taking the law in his own hands. He has no more power than a private citizen. He has to obey the law just as any private citizen, and he cannot say he is going to prohibit any man buying liquor if that man desires it. That can only be done in the ordinary course; the man must be included on the prohibited list by an order of the court. The Premier is considerably mistaken in the matter; he has a very much swollen imagination of his own powers, but he will find that he is not in the position of a despot. I object absolutely to any hotel being established there. I I do not mind a hostel, but for goodness' sake keep the island clear of the liquor traffic. Let the people who go there take what they want with them.

The Premier: That is not keeping it clear of the liquor traffic.

Hon. FRANK WILSON: Yes it is. It is not indulging in the liquor traffic for one to take his own private stores across there with him. I say let us keep the island clear of the liquor traffic, and let those who wish to enjoy a holiday at Rottnest take what they require for their own and their friends' consumption. With regard to Wongan Hills, I object to any hotel being established by Act of Parliament in this manner. We have our licensing laws providing for local option, and, if I remember rightly, the Premier on a former occasion pointed out that as a result of 42 local option polls taken in different districts, only one district, and that was not Wongan Hills, decided in favour of increased licenses. Why should we override the people in this way ?

Mr. O'Loghlen: The people at Wongan Hills declared for State ownership.

Hon. FRANK WILSON: Yes, if they were to have any increase they desired State ownership, but they decided altogether against any increase at all. When the Bill was passed we were in favour of giving the people local option. By all means let us stand by that decision and do not bring down Bills giving the Government power to go behind the Licensing Act and establish hotels where hotels are not locally desired, and to go behind the licensing court to the extent of issuing their own licenses, so to speak, and putting in charge of the place anyone who may come along.

Mr. O'Loghlen: I think it is time that cry was stopped.

Hon. FRANK WILSON: It is not. This is the most pernicious thing recorded in the State. We are to permit the Government to establish hotels here, there and everywhere, notwithstanding the expressed desire of the people. I am going to vote against the Bill, and I think the best thing the Government can do is to take the people into their confidence and let them decide whether they want these hotels or not. Then if the people declare in favour of an increase, by all means let the increase be by way of State hotels, but let the licenses for these hotels be properly applied for, and let the manager elect go before the licensing court.

Mr. O'LOGHLEN (Forrest): I do not anticipate there will be much opposition to the Bill, seeing that it is specifically states that the Government seek to establish licenses in two localities. The remarks of the leader of the Opposition cannot be borne out. He holds that the gentlemen who are to manage these hotels should seek permission from the licensing court. Surely we have not reached a stage at which a man appointed by the Government, the nominee of the Ministry of the day, is regarded as a person who might be looked upon with disfavour by the licensing court. If the Government of the day have sufficient confidence in a man to put him in charge of an important State institution, that should be sufficient passport, without that man having to apply to the licensing court for approval, so to speak.

The Premier: Do not the same Government who appointed the managers of the State hotels appoint also members of the licensing bench ?

Mr. O'LOGHLEN: Undoubtedly they do.

Mr. Lander: Some of them should never have been appointed, anyhow.

Mr. O'LOGHLEN: We recently had another State Hotels Bill before us, and it is owing to the defeat of that measure, I take it, that this one makes its appearance. Even the leader of the Opposition, if he gave it sufficient thought, would admit that so far as Rottnest is concerned, if we are to make that island a success—and we should not go into these pleasure resorts unless they are to be made commercially successful—we should not hesitate one day about establishing an hotel at that place. We require a State hotel there to prevent the island becoming a white elephant. I am by no means opposed to temperance, in fact, I have a very great respect for those working in the interests of temperance; yet we cannot close our eyes to the fact that the drink habit is ineradicate, and that in the circumstances the best thing we can do is to set about regulating it; and, unquestionably, one of the best possible means of doing this is by way of State hotels. Take the Dwellingup State hotel: the best testimony as to how that establishment is being conducted can be obtained, not from the leader of the Opposition, not from the manager of the hotel, but from the people of the district, some 4,000 in number; and their testimony is very different indeed from that given by the leader of the Opposition when that hon. member tries to disparage the gentleman in charge of the hotel. Perhaps the only thing to which exception can be taken in regard to that hotel is the huge profits it is making; amounting to over £100 a week since its establishment. I was there on Saturday last, and I believe the figures are increasing. I would not be surprised if, during the summer months, the profits amount to over £150 a week.

Mr. Thomas: That is not a recommendation.

Mr. O'LOGHLEN: No, certainly not, but the redeeming feature of it is that the profit is going into the coffers of the State and is being utilised in giving the people, not only of that but of other districts, much needed facilities which they could not obtain otherwise. As for the moral side of the picture, I may say there has not been one drunken man on the premises since the present manager took charge of that institution.

The Premier: They have knocked out the "pinky."

Mr. O'LOGHLEN: I was coming to that. The member for Bunbury (Mr. Thomas) expresses alarm at the huge profits made, but I may say that prior to the establishment of that hotel I, for one, was not proud of the district, owing to the fact that grog shanties existed in all directions and an inferior class of liquor known as "pinky" was being sold throughout the district by those who had vineyards and also by those who had none. Unfortunately I have known some of the finest men go down under that inferior liquor until they were altogether below the respectable state. And moreover, prior to the establishment of the hotel the same amount of money went in liquor as goes in that way to-day. I venture to say that if the State hotel were to be taken over and run by a private individual the profits would be increased by at least 20 per cent. Under the existing conditions the manager of the hotel does his best to discourage the selling of liquor, and any man under the influence of drink, or showing the slightest tendency to drink too much, is denied the right to secure any more. I think that is only a fair thing. However, in speaking of that hotel I want to say again that instead of a reign of terror existing throughout the district as was the case previous to the establishment of the hotel, to-day everything is going along fairly smoothly. The redeeming feature about the hotel is that the State is getting the advantage. Men are going to have drink and no power on earth will stop them from having a fair quantity of liquor. That being the case, I think it is the duty of Parliament, and the Government have recognised it to be their duty, to endeavour to regulate the trade, and if profit is to be made

from the sale of liquor to corner it for the State, and give people facilities in other directions that they are denied to-day. I can speak not very well of Rottnest, because I do not often go there. I do not care to take too many risks on the "Zephyr."

Mr. Heitmann: Do not say anything against private enterprise.

Mr. O'LOGHLEN: I do not want to say anything against private enterprise, but I think the "Zephyr" is absolutely unsafe on anything like a squally day, and it can go empty for my part. I have had one or two trips on the boat and I am not having any more. I have been speaking to scores of people who go to Rottnest fairly frequently and they assure me that unless an hotel is established the island is not going to be the success we all expect it to be.

The Premier: That is the general concensus of opinion.

Mr. O'LOGHLEN: Yes, it is the opinion not only of hardened drinkers but all classes of people who go there, and the people who go there in the summer months are mostly of the well-to-do and well-behaved classes.

Mr. Heitmann: They can take their flasks with them.

Mr. O'LOGHLEN: I do not believe that is the best system at all. I would sooner see them able to purchase their liquor on the island. The same argument applied in this Chamber when some zealous temperance reformers wanted to abolish the refreshment bar in connection with this House: probably some hon. members would be bringing a flask along in their pockets into the Chamber. At any rate, so far as Rottnest is concerned, a very powerful argument can be put up by the people who go there and the people who will visit the place in the future. The leader of the Opposition said that he objects to any hotel being established by Parliament, but Parliament is responsible to the people, the Government have to take responsibility for the Bills they introduce, and if there is anything detrimental to the people as a whole those people will soon make their opposition felt. If there was any objection to the establishment of an hotel at Wongan Hills, the people by petitions and other means of protest would make their opposition felt in this House. But what are the facts? The leader of the Opposition asks the Premier to take those people into his confidence and have a poll taken. It is true that at the last poll most of the electors voted against increase of licenses, but it is also a fact that nearly all of them voted in favour of State enterprise. That is, they were of opinion that if any new license was to be granted it should be State-owned. Petitions in favour of the establishment of a State hotel have been forwarded from the Wongan Hills district, and I have handled some of them myself. But what is more convincing than anything else is that at the last licensing court held at Moora when an application was made for a gallon license at Wongan Hills, the magistrate said that he understood a big feeling existed in favour of having a State hotel, and he refused the application and expressed the hope that the State would take on the enterprise. The State has been rather slow in complying with the request of the Wongan Hills people, and seeing that it is a district that is going ahead very rapidly and has a population within a 12 or 15 miles radius of 1,000 people, I believe the Government are justified in giving those people the accommodation they require at the earliest possible moment. I was speaking to a gentleman to-day who told me that if the Government would give him the right to run that hotel he would guarantee them a yearly profit of £1,000. As the Premier has told us, he is not after profit, but when it comes along he is just as eager as anyone else to take it. People are going to drink and that being the case the State has as much right to the proceeds of the liquor traffic as anybody else. As a supporter of temperance measures generally, I have no hesitation in saying that the only way we are going to make any permanent reform is by way of the nationalisation of the liquor traffic wherever possible, and seeing that at Rottnest and at Wongan Hills particularly, the people desire a State hotel established, I hope this Bill will have a speedy passage and that the profits and benefits arising from the establishment of a State hotel at

Dwellingup will be manifest at Rottnest and Wongan Hills in the near future.

Mr. FOLEY (Leonora): I desire to support the Bill and I do so for temperance reasons. All the arguments that have been used against the establishment of State hotels in this place and against the measure which is going to make the State hotels established at the present time legal, have been on total abstinence lines. I think the advent of State hotels throughout Western Australia is going to do more for temperance than any other class of hotel. I think also that if the Government intend to run an hotel and Parliament give them that power, no person should have the right to say that the Government shall not put in charge of the hotel any person whom they think fit. Therefore, I would like to see the Bill passed in its present form, so that no bar will be placed in the way of the Government endeavouring to establish State hotels at Wongan Hills and at Rottnest. In regard to the profit that accrues from State hotels, I know that soon after the State hotel at Gwalia was first established there was a much greater amount of profit made than is made at the present time, but that is no great objection to the State hotels business. Still, the fact that the State hotel is not making the profit at the present time that it was making soon after its commencement is proof positive that the State control of the traffic is minimising the drinking to a great extent.

Mr. Heitmann: How is the consumption of liquor reduced at the State hotel?

Mr. FOLEY: It is reduced because not so much is sold there to-day as was sold soon after the hotel was first established. There are many men who would drink to a much greater extent than they do if the State hotel afforded them the same opportunities for excessive drinking as are afforded by privately-owned hotels. Although I know that everything that can be desired is not done at the State hotels to-day, yet I am also aware that those establishments are conducted more nearly in accordance with the Act than any other hotels. I believe that if a State hotel is established at Rottnest those who use it will have a good class of drink served to them, and will be able to get liquor in the quantities they require. My own opinion based on actual experience is that if the manager of a State hotel finds that persons have had too much he takes steps to prevent them from getting more, notwithstanding what the leader of the Opposition has said that the manager of a State hotel has no power to prevent people getting as much liquor as they require. I know that managers have stopped men from getting more liquor when they were becoming a nuisance to other customers.

Mr. Harper: The State hotel managers are not the only ones who prevent people having too much liquor.

Mr. FOLEY: I agree that there are publicans in the State who will not allow drunken men on their premises if they know it. But I say it is the duty of a State hotel manager to conduct his house according to the Act, and if he does not do that, it is the duty of the Government to remove him and appoint somebody who will. That is one of the big reasons why the Government should not have to apply to the licensing bench when a manager is to be appointed, because if the Government are convinced that a manager is not conducting an hotel in accordance with the Act they can put that man out at a moment's notice. Such a state of things cannot obtain in connection with private hotels. I hope that when these other State hotels are established any faults that have been shown in the conduct of the State establishments in the past will be taken notice of, and that the Government through their department will use every endeavour to see that every class of the community is catered for. If they do that they will be doing more for the temperance movement than all the talking many of the temperance advocates are doing at the present time.

Mr. A. N. PIESSE (Toodyay): Whilst I am in favour of State hotels I would like to see this measure framed on lines more consistent with the Licensing Act, because it is hard to convince oneself that it is right to have an Act and override it

with a special measure of this kind. Nevertheless, as the powers that be have thought fit to take this course in order to obtain authority for the establishment of State hotels, notwithstanding the fact that they may have the local people against such a proposition, I think the time is ripe for the building of State hotels at Wongan Hills and other places. I hope that the Premier will agree to Kununoppin being added to the list, because I say that a State hotel is justified there from my experience of that locality. Kununoppin is in a rather peculiar position. No hotel license can be granted for any locality situated within 15 miles of another licensed building. Unless the Licensing Act is amended, Kununoppin will have to go without its needed hotel for some considerable time, I fear.

The Premier: Cannot it get a private license?

Mr. A. N. PIESSE: A private license cannot be granted for Kununoppin because the place is within 15 miles of Nungarin which has already a license. As for the Premier's point in regard to liquor being taken in excessive quantities at Rottnest, I fear that is the fault in all places where men congregate for sport and pleasure and there is no licensed house handy. It is so in my own district, I regret to say. The people take out considerable quantities of liquor—I take it they are afraid to be mean in the matter—and the result is that before an evening is over I have seen a fairly large number of young men who have taken more liquor than is good for them. I do not know that it is the same at Kununoppin—I have not been there on many festive occasions—but a State hotel is necessary there. If it is right that people should be consulted by local option as to whether hotels are necessary, I think they ought to be consulted in regard to the establishment of State hotels at different centres; and if the Bill were worded so that it gave the Government power to build hotels at different centres provided the people were in favour of them, I would support it wholeheartedly.

Hon. W. C. Angwin (Honorary Minister): We had that in the other Bill, but it was thrown out.

Mr. A. N. PIESSE: That Bill sought to give too great power to the Government. It gave the Government the exclusive right to erect hotels where they saw fit.

The Premier: No, not if the people objected.

Mr. A. N. PIESSE: That is the only objection I see to this measure. I feel it is in the interests of the community that the licensing benches should have a say as to the management of these hotels, and I would welcome an amendment to the Licensing Act, or even a clause in this Bill, giving that power. I think it is necessary that the local benches should have a control over the hotels in their districts.

The Premier: They are only nominees of the Government.

Mr. A. N. Piesse: The Government are not in touch with all the difficulties and, perhaps, the little tricks in connection with hotelkeeping.

The Premier: There are tricks of licensing benches sometimes.

Mr. A. N. PIESSE: I am sorry to hear such a remark from the Premier. From my experience of the licensing benches in two or three districts they have been always as correct and proper as the Supreme Court which we respect so highly. I would like the Premier to say that he will accept an amendment to the effect that Kununoppin be added to the list of places.

The Attorney General: Why not Trayning? It is a worse case. It is just as important—for that purpose I mean.

Mr. A. N. PIESSE: I have no doubt Trayning is important. Seeing Kununoppin and Trayning are both in my electorate one has to be very cautious. As the old saying goes, "How happy could I be with either were t'other dear charmer away." But I do not know that Trayning is as important as Kununoppin, nor have I heard from the people of Trayning that they desire a State hotel there.

The Attorney General: I heard it only last night.

Mr. A. N. PIESSE: I have heard a wish expressed by the people of Kununoppin and I believe a petition was in course of preparation, though I have not

seen it. However, if the Attorney General wishes it, as receiving authority in that direction, he can add Trayning.

Mr. E. B. JOHNSTON (Williams-Narrogin): I would like to say a few words with regard to this Bill. As far as the proposition for the establishment of an hotel at Wongan Hills is concerned, in view of the fact that there is danger of a private license being granted there I intend to support the Bill. Some time ago a couple of enterprising residents of Northam bought the hotel at Clackline and applied to transfer the license from Clackline to Wongan Hills. Fortunately, through the action of the Government of the day they were defeated in that attempt, an attempt which was resented by the people of Wongan Hills at the time, but these gentlemen succeeded in foisting their license on the people of Hine's Hill. It was not wanted there either, but they ultimately succeeded in getting the license transferred from Clackline to Hine's Hill where strong objection is even now taken to its presence. We are told that applications are being made for licenses at Wongan Hills, and to prevent one of these private licenses being granted there I intend to support that portion of the measure. I would like to say at the same time that I hope the Government will bring the State hotels entirely under the local option legislation which it is proposed to bring forward, so that the people at Wongan Hills, should they no longer require a license in their midst—and it is quite likely they will have the sense not to—will be able to close it up at once without any lasting injury being conferred on any private person. That is one of the benefits of State ownership—that when people desire to close an hotel their wishes can be carried into effect immediately. In regard to Rottnest, however, I am very sorry that the Government are going to establish a publican's license there, and if the leader of the Opposition, or anyone else, moves to strike out "Rottnest" from the Bill, I shall certainly support the proposition so as to prevent the establishment of an hotel on that island. Rottnest is our most beautiful seaside resort. Thousands of excursionists go there in the summer time, hundreds, at any rate, on a single day, and I think it would be much better for them and for all concerned if the Government did not open an open bar on that island. I do protest as vigorously as I am able to against the establishment of an hotel at Rottnest, but in regard to Wongan Hills, in the circumstances mentioned, I support the proposal.

Mr. A. E. PIESSE (Katanning): I have no opposition to offer to the Government establishing State hotels at certain places provided it has been proved that there is a necessity for their establishment. At the same time I object to the Government bringing down a measure such as this, which is after all only part of a measure that has already been rejected by another place and does not contain the provisos contained in the Bill which left this Chamber and was not favourably received in another place, whereby the Government, in seeking to establish an hotel, should obtain an expression of opinion from the people concerned, that is, the people in the neighbourhood of where the hotel is about to be erected. I place very little value indeed on petitions. We know that we may have a temporary influx of people, consequent, perhaps, on some large public work in any locality, and it is a very easy matter indeed to get a very numerously signed petition asking for a certain thing to be done in such a locality, whereas after a time, when the work has ceased and that temporary influx of people may have moved to another centre, we probably find the majority of the people in the locality opposed to the establishment of a license. I have no objection to a license being established at Wongan Hills, as so far as I know there is necessity for some accommodation there, but I think here is where the Government are making a mistake in regard to their haste in establishing these hotels. I think in the first place there is not the least doubt we could get a certain number of the people to petition for an hotel for the reason that they want more accommodation, and not that they want a drinking house or an hotel established; because they feel that more accommodation for the travel-

ling public is required in the centres. I have had experience in my district where important centres have sprung up quite recently, and the necessity for some accommodation has arisen. In one or two instances, which I could quote, I have not the least doubt State hotels would have been very favourably received at those centres. At the same time I think the Government need to be consistent in their advocacy of local option. They should give the people who are likely to be concerned in these particular localities a chance of saying whether they are in favour of hotels being established. I have already said that accommodation should be the first consideration, and I think the Government would be acting wisely if, instead of establishing State hotels with all the privileges of publicans' general licenses, an hostel should be established at Wongan Hills by way of experiment. The Government are not out to make a lot of money out of these hotels, or to establish them for the purpose of adding considerably to the State revenue. Certainly we want to see them pay their way: at the same time the first consideration, I maintain, is that we should provide decent accommodation without having in view the motive of seeing that they are large revenue-producing concerns. I contend the Government should apply to the licensing benches. The nominee of the Government should apply in the same manner as any other applicant may apply under the Licensing Act. This is necessary because it is quite impossible for the Minister controlling this department to have a thorough knowledge of all the local conditions of every part of the State. It may appear rather *infra dig.* for the Government, through their nominee, to have to go to the licensing bench that is nominated by the Government, but at the same time the bench would have a better knowledge of local conditions.

Hon. W. C. Angwin (Honorary Minister): You know very well they have no knowledge at all of these scattered districts.

Mr. A. E. PIESSE: The hon. member is totally wrong there. The licensing benches, especially in country districts, take a very keen interest in their work, and I think we have good evidence in different parts of the State of the activity and interest of licensing benches in the kind and class of accommodation we have in our hotels generally. I hold no brief for any hotels or any section of the hotel community, but I have heard it said that, so far as the hotels in this State are concerned, and the accommodation provided by them, they compare favourably with hotels in any other part of Australia. Here again I think the Government should be consistent. They should apply to the licensing court, through their nominee, for permission to establish an hotel. That would serve to bring the matter prominently before the people most concerned, who would then have an opportunity of supporting or opposing the application. Again, there would be some sort of supervision exercised by the court over the manner in which the hotel is conducted. Having filled a position myself on a licensing court for many years, I know something of which I am speaking. We made periodical visits to the hotels in our districts, and we were able to offer suggestions which resulted in decided improvements upon the accommodation provided. Then, in regard to the building, it is most important that suitable accommodation should be provided and that, so far as the liquor trade part of the house is concerned, it should not be made a prominent feature of the design. There is not the least reason why the State should lay itself out in the same manner as a private individual to cater for the bar trade and put the bar in the forefront of the hotel.

The Premier: The licensing court do not take that into consideration very much.

Mr. A. E. PIESSE: Yes, in every instance.

The Premier: No; if they did they would not permit an hotel like the Shamrock in Perth to exist.

Mr. A. E. PIESSE: Perhaps the Premier is not aware that under the old Act once a license was issued it was a very

difficult matter to refuse to renew that license.

The Premier: No. It was held for only a year.

Mr. A. E. PIESSE: It has been laid down that the licensing court had no power to insist upon any serious alteration to the building once it had been licensed. That, of course, was obviated by the passing of the existing Act, two years ago. At the same time I submit that so far as Wongan Hills is concerned, the petition which the Premier has mentioned might possibly bear inquiry. My experience has led me to believe that many of these petitions are not worth the paper they are written on, and I warn the Premier that he should make further investigation, and give the people of the district an opportunity of saying whether or not they desire the establishment of this house. That can be easily done by amending this measure in such a manner as to insert those provisos which were in the Bill recently brought down to authorise the Government to establish and maintain State hotels generally throughout the State. I think the Government, when they propose to erect an hotel, should post a notice on the block of land to be occupied, in the manner provided by the licensing court. Then the people who are interested can lodge an objection, if they think fit. So far as Rottnest is concerned, I am decidedly opposed to any license being granted there.

The Premier: Have you ever been there?

Mr. A. E. PIESSE: No, but I am decidedly opposed to the proposition. I have a pretty good idea that a large number of people will be visiting Rottnest on Sundays, and I do not think we require to offer any greater facilities than at present exist for people to take a little more liquor than is good for them. I think the Government might, by the establishment of a hostel, be going far enough for the present. Members will remember that during the passage of the existing Licensing Act there was a good deal of discussion in regard to the bona-fide traveller provisions of that measure. If members are to be consistent with the views which they put forward on that occasion they can hardly vote for the establishment of a State hotel at Rottnest.

The Premier: What bearing have those provisions on this question?

Mr. A. E. PIESSE: You will find people who can get away on Sundays tempted by the very low fares at which they will be able to travel to Rottnest, and it will be a further inducement to large numbers to go over there for the reason that they will be able to obtain there what they cannot get in their own district. However, I am not going right back through the whole question of the bona-fide traveller provisions.

The Minister for Works: Every hotel is outside the limit from some place or other.

Mr. A. E. PIESSE: I think if the Government are anxious to make Rottnest a popular health and pleasure resort they might start by establishing, not a publican's general license, but a house of accommodation, which will meet the requirements of all.

Mr. HARPER (Pingelly): I rise to support this measure in so far as it relates to Rottnest. If the Government put up a substantial building and make of it a good residential hotel I do not see that any great harm can come of it. I would rather approve of it, because it will certainly make the island more attractive. In regard to Sunday trading, this can be dispensed with, and certainly a good hotel at Rottnest is urgently required. As for Wongan Hills, I do not know anything about the requirements of the people in that district, and for that reason I am not going to express any opinion in that respect. But there is one thing I would like to see fully carried out. I think that a majority of the people in any given district should sign a requisition in favour of an hotel before either the Government or any private individual is allowed to establish an hotel in such district. The people should have the onus of approval or disapproval cast upon them. I am convinced that where hotels are to be erected in the future it should be definitely understood that the majority of electors in

that neighbourhood must petition for such hotel before the hotel be established.

The Attorney General: How great would you make the area to be covered by the petition?

Mr. HARPER: Three or five miles, whichever may be decided upon.

Mr. Taylor: How would that act at Rottnest?

Mr. HARPER: Rottnest is an exception.

The Attorney General: Three to five miles is not much in the country.

Mr. HARPER: Well, you could make it seven miles; that is a detail which could easily be arranged. I think the people should show a desire for an hotel before such hotel is established in their midst. As for the manner of securing the license, I agree that all ordinary conditions should be carried out. The Government should place the licensing court in a position to grant or withhold the license. It is desirable in the interests of the good conduct of the hotel that that condition should be followed out. I am certainly opposed to the granting of any license unless the people in the neighbourhood show a desire for an hotel.

Mr. B. J. STUBBS (Subiaco): I am one of those who recognise the superiority of State hotels over those held by private individuals, and I am exceedingly pleased to see that the Government have brought down this measure for the purpose, first of all, of legalising those State hotels which are already in existence. It was quite humourous to listen to the leader of the Opposition and a number of his followers giving it out as their belief that before a State hotel should be established or its manager appointed the Government should be compelled to approach the licensing court, seeing we have it on unmistakable authority that not only did the leader of the Opposition establish a State hotel absolutely without legal authority, and appoint a manager there without consulting the licensing court——

Hon. J. Mitchell: Where was that?

Mr. B. J. STUBBS: The Caves House at Yallingup. Prior to that a previous Liberal Government established a State hotel at Gwalia without any legal sanction whatever, and without consulting Parliament; they established the State hotel and put successive managers into that place, without ever dreaming of consulting the licensing court.

Mr. Taylor: They consulted the court.

Mr. B. J. STUBBS: But not as to the appointment of manager. Now their contention is that no manager should be appointed until he has been before the licensing court, and approved. I think when we compare their past attitude with their present contentions, we will find that their objection in that regard is put up merely to make some little opposition to the present Government. With regard to the establishment of State hotels, although I am an opponent of the liquor trade, yet I am convinced that if the people desire an hotel they should have it. And in numbers of districts in this State where population is gathering very fast, where it is impossible to foresee the necessities for accommodation of this kind, a local option vote can be taken, and in a very short time afterwards the increase of population may be such that those new settlers might demand this accommodation. Then it becomes necessary that the Government should have power to establish State hotels in response to a requisition from those people. And in connection with the authorisation sought to be obtained to establish a State hotel at Wongan Hills, there can be no question whatever that it is an absolute necessity. The demand has been made by the people in the district and I believe the Government are only acting in conformity with the wishes of the people in the district when they bring forward this measure. With regard to the erection of a State hotel at Rottnest, I am with those who believe that it is entirely unnecessary. I fail to see why a holiday resort, a place where people go for a very short period, principally week-ends, to enjoy themselves, why there is any necessity for an hotel at a place like that. I contend it is not wanted. I contend the people who go to this holiday resort go there to get away from the ordinary conditions of city life. If they go at all they go there to get away from their ordinary habits, and the ordinary habits of a great majority of people are that they indulge in

liquor. I contend also that if a number of those people who have been to Rottnest and have spent holidays there desire to have a State hotel there, they should be given an opportunity of voting on the question.

Mr. Dwyer: Why should not a person have beer when thirsty?

Mr. B. J. STUBBS: The question is not whether a person should have beer when thirsty or not, the question is whether a State hotel should be established in a certain centre, and I say one or two people who want beer when thirsty are not the people to say whether a State hotel should be established there. But it is the majority of the people who patronise the place as a holiday resort who should say whether an hotel should exist there or not. I contend before establishing an hotel there, State or otherwise, the people who patronise the holiday resort should be given an opportunity of expressing an opinion.

The Premier: The person who does not visit Rottnest has no right to express an opinion?

Mr. B. J. STUBBS: The person who does not visit Rottnest has no right to vote on the question. Nobody has the right to vote in any other district than that in which he resides. It would be logical that the Government should take a poll extending over 12 months, if necessary, of all those who patronise Rottnest during that period. Mr. Dwyer says their patience or their thirst would be exhausted. Rottnest has existed for more than 12 months up to the present time without a license there. The Premier puts forward the argument that the object of the license is to prevent people from taking liquor there and consuming too much.

The Premier: Not only that.

Mr. B. J. STUBBS: I say if you establish an hotel you will have to place a policeman on the island to prevent that being done, because there is nothing to prevent people taking liquor there even if you have a licensed house.

The Premier: We carry their grog for them now.

Mr. B. J. STUBBS: You cannot open every parcel that is taken to the island. If you do that you will compel persons to wrap up their liquor so that you would not recognise the parcel. If a parcel is to be examined, or anyone is to be placed there to prevent liquor being carried on the island after the hotel is established, the same procedure can be adopted whether an hotel is established there or not. It is just as easy to prevent liquor going on the island without a license being granted there as with a licensed house established there. I suggest to the Premier that before establishing this hotel on Rottnest Island, a vote of some kind should be taken, no matter what period it extends over, of the people who patronise the resort.

Mr. Dwyer: Where would you take the vote?

Mr. B. J. STUBBS: Over on the island. The people who patronise the place are the only people who have a right to vote on the question. You are not entitled to establish an hotel without consulting the people and the people in my opinion who are entitled to be consulted are the people who patronise the resort. I trust the Premier will not establish this license at Rottnest without giving the people the right to say if they desire it or not.

Mr. UNDERWOOD (Pilbara): I can not possibly agree with the member for Subiaco (Mr. B. J. Stubbs) in his proposition, that we should appoint, I presume, a commission or committee of some description to go round the country and find out the people who are likely to go to Rottnest, and get these people together and give them a vote as to whether we should open an hotel on the island. I just want to say that in my opinion it is the desire of the people of Western Australia that State hotels should be erected pretty generally over the State. The last local option poll clearly proves that, and that being so it is the duty of the Government, whatever Government are in power, to give effect to the wishes of the people and open these State hotels wherever they are likely to be a payable proposition. The only reason that would induce me to vote against an hotel at Rottnest would be that it would not be likely to be a paying proposition. In my opinion that is about the only reason that can be urged against it. In regard to the interjection

of the member for Cue (Mr. Heitmann), that the people as well as voting in favour of State hotels voted for no increase of licenses, I think there is some slight misconception on that point. In my opinion that vote meant that the people were not in favour of an increase of licenses under private enterprise, but the vote was undoubtedly in favour of establishing State hotels. The member for Williams-Narrogin (Mr. E. B. Johnston) says "no," but I say "yes."

Mr. E. B. Johnston: That ends it.

Mr. UNDERWOOD: That does not end it so far as Western Australia is concerned, but it ends it, so far as I am concerned. Perhaps, after all, my vote will be of some weight. I trust the Minister will not go to all this trouble and expense of endeavouring to find out who are likely to visit Rottnest during this century. I presume those who intend to visit the place some years hence would be equally entitled to say whether they have to take their liquor with them or not.

Mr. Dwyer: How do you suggest that should be done?

Mr. UNDERWOOD: I am not explaining how it is to be done, it is up to the member for Subiaco to explain how it is to be done; I am trying to explain that it is not desirable to do it. When we get into Committee the member for Subiaco no doubt will show us the method by which he will give the people an opportunity of voting on this question. In the meantime I intend to support the Bill, and I trust it will not be long before visitors to Rottnest will be able to slake their thirst in something more strong and, in my opinion, more healthful than water.

Mr. MALE (Kimberley): It is certainly refreshing to hear the remarks of the last speaker. He at least was candid in his advocacy of State hotels when he stated that they were only justified when they could be made a paying proposition. I believe the Premier and nearly every speaker supporting him has been advocating State hotels in the interests of temperance. The Premier has been doing his level best this session by the introduction of Bills to force hotels on the people of the State, whether they want them or not, and in the interests of temperance.

Mr. Heitmann: There is no necessity to preach temperance where a pub will not pay.

Mr. MALE: It seems absolutely illogical for the Premier to persist in this direction. I am going to oppose the Bill holus bolus, not that I have the slightest objection to hotels. If the people want hotels at Wongan Hills and at Rottnest, there is no reason why they should not have them. But I do object to the methods of the Premier in bringing in Bills, trying to override the law in existence.

Mr. Taylor: You object to State hotels anyhow.

Mr. MALE: I have not said so. Do not take that for granted yet. What I object to is that the Premier will not establish his hotels in the same way as private hotels are established under the Act.

The Premier: I cannot.

Mr. MALE: You can in most instances.

The Premier: No, I cannot.

Mr. MALE: We have already provided under the Act for local option that gives the people power to say whether they require an hotel or not. But the Premier does not do that, he says, "You shall have an hotel whether you wish or not." That is absolutely wrong. Even in this Bill the people are not given that measure of protection which was given in the previous Bill which was brought before the House, by which the people could oppose an hotel if the Government decided to erect it. The Government do not under this measure give the people a chance to oppose it.

The Premier: They ask for it, that is why.

Mr. MALE: If the Premier establishes his hotels under the principal Act and conforms to the local option vote and the licensing bench in the establishment of his State hotels, I should have no objection whatever, but when the Government resort to these measures, I certainly shall object. Again, we are told this is all in the interests of temperance. The Premier is the Colonial Treasurer, and we are told these hotels must only be estab-

lished if they are paying propositions. We are told that one hotel is paying £100 a week.

The Premier: Do you know of any hotel that is established unless it is a paying proposition?

Mr. MALE: No; £100 a week is £5,000 a year. Suppose we established one hundred of these hotels in the State, what a magnificent thing it would be for our Colonial Treasurer to have £500,000 of revenue coming in from State hotels! Will the Premier tell me that, in the interests of temperance, any Treasurer will wipe out the State hotels and £500,000 worth of revenue? Has it not been the desire of the Premier to see State hotels established and the revenue increased to meet the big deficit? I say the Colonial Treasurer, when he has 100 State hotels established producing £5,000 a year each will not be game to wipe them out, even in the interests of temperance. I shall certainly object to this Bill.

Mr. Heitmann: That is an unnecessary remark.

Mr. MALE: But if the Premier will establish them on the lines laid down in the Licensing Act, abiding by the local option clauses and applying to the licensing bench for licenses, I will not oppose him.

Hon. J. MITCHELL (Northam): I think the Premier should feel very happy if he gets the support of every temperance member of this House. The Premier is fortunate in getting the support of temperance members on his own side. One wonders how those members supporting the Government answered the questions submitted to them by the temperance people.

The Premier: How did you answer them?

Mr. Foley: Sent them back without answering them at all, and I am one of them.

Hon. J. MITCHELL: That was an honest thing to do.

The Premier: How did you answer them?

Hon. J. MITCHELL: I do not know that that concerns the Premier. How did the Premier answer them?

The Premier: I did not answer them at all.

Mr. Foley: Did you answer them?

Hon. J. MITCHELL: I think the Premier and Mr. Tregear have been together on several occasions talking temperance.

The Premier: He is my spiritual adviser.

Mr. Heitmann: Spirituous adviser.

Hon. J. MITCHELL: I believe every hotel should be State-owned. To that extent I agree with the Premier. I think if hotels are to be opened, they should be built by the State, and I think the income should be taken by the State. I urged previously that the Licensing Act should be amended to make it impossible for licenses to be granted to any private individual in the future. I was told that the time was not opportune, or that the session was too far advanced, and there was no time to alter the principal Act.

Mr. Dwyer: When did you propose that?

Hon. J. MITCHELL: When the Premier was putting his Bill through for the establishment of a State hotel at Dwellingup. The Attorney General took the opportunity of telling the House that the Government were only opening the Dwellingup hotel because the previous Government had promised to license a private individual. That is opposed to fact.

The Attorney General: That was one reason, not the only reason.

Hon. J. MITCHELL: I believe we should own these hotels. I urge again that the Act should be amended to make it impossible for private individuals to obtain licenses. That is fair, seeing that the Government are favouring State hotels.

The Premier: Would you support that?

Hon. J. MITCHELL: Most assuredly.

The Premier: And your colleague in the Council?

Hon. J. MITCHELL: I have no colleague in the Council.

Mr. Dwyer: Your friends in the Liberal League.

Hon. J. MITCHELL: I would back my friends in the Liberal League against the hon. member's friends. I will support the Bill if the Premier brings it down. The

Premier is not game to bring down a Bill to provide against granting licenses to private individuals.

The Premier: I will make it an amendment of this Bill.

Hon. J. MITCHELL: The Premier cannot do that. It shows how little he knows about his own Bill. I agree with the member for Kimberley (Mr. Male) when he says that the Premier should abide by the local option vote. Although the local option poll was taken——

Mr. Dwyer: You are inconsistent.

Hon. J. MITCHELL: No, I am very consistent. A poll was taken, and in the Fremantle district 158 voted in favour of an increase in licenses in that district and 930 were against any increase; 1,590 voted that the State should hold all publican's licenses, and 957 were against the State holding licenses. It is quite true that, if the Premier likes to disregard the vote in favour of an increase, he can excuse his action to his temperance friends on the other vote in favour of State ownership, but I would point out to the Premier that I should always vote for State ownership, notwithstanding that I am against any increase. It does not follow that the voter on State ownership is a bit more valuable. It is not nearly as valuable considering the question before us is the vote for increase or no increase, and the Premier, just as other people, should be subject to the local option poll. In order that he may get over the local option poll, he brings down a Bill, and asks us to approve of the establishment of an hotel at Wongan Hills. Wongan Hills is an agricultural centre, and I daresay there is some need for a house of accommodation of some sort there. I have no doubt that the Premier might obtain a requisition, signed by most of the landholders in that locality, because, unless they have an hotel, they have to put up travellers, and more than likely the people there would sign the requisition for an hotel. I have no objection to an hotel being established if that is the case, except the objection which I have stated that the Premier is over-riding the principal Act. Whilst Wongan Hills may have something to justify its claim, there is no justification for an hotel at Rottnest. If the Premier persists in his desire to open an hotel there, we can only conclude that his object is to gain revenue. People who visit Rottnest for the day do not want liquor, and if they do, they can take it with them. That is better than selling liquor on the island. Will the Premier imagine a few hundred people going over in a pleasure boat, and after reaching the island and being permitted to drink at the Premier's State hotels as much as they please, return in a half-drunken condition on the boat on which women and children are travelling?

The Premier: Have you been over to the island on one of those boats?

Hon. J. MITCHELL: No.

The Premier: You are generally happiest when talking on something you know nothing about.

Hon. J. MITCHELL: I know something about this.

The Premier: They go over and get drunk under the packet license you agreed to.

Hon. J. MITCHELL: Is the Premier going to cancel that license? People will get half drunk on the way over on the Premier's boats, and properly drunk in the Premier's hotels. There is no need for a license at Rottnest, though there might be some justification for asking the House to agree to establish an hotel at Wongan Hills.

The Premier: How do you know? You have never been there.

Hon. J. MITCHELL: One can know something of a place only twelve miles away without having been there. A poorer case for an hotel was never made out. The member for Subiaco (Mr. B. J. Stubbs) urged the Premier to take a vote of the people who visited the island.

The Premier: He has never been there either.

Hon. J. MITCHELL: The State hotels I have visited are well run. The State hotel at Gwalia, I believe, is better than a private hotel, and the Caves Hotel is well run. There were some dreadful tales when the Dwellingup Hotel was established of men who were drunk being chained to a log, and there was talk

about it having been a disgrace to civilization. I am glad to hear that things have improved. I have not been there, but I believe it is better controlled than it was.

Mr. Heitmann: Who manages this hotel?

Hon. J. MITCHELL: I am not saying that the management could not be improved upon. I have not heard of men being chained to logs up there recently. I repeat that the hotels I have visited at Gwalia and the Caves House are well run, and it does not matter to me who is running them.

The Premier: It is tattle you have picked up in the street.

Hon. J. MITCHELL: I meet the Premier in the street, and surely I am entitled to speak to him when I do. I will be pleased if the Premier can tell me whether, in regard to the early management of the Dwellingup hotel, it is not true that men were chained up?

The Premier: We were not responsible for chaining them up.

Hon. J. MITCHELL: I am not speaking of the hotel as it is being run now. We have to remember that the Premier opened that hotel in the midst of an industrial centre where the very flower of our workers congregate. We have heard that a tremendous profit is being made. I believe in that centre the earnings of 80 men are week after week spent in liquor, that is the gross earnings are spent in liquor.

Mr. Dwyer: The gross earnings! That is nonsense; how can they live?

Hon. J. MITCHELL: The money spent in that hotel is equal to the gross earnings of 80 men.

Mr. Heitmann: That is not what you said.

Hon. J. MITCHELL: I do not mean the 80 men go there and live on beer.

Mr. Dwyer: That is what you said.

Hon. J. MITCHELL: When £240 a week is spent by working men, the Premier has nothing to be proud about in the fact that he opened the hotel.

The Premier: How about the Shamrock hotel, where it means £8,000 for the ingoing.

Hon. J. MITCHELL: We are discussing State hotels. I daresay the Shamrock hotel takes five times as much as the Dwellingup hotel. We are discussing the question of continuing this system of State hotels.

The Premier: The earnings of 160 men would be spent at a private hotel instead of 80 at a State hotel.

Hon. J. MITCHELL: The Premier should be honest enough to say that the man from whom he bought the hotel would have applied at a subsequent meeting of the licensing bench for a license, if the Premier had not put his Bill through.

The Premier: He previously applied, and the Bench said, if the State would not take up the license, they would grant it.

Hon. J. MITCHELL: The position is that as the Premier had time to put through a Bill to authorise him to open a hotel so he had time to prevent Mr. McNeil or any other man from getting a license. He elected to open a hotel with the result that I have mentioned. I think the Premier should abide by the local option vote. I think he should, if he acts wisely, immediately amend the Licensing Act to prevent any man getting a license in the future. I think also he should conform to the requirements of the Licensing Act in every particular in connection with the conduct of these hotels.

The Premier: Have you sold any shares in the Swan Brewery?

Hon. J. MITCHELL: I never had any, but the Premier has shares which are of a less respectable character than those of the Swan brewery.

The Premier: No. I have no small vices.

Hon. J. MITCHELL: The Premier has some redeeming vices which probably would not compare favourably with the beer traffic which he professes to dislike so much.

Mr. Heitmann: I have never heard of redeeming vices before.

Hon. J. MITCHELL: The position now is whether we shall let the Premier have these licenses or not. So far as my vote is concerned, it will be against licen-

ses altogether, because the Premier is ignoring the Licensing Act. If the Premier will bring in a Bill to amend the Licensing Act he will have my support.

The Attorney General: That is what he is doing.

Mr. TAYLOR (Mt. Margaret): It is refreshing to hear the hon. member for Northam (Hon. J. Mitchell) urging the Premier to remove the sale of liquor from private enterprise and to place the control of the traffic in the hands of the Government. I am in accord with the Premier in that respect. I have always advocated State control of the liquor traffic. The difficulties which are supposed to have arisen in connection with the State hotel at Gwalia can be got over by the Premier. I would like to say that had the then Premier, Sir Walter James, submitted to the House his intention to establish a State hotel at Gwalia, he would have been opposed more bitterly by the gentlemen who are now in opposition, or those of them who are in the House to-day, and who were in opposition to the James Government, than anyone else. It would have been much more difficult to harmonise State ownership of the liquor traffic with the great bulk of the people in Western Australia in those days than it is to-day. The experience of the hotel at Gwalia has convinced every person who has seen it of the advantage of the State control of the traffic. No matter to what side of the House a man belongs, no matter his brand of politics, all we have to do is to travel in that district and meet the people of all shades of political and other beliefs, and people from all parts of the world who have stayed there for a day or two, and have had the opportunity of seeing how the establishment was conducted, and we will hear all say that they are firmly convinced that the nationalisation of the liquor traffic is an admirable thing and they wonder why Governments neglected to carry it out before. I am in favour of the State opening hotels; certainly we cannot compare from a business point of view, the State hotels already in existence with privately-owned establishments, because the former have been erected in districts where there is no opposition. At least that is the case so far as the hotels at Gwalia and Dwellingup are concerned. The Caves House is in a district which is more of a pleasure resort. The two first named, however, are in good centres where there is a lot of industrial activity and where the men are earning good wages, and that being so there is always a certain percentage of the earnings of the community going in the consumption of liquor. Gwalia has no opposition to-day, nor has Dwellingup. They are both in favoured centres, but I would like to see State hotels competing directly with private enterprise, and the effect I am sure would be that the State hotel would be patronised in preference to the privately owned hotel, unless the privately owned establishment adopted improved methods. With reference to the charge of the member for Northam about people being tied up, one looks upon the fact of tying up a person to a tree or a log as inhuman and a thing that is objectionable, but is there one centre in any part of Australia where an hotel has been built prior to the establishment of a lock-up where people have not been treated in this manner. In every centre where an hotel has preceded a lock-up, offenders have always been chained up to a tree or a log. I know of many instances in my own electorate in the very early days where this custom was practised, districts in which I was afterwards instrumental in having lock-ups provided so as to remove this objectionable feature of chaining up men to trees in places where licenses had been granted for four or five years. It is undoubtedly an objectionable feature, but unless there is a lock-up and constables are provided, what is to be done with a person who breakes the law if the nearest lock-up is 20 miles away? The Premier may argue as others have done that the nationalisation of the liquor traffic will have a tendency to minimise the consumption of liquor because the same inducement for drinking will not obtain. There would of course be more inducement in State hotels to provide other facilities for customers than continually supplying liquor to them. The average hotel is run for its bar trade alone, and I hope it is not the desire of

the Government to run their hotels solely for the bar trade. We know, however, that what is served over the bar is the very best that is procurable. As far as Rottnest is concerned, that is quite another matter. In any place in Western Australia where a hotel is needed it should be erected and controlled by the Government, and if it is necessary to provide one at Rottnest it should be established at once. I have not been to Wongan Hills, but judging by the prosperity of that portion of the State there is a necessity for an hotel there, and I hope the House will give the Government the opportunity to erect it and run it in the same manner as the other State hotels have been conducted. I am sure this will prove an advantage to the people of Wongan Hills. After the able remarks of the member for Northam (Hon. J. Mitchell) in favour of State control, I do not see how his fellow-members can offer any opposition to the measure. I am sure if the member for Northam had spoken before the member for Kimberley (Mr. Male), the latter would have adopted a different tone in regard to what we call the injustice of the Government stepping in and becoming licensed hotelkeepers. I am sure when the Bill comes down to make it impossible for a private person to obtain a license to sell liquor the hon. member will support that measure.

Mr. ALLEN (West Perth): It is needless for me to say, as one opposed to State ownership of hotels, that I am opposed to this Bill, and more particularly am I opposed to the opening of an hotel at Rottnest Island.

The Premier: Have you ever been there?

Mr. ALLEN: Lots of times; stayed there, and camped there. I look upon Rottnest as a resort for public recreation, and I think if an hotel is opened there a very serious mistake will be made. There is not the slightest doubt that if an hotel is established there people will go to the Island merely to have a glorious spree. It has been said that those who require refreshments take them with them, and that sometimes they take too much, but it will be a greater objection if an hotel is provided where they will be able to get an unlimited supply. We have heard a good deal about State control, but I contend that if the Licensing Act was properly administered the Government would have sufficient control over licensing business. It is want of administration in regard to the liquor laws that has called for this amendment of the Licensing Act. I am strongly opposed to establishing an hotel at Rottnest. I can see what will happen, and I can see that a great injustice will be done to numerous people who desire to go there with their wives and children in order to find recreation. Reputable people will be debarred from going there, and the effects of an hotel there will be to turn Rottnest from a pleasure resort into a place which respectable people will find it almost impossible to go to. I feel confident that this will be a big mistake. I am not going to discuss the opening of other hotels and the making of a profit. I am opposed to the State running hotels and more particularly am I opposed to one being opened at Rottnest. I am sure it will be detrimental to the island, and will prove a great disadvantage to the people who go over there to stay.

The PREMIER (in reply): I had no idea when I introduced this small measure that it would receive opposition from any party in this Chamber, but it is evident that those members sitting in opposition are determined, notwithstanding the desire on the part of the Government to meet their wishes as previously expressed, to oppose all and sundry measures that may be submitted for their consideration. In the first place, we had a measure earlier this session which gave the Government general powers in regard to the establishment of State hotels, and our friends in opposition then asserted that they would have no objection to giving us the right to establish hotels in places where they were required, if we would submit the names of those places for the approval of the House.

Mr. A. E. Piesse: As long as you got a true expression of opinion.

The PREMIER: We do get a true expression of opinion. So far as Wongan

Hills is concerned, a private license can be granted there if the licensing bench so desires, because the district is outside the 15 mile limit, but under the exising law if the licensing bench was desirous of granting a license to the State it could not do so. The hon. member for Kimberley advised the Government what to do in connection with the establishment of State hotels, but apparently the hon. member does not know the Act. It would be well if hon. members who are going to advise the Government would make themselves acquainted with the law, and then perhaps their advice would be worth something. The hon. member does not know that notwithstanding the fact that the licensing bench can grant a license to a private applicant in any district 15 miles away from an existing license, the State cannot go in and obtain a license. I admit that the member for West Perth would oppose the State getting a license whether it was inside or outside the 15 miles limit, because he is opposed to State ownership, but why are not the member for Kimberley and the member for Northam equally open in their opposition? The fact is they are trying to run with the hare and hunt with the hounds; they desire to make themselves appear to be in sympathy with the temperance reform party and at the same time work hand in glove with the liquor trade. It has been recognised all along that the hon. members now sitting in opposition are those desirous of protecting the interests of the liquor trade, and no further evidence of that is required than the Licensing Act now in operation; but they would make it appear that they are desirous of assisting the temperance party and are in opposition to the extension of the traffic. Is it not a fact that the member for Katanning, who talks against giving facilities for the sale of liquor at Rottnest on Sundays, is one of those members who supported the section of the Act which permits of steamers plying to the islands dispensing as much liquor as they choose to persons travelling to and fro? The hon. gentleman has no objection to a hotel being established on a boat where people can obtain as much liquor as possible all day long, but he objects to the State being able to sell liquor at Rottnest on a Sunday.

Mr. O'Loghlen: The steamers never abuse their privileges.

The PREMIER: Oh no, of course not; they would never abuse it. If the hon. member for Katanning knows anything about Rottnest he would be aware that on many occasions complaints are made about the boats plying to Rottnest being permitted to dispense liquor, owing to the drunken state in which some passengers arrive at the island, and we have often had to appoint officers to prevent some of those persons, who had obtained too much liquor on board, going ashore and being a nuisance to other people there. Yet, because in order to prevent that sort of thing occurring on the island, and to prevent people taking over more liquor than is good for them, we propose to establish an hotel where we can give them all the liquor that is good for them and no more, there is an objection that we are not complying with the provisions of the Licensing Act.

Mr. Monger: You should improve the standard of the liquors sold at your State hotels.

The PREMIER: The hon. member is no judge of good liquor; he has drunk so much bad stuff in his time that he does not know good stuff when he tastes it. As I was pointing out, the provisions of the existing Act do not permit the Government to establish a State hotel anywhere in the State, whether outside of the 15 miles radius or not.

Mr. A. E. Piesse: Then why not amend the parent Act?

The PREMIER: We will deal with the parent Act in good time; all we are concerned about now is to provide for public requirements at certain places. I will read to hon. members a letter which I received from the Wongan Hills progress committee, under date 10th June, 1912—

> Dear Sir, At a meeting of our progress association, Wongan Hills, it was carried unanimously that a petition be sent to you asking for a State hotel to be erected here. We consider it is absolutely necessary something for the con-

venience of settlers and travellers should be built as there is no fit accommodation to be had. We feel certain it would return a fair profit right from the start. There is a lot of settlement going on all round, everyone clearing. There appears to be quite enough grog sold here now to keep a hotel going. If you think it necessary a petition with the names of townspeople and farmers be sent you, I shall be pleased to forward same as soon as possible. Thanking you in anticipation of a favourable reply, I am, Dear Sir, Yours obediently, (Signed) M. Coomer, chairman, Wongan Hills Progress Association.

Hon. J. Mitchell: Did you get the petition?

The PREMIER: No, the petition was not forthcoming because it was not necessary. We sent up there the manager of the Gwalia State hotel to report on the necessity for establishing a State hotel and he said that in the interests of the people the State should establish a hotel because a good deal of liquor was being sold of a nature which would do the people selling it no credit.

Mr. Allen: Do you mean sly grog selling?

The PREMIER: Yes.

Mr. Allen: Did you do anything to stop it?

The PREMIER: Let me tell the hon. member that we have done more during the past twelve months to check sly grog selling than has ever been previously attempted in the State. Ever since the coming into existence of the Kalgoorlie and Boulder districts, there have been scores of boarding houses which were nothing but sly grog shops, and although the matter was frequently reported to the Government there was never any attempt to catch those people until this year, when the Government took action with the result that in October, or September, we received something like £360 in fines. The same action has been taken at Gwalia, and steps are being taken to see that the police are shifted on after they become too familiar with the place. We have given definite instructions to the Commissioner of Police that he must under any conditions within his power prevent sly grog selling in any part of the State, and that is being done to such an extent as to cause considerable consternation in the ranks of those people.

Mr. Heitmann: A prosecution took place at Wongan Hills.

The PREMIER: Yes, and the person was fined £50. If we establish this State hotel at Wongan Hills it will not be anything like the Dwellingup hotel, so far as the profits are concerned; we do not expect that; but we say that we must either establish a State hotel there or allow private enterprise to do so. If the Governmet do not establish a State hotel, then the licensing bench will grant a license to a private person, which would be entirely against the wishes of the people, who desire a State hotel. Our friends opposite refuse to grant the wishes of the people, and talk about giving consideration to the wishes of the people as expresed at the local option poll. A local option poll does not give an expression of opinion on the question of no increase in licenses at all in a district: the most the people can express an opinion on is whether there shall not be any increase of licenses in a district within 15 miles of an existing license; outside of that 15 mile limit it is in the hands of the licensing bench to grant as many licenses as it pleases.

Mr. A. E. Piesse: It would be a simple matter to take a poll at Wongan Hills even now.

The PREMIER: When in the Bill introduced earlier this session we inserted a provision that we should post on the site where we proposed to establish a State hotel a notice that on a certain date an hotel would be established, and that we should also publish a notice in a paper circulating in the district, and that people within three miles of the proposed site of the hotel should be able to petition against its establishment, our friends opposite began to quibble.

Mr. A. E. Piesse: It was only the three mile limit that we objected to.

The PREMIER: I am satisfied that the Opposition were seeking anything to raise an argument. The hon. member

will find in the Licensing Act that the locality in which a State hotel is to be established shall be as decided by the Minister. I am satisfied that the objection to this Bill and to the preceding one is absolutely opposed to the principle of State management, but our friends opposite have not the courage to come out and show it, because they know that the result of the local option poll was overwhelmingly against private control as compared with State control. If they only had the honesty to come out and declare themselves against State control, like the member for West Perth, we would know where we are and go ahead. I again assert, notwithstanding the remarks of the member for Kimberley and others, that through State management we will remove the abuses in the liquor traffic and bring about temperance; temperance does not mean prohibition, or total abstinence. The hon. member seems not to understand what the word means; it simply means that a person shall be temperate in his drinking habits, and if we have State management we can compel that through the manager of the hotel, in some cases. But in any case State control would cause the people to see the wisdom of being temperate in their drinking, and there would be better accommodation provided and less desire to push the sale of liquor than there is at the present time. One hon. member said that if we were to enforce the provisions of the Licensing Act there would be no desire and no need for the establisment of State hotels, but the Act can only be enforced by having officers stationed on the premises.

Mr. Allen: There are glaring breaches every day around Perth.

The PREMIER: I am prepared to admit it, but the difficulty is to stop those breaches, unless we have an officer on each hotel premises.

Mr. Harper: And even then you could not do it.

The PREMIER: And even then we could not do it; the hon. member being interested in the trade will know how easy it is to get around even the law. Let me again say that I am absolutely in earnest in this matter. The matter of providing trippers to Rottnest with drinks on Sunday can be dealt with under the Licensing Act. My own opinion is that if we are going to have a section dealing with bona-fide travellers and permit such persons to be supplied with liquor on Sunday, then it would be better to have the hotels open during specified hours, but if we do not desire to give persons other than bona-fide travellers the opportunity to procure liquor on Sundays, then it would be better to close the hotels altogether. We are willing to permit the people to decide that: we are agreeable that they should completely control not alone the establishment of an hotel but also its management. If the people of Rottnest do not desire us to establish this hotel we will not thrust it upon them, but what is the position of the people who go over there? With the exception of a few of the wealthy class, like the member for West Perth, who can take over a case of champagne and indulge as freely as he likes, knowing that he is under the eyes of his electors——

Mr. Allen: Are you speaking about me?

The PREMIER: I referred to people like the hon. member, not to the hon. member. Those people are not desirous of an hotel being established, but others who go there for pleasure and desire a drink in moderation should have an opportunity of getting it. I again repeat, notwithstanding the fact that I do not personally require it, that I believe that if we are to make Rottnest the place that the people who use it desire, we must have a license there. During the last two years we have expended something like £20,000 in making Rottnest a health resort, and if we are going to have anything at all to recoup us for that expenditure we must have a license.

Mr. Allen: Is it not a fact that you cannot accommodate the people there already?

The PREMIER: The hon. member does not appreciate the fact that everybody who goes there wants to go at the

Christmas holidays; we cannot accommodate them all in the one fortnight. Last year we spent £10,000 and this year we are spending £10,000 in order to give people the opportunity to enjoy themselves at Rottnest.

Mr. Allen: To get some advantage.

The PREMIER: We want to get some advantage, but not in the sense the member for West Perth would make out. If we provide these facilities for the people at such expense to the general taxpayer, then when there is an opportunity of getting some of it back in a legitimate way we are entitled to do it rather than allow the merchants in Perth, or the publicans, or the Swan Brewery to send over big quantities of liquor and dispense it under conditions which are hardly within the law. There is no gainsaying the fact that sly-grog selling takes place at Rottnest, as well as other places. In the circumstances it would be better to remove that evil and have the sale of the liquor under proper control. If there is not that proper control we will soon hear of it, because the people going over there every week or every fortnight will see no advantage in not speaking of abuses if they occur. It will be to the advantage of the people as a whole to have an hotel at Rottnest and prevent the abuses that exist under the present conditions.

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

Ayes	25
Noes	8
Majority for	17

AYES.

Mr. Angwin	Mr. O'Loghlen
Mr. Bath	Mr. A. N. Piesse
Mr. Collier	Mr. Price
Mr. Dooley	Mr. Scaddan
Mr. Dwyer	Mr. R. J. Stubbs
Mr. Foley	Mr. Swan
Mr. Harper	Mr. Taylor
Mr. Hudson	Mr. Thomas
Mr. Johnson	Mr. Turvey
Mr. Johnston	Mr. Walker
Mr. Lewis	Mr. A. A. Wilson
Mr. McDowall	Mr. Underwood
Mr. Munsie	(*Teller*).

NOES.

Mr. Allen	Mr. S. Stubbs
Mr. Male	Mr. F. Wilson
Mr. Mitchell	Mr. Wisdom
Mr. Moore	Mr. A. E. Piesse
	(*Teller*).

Question thus passed.

Bill read a second time.

Message.

Message from the Governor received and read recommending the Bill.

In Committee.

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

Clause 1—agreed to.

Clause 2—Power to establish certain State hotels:

Hon. FRANK WILSON: While he had no objection to Wongan Hills getting a State hotel providing there was the means of taking a vote of the people there, he objected to an hotel being established at Rottnest: but as he could not at present formulate the words necessary to provide for a vote being taken, it would be better to strike out the whole of paragraph 1 containing the words "to establish a State hotel at Wongan Hills and at Rottnest Island."

Mr. E. B. JOHNSTON: If the leader of the Opposition moved in that direction would it be possible to move an amendment merely to strike out "Rottnest Island"?

The PREMIER: As the member for Toodyay (Mr. A. N. Piesse) wished to move an amendment to insert "Kununoppin" it would be best to move to strike out "Wongan Hills" first, and when that was disposed of then the member for Toodyay could move his amendment, which would leave the position open for members to deal with Rottnest Island.

Hon. FRANK WILSON moved an amendment—

That in paragraph (1) of Subclause (b) the words "Wongan Hills" be struck out.

Hon. J. MITCHELL: Would the Premier assure the Committee that he would obtain a petition from the residents of the locality before establishing any hotel?

The PREMIER: All the information required had been obtained. He was re-

sponsible for introducing the measure and the hon. member could take the responsibility for defeating it. He would do nothing further.

Hon. J. MITCHELL: The Premier should agree to be reasonable.

The Attorney General: Whatever the Premier does, you will not be satisfied.

The Premier: You are only giving your friend Colebatch a tip what to do.

Hon. J. MITCHELL: The Premier would not get a license at Wongan Hills if he was applying as a private person.

The Premier: I have received a petition; I do not propose to ask for another.

Hon. J. MITCHELL: We have just been told by the Premier that the progress association had been advised not to sign a petition. If the Premier could quote a few names one might agree to the proposal.

The Premier: I have a petition from the progress association. That is sufficient for me.

Hon. J. MITCHELL: One was loath to oppose the granting of a license at Wongan Hills; because if the State did not open an hotel, a private person might get a license; but the method of the Premier must be opposed. The Premier flouted the local option vote entirely and refused to consult the people before establishing an hotel, thus placing members agreeable to State ownership in a very awkward position, as they would have to vote against the Bill if it remained unaltered.

The PREMIER: There was a petition received from the progress association asking for the establishment of an hotel at Wongan Hills, and Mr. Hunter of the State Hotels Department had visited the district and reported on the 6th June last—

> It is absolutely essential that an hotel either under State control or private enterprise be erected, as accommodation is urgently required for the travelling public and surrounding settlers. In support of my views, on the night of my arrival there were about 15 people looking for sleeping, etcetera, accommodation, but this was unobtainable; and all had to camp out in the open. I was very fortunate in being at Wongan on Tuesday, as there was a meeting of the farmers and also the progress association, and I was thereby enabled to obtain reliable information as regards the general feeling towards the erection of an hotel and am pleased to report that all were unanimously in favour of an hotel under State control, thereby minimising the illicit traffic in liquor at present being carried on to a large extent in the township and district.

If it was the idea of the Opposition to oppose the State getting an hotel at Wongan Hills in order to enable a private person to get the license, their wishes in that respect would miscarry, because the local people protested strongly against any private person getting a license. They asked unanimously for the State to establish an hotel. It was for members to say whether they would accede to the wishes of the people.

Sitting suspended from 6.15 to 7.30 p.m.

Amendment put and negatived.

Mr. E. B. JOHNSTON moved an amendment—

> *That the words "and at Rottnest Island" be struck out.*

The Government owned the island, and therefore there was no chance of any private person establishing an hotel there. Moreover, although we had been told that the people of Wongan Hills desired the establishment of an hotel, yet the Premier had not said that the people of Rottnest had expressed a similar desire.

Mr. A. N. PIESSE: Before the amendment was put he had a previous amendment to move, the purpose of which was to add to the clause the words "and at Kununoppin."

The CHAIRMAN: The amendment would not be in order, because it involved a further expenditure of money, and therefore could only be moved by a Minister of the Crown.

Mr. DWYER: All that the Bill stated was that "It shall be lawful" to establish certain hotels. Nothing was said about the expenditure of money. Surely the proposed amendment would be in order.

The ATTORNEY GENERAL: The Chairman's ruling seemed to him the correct one. The Bill contained specific provision making it lawful to establish certain hotels. It had been necessary to obtain a Message from His Excellency, recommending the Bill, because if the measure passed it would be lawful at any time, without further permission, to establish these hotels. Certainly further authorisation would be required to cover the expenditure, but the Bill authorised the commencing of the operations and the entering into contracts, and it was for that reason that His Excellency's message had been required. To add to the list would be to go beyond the order of leave, and therefore the amendment was improper on that score. The order of leave made it lawful to establish only the hotels mentioned in the Bill. He was obliged to say that even a Minister of the Crown could not go beyond the order of leave.

Mr. E. B. JOHNSTON: As he had already stated, we had not been told that the people of Rottnest desired the establishment of an hotel. No local option poll had been taken amongst them or amongst the people who visited the island. It had been pointed out that visitors to the island could obtain liquor on the passenger boats. If so he would like to see that traffic stopped. It was the duty of the Government to stop the sale of all liquor on the island, or on the passage across.

Mr. S. Stubbs: They want to raise revenue by it.

Mr. E. B. JOHNSTON: It was altogether an improper means of raising revenue. If an hotel was established at Rottnest it would simply be providing additional facilities for drinking. It was not required there at all. He was glad the Government had erected an accommodation house on the island. This would be largely availed of by goldfields and other inland visitors, but he would ask the Government not to spoil their action in that respect by transforming the accommodation house into a mere drinking saloon. Already hotels were established at practically every health and pleasure resort within the metropolitan area.

Mr. CARPENTER: If the proposal had been to establish an ordinary drinking shop he would have opposed the measure, but if there was any argument at all in favour of the policy of State hotels it was that a State hotel was free from the more objectionable features supposed to attach to the ordinary licensed house. Although no poll of the residents of Rottnest had been taken, still the electors of the electoral district of Fremantle, which comprised Rottnest, had been consulted, and had expressed themselves as favourable to the Government opening any new house that might be opened in the district.

Mr. Heitmann: But they first said they would not have an additional hotel at all.

Mr. CARPENTER: It might be as the hon. member stated. Still, the general vote in favour of State ownership of hotels had been carried in the Fremantle district and almost entirely through the State. In view of that, there was no reason why we should single out Rottnest as one place where a State hotel, even though desired, should not be established. Nevertheless the present premises at Rottnest were not altogether suitable for the establishment of an hotel, which should be in a building apart altogether from the hostel. Although there would be no really objectionable features attached to a State hotel, still the people who would go to the hostel to spend a week or a fortnight would probably prefer that the hotel, or at least the bar, should be in a building at some little distance from the hostel. It was true that liquor could be obtained on the passenger boats plying to Rottnest, and it was also a fact that a number of picnickers who sailed across to the island carried liquor with them. He did not know but what, if we could stop that by the establishment of a State hotel on the island, we would not be choosing the lesser of two evils.

Mr. Heitmann: I should have thought that your desire would be to get rid of the evil altogether.

Mr. CARPENTER: He would choose the lesser of the two evils, and would say, "let us have the State hotel rather than the existing evil." In his opinion, the residents of Rottnest, and a proportion of the visitors who went there,

desired to have a well-conducted hotel on the island. For that reason he would oppose the amendment. With that belief he opposed the amendment.

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

Ayes	13
Noes	23
Majority against ..	10

AYES.

Mr. Allen	Mr. A. N. Piesse
Mr. Johnston	Mr. B. J. Stubbs
Mr. Male	Mr. S. Stubbs
Mr. Mitchell	Mr. F. Wilson
Mr. Monger	Mr. Wisdom
Mr. Moore	Mr. Heitmann
Mr. A. E. Piesse	*(Teller).*

NOES.

Mr. Angwin	Mr. Mullany
Mr. Bath	Mr. Munsie
Mr. Carpenter	Mr. O'Loghlen
Mr. Collier	Mr. Price
Mr. Dooley	Mr. Scaddan
Mr. Dwyer	Mr. Swan
Mr. Foley	Mr. Thomas
Mr. Gardiner	Mr. Turvey
Mr. Harper	Mr. Walker
Mr. Hudson	Mr. A. A. Wilson
Mr. Lander	Mr. Underwood
Mr. Lewis	*(Teller)*

Amendment thus negatived.

Mr. E. B. JOHNSTON moved an amendment—

That the following words be added at the end of the clause:—"Provided that no intoxicating liquor shall be sold at State hotels on Sundays."

Hundreds of excursionists would be carried to Rottnest every Sunday many of them on State boats, and it was desired that State hotels should be an improvement on existing hotels. That improvement could not be effected unless the hotels were closed on Sunday. Many people had conscientious objections to the State owning hotels. While we should not consider that, we should consider their feelings to the extent of closing State hotels on Sunday. If a referendum was taken the desire would be in the direction of Sunday closing.

The Premier: No one individual can say what all the country would favour.

Mr. E. B. JOHNSTON: That was his opinion, and he was entitled to express it.

Mr. Monger: You have to do what you are told.

Mr. E. B. JOHNSTON: The Labour party stood for the abolition of Sunday labour, and the employees in State hotels should be given a holiday on Sunday as far as the liquor trade was concerned.

Mr. Underwood: What about apple cider?

Mr. E. B. JOHNSTON: The Labour party came into power largely because it stood for the reform of the liquor trade, and we could not do more to improve the trade than by prohibiting the sale of liquor on Sunday.

The PREMIER: The Committee were asked to establish an hotel on the same conditions as private persons enjoyed. State hotels would comply with the conditions which this State might desire at any time. If a local option poll decided that a license should not be issued, the Government would be prepared to carry out the wishes so expressed. At present the public had not expressed any desire that liquor should not be dispensed to bona-fide travellers on Sunday. Regarding Sunday labour, the hon. member might have mentioned that it was desirable to close Rottnest on Sunday, so that the cook would not have to make sponge cakes for visitors. Labour was employed at Cottesloe to lend out bathing suits to enable people to indulge in mixed bathing. The hon. member did not suggest the abolition of that because he derived some pleasure from it. There must be a certain amount of Sunday labour. He was unaware that the Labour party stood for the total abolition of Sunday labour. The Labour party stood for the minimising of Sunday labour and for the payment of special remuneration where labour was necessary. Did the hon. member refuse to ride in a tramcar or train on Sunday? The hon. member objected to the drink traffic, and wanted to prevent liquor from being dispensed. Restrictions should not be placed on State hotels exclusively. They would be conducted in a manner satisfactory to the public. If the hon. member introduced a Bill prohibiting Sunday

trading, and it was carried, the Government would observe it. It should be sufficient if the Government conducted State hotels in conformity with the licensing Act as it stood.

Mr. B. J. STUBBS: The amendment would have his support. There could be no gainsaying the fact that the consensus of opinion of the people of the metropolitan area was totally against Sunday trading in hotels. If it was put to a vote, the people would favour the abolition of the bona-fide traveller section, and wipe out Sunday trading.

Mr. O'Loghlen: I think you would be mistaken.

Mr. B. J. STUBBS: There had been experience at Claremont where the hotel in that town, being just outside the radius either from Perth or Fremantle, was made the rendezvous for Sunday drinkers.

Mr. Underwood: That shows how good the liquor is.

Mr. B. J. STUBBS: The same condition of affairs would be brought about at Rottnest if Sunday trading was permitted. Instead of making it a holiday resort where people would go for a week-end outing, it would be turned into a drinking place.

Mr. Turvey: Is that why they go to Mundaring Weir on Sundays?

Mr. Allen: There are Applecross and Canning Bridge as well.

Mr. B. J. STUBBS: A large number of people went to those places because they were outside the radius and they could obtain a drink. The Labour party was the advance party for reform in all directions.

Mr. Monger: What?

Mr. B. J. STUBBS: If we wished to make any advance in liquor law reform, we should accept the amendment.

Mr. ALLEN: The amendment would have his support. He could speak with a little experience of the amount of liquor sold on Sundays in some of the hotels which were getatable by boat. In returning from Canning Bridge many of the passengers if they had not to be helped on to the steamer, simply rolled on.

The Premier: Nonsense.

Mr. ALLEN: Experience convinced him that that was a fact.

Mr. Underwood: You should change your brand.

The Premier: Every man who gets drunk imagines everybody else is drunk.

Mr. ALLEN: For several months he lived at the Applecross hotel and more trade was done on Sunday than during the rest of the week. Many people who went there to get drink could be seen lying about under the trees.

The Premier: I have been there as much as you.

Mr. ALLEN: For four months he lived at the hotel and he came away disgusted. The electors would not treat this matter as a joke which the Premier seemed to do. The House should seriously consider the amendment before rejecting it.

Mr. UNDERWOOD: It was his intention to oppose the amendment on the ground that this was not the Bill in which to put it. If we were to have State hotels they should be run in accordance with the existing Licensing Act, and if it was undesirable to sell intoxicating liquors on Sunday we should amend our Licensing Act.

Mr. E. B. Johnston: The Licensing Act does not apply to State hotels.

Mr. UNDERWOOD: Some members liked to take their sins in sections; the member for Williams-Narrogin was evidently in favour of a State hotel at Wongan Hills but not at Rottnest, and was in favour of drinking on week days but not on Sundays. The member for West Perth made an extraordinary statement about men having to be assisted to the boat at Canning Bridge; this was probably due to the hon. member's eyesight. When he (Mr. Underwood) found his eyesight becoming affected to such an extent he changed the brand.

Mr. Allen: That is not my experience; speak for yourself.

Mr. UNDERWOOD: He had not been elected as an advocate of Sunday trading nor as an advocate of the abolition of the sale of intoxicating liquors. The amendment should not be made, firstly because it would not fit in this Bill, and secondly because he sympathised with his fellow-

thirsty man, and knew that a drink on Sunday was a source of comfort and a joy for ever.

Amendment put and negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—DISTRICT FIRE BRIGADES ACT AMENDMENT.

Returned from the Legislative Council with requested amendments.

RESOLUTION—ABORIGINES RESERVES.

Message received from the Legislative Council requesting the concurrence of the Legislative Assembly in the following resolution:—"That in the opinion of this House it is desirable, for the preservation of the native race, to continue and extend the policy laid down in C.S.O. file 1709/11, viz., by reserving large areas of virgin country for the sole and exclusive use of the aborigines."

BILL—ARBITRATION.

Council's Amendments.

Schedule of 72 amendments requested by the Legislative Council now considered.

In Committee.

Mr. Holman in the Chair, the Attorney General in charge of the Bill.

No. 1. Clause 3—After the word "Industry," in line 5, insert "and of worker":

On motion by the ATTORNEY GENERAL amendment made.

No. 2. Clause 4—In the definition of "industrial disputes" strike out the words at the end "or in any related industry":

The ATTORNEY GENERAL moved—

That the amendment be not made.

It was his desire to have these words retained, more particularly as others had been retained which were consistent with the wording of the clause as it originally left the Assembly.

Mr. MONGER: It was his desire to move an amendment on the Legislative Council's amendment, and he moved—

That the amendment be made with the following modification: Add after the word "industry": "and during the continuance of any strike, lock-out, or conference arising out of an industrial dispute which prevents the members of any industrial association earning wages, the salaries or other emoluments of every official of such industrial association shall cease and determine until such time as the members resume work."

The CHAIRMAN: The Committee were now dealing with the interpretation clause, and the amendment dealt with a subsequent matter which could not possibly come under this clause.

Mr. MONGER: The moving of these words was perfectly permissible so as to make the meaning of "industrial dispute" absolutely clear to the minds of those concerned.

Mr. Carpenter: On a point of order, do I understand you to have ruled that this amendment cannot be moved at this stage of the Bill? If so, is the hon. member in order in discussing the amendment?

The CHAIRMAN: The member for York (Mr. Monger) was not in order but a little latitude had been allowed him in order that he might explain the reason why he considered the ruling from the Chair was not correct. This amendment could not be moved at this stage even if the Bill was being considered in Committee in the ordinary way.

Hon. FRANK WILSON: The amendment was on all fours with a definition in the Workers' Compensation Bill. In the definition of "employer" in that Bill it was provided that certain people should be indemnified.

The CHAIRMAN: The amendment had been already ruled out of order, and no debate could be allowed unless the hon. member intended to move that the Chairman's ruling be disagreed with.

Dissent from Chairman's Ruling.

Hon. Frank Wilson: I dissent from your ruling.

The Speaker took the Chair.

The Chairman stated the dissent.

Hon. Frank Wilson: I have dissented from the Chairman's ruling for the reason that the amendment amplifies the suggested legal incidence attaching to an industrial dispute, strike or lock-out. The Bill before us defines "industrial dispute," and the motive of the member for York in moving the amendment is to show an incident in connection with *any dispute, lock-out, or conference*. It deals with the emoluments or remuneration of any officials of a union or industrial associaton and it provides that the emoluments shall cease during the period of industrial dispute. I maintain that the proper place for that amendment to be inserted is in the definition of "industrial dispute." In the Workers' Compensation Bill, which was recently considered it was provided under the definition of "employer" that certain workers should be deemed to continue in the employment of a certain individual and that individual should be entitled to be indemnified by some other person to the extent of certain compensation which might be paid under the Act. I took exception to that at the time, but was told that that was a perfectly proper place to make the addition. In this case it is proposed to provide under the definition of "industrial dispute" that certain sums shall not be paid to certain persons under certain conditions, and I maintain that this proposed provision is equally as important and correct as the other. If we could provide in one Bill that certain amounts were to be paid under the definition clause surely we can provide in the definition clause of another Bill that certain sums which the people connected with a dispute are receiving shall be suspended for the time being. I maintain that the member for York is perfectly in order in the circumstances and I hope that your ruling will uphold my contention.

The Attorney General: I submit the hon. member is not in order in moving the amendment—in the first place because it is not an amendment to the amendment requested by the Legislative Council. We cannot reopen the whole Bill; we are now only considering the Legislative Council's amendment; and by no stretch of imagination can the hon. member's proposed addition be considered relevant to that amendment. Further than that, the clause in which the Legislative Council's amendment occurs is one purely of definition; it is not an enactment and it imposes no penalty, whereas the proposal of the hon. member is one of the enactment of positive law, and would become law—and the positive law—if it passed both Houses; and moreover it would be of the nature of a penalty. Therefore it is distinctly irrelevant to a simple definition on both these grounds. It adds nothing to the definition, it neither narrows nor broadens the definition but it takes advantage of the words "industrial dispute" to, in a side wind, enact, in a place where it should not come, positive law.

Mr. Monger: Are there any other places in the Bill where I can bring it in?

The Attorney General: It is not my place to instruct the hon. member. I wish to confine myself for a moment to the question as to whether the amendment is in order or not. The leader of the Opposition has endeavoured to raise an analogy between what is introduced in the definition of the Workers' Compensation Bill and the proposal now made by the member for York; but the two cases are in no wise analogous, they are not comparable. In the first place, in the Workers' Compensation Bill the definition was broadened so as to include those who were not, strictly speaking, the direct employers; and in order that there might be no confusion and that it might be understood that these were put in purely for that purpose, it was shown that, notwithstanding that, there would be indemnity existing between the two parties. That was all to make the definition clearer, to add to the definition, to broaden it, to make it wider in its inclusiveness.

Hon. Frank Wilson: That is absolutely legislating in a definition.

The Attorney General: No, it widens the definition of employers in such a way as to make it impossible to exclude the agent of the original employer.

Hon. Frank Wilson: This proposal is widening a definition.

The Attorney General: Without those words being added the meaning would have been obscure. They were absolutely necessary in the definition to make it clear and to cover all the enacting clauses that succeeded.

Hon. Frank Wilson: But you made someone liable under that definition.

The Attorney General: In this case it is a pure definition, and I suggest that the hon. member's amendment adds nothing to the definition, gives it no wider scope, but seeks to impose a penalty on strikers.

Mr. Monger: I do not desire to inflict any penalty.

The Attorney General: The hon. member's wording is unfortunate. However, the point is this—and I do not think it will stand argument further—it is clear that the amendment is not relevant to the amendment requested by the Legislative Council, and the Committee can only consider the amendment requested by the Legislative Council. Further, it is not of the nature of a definition and therefore cannot come within this clause which is purely one of definition.

Mr. Nanson: In an ordinary definition of "industrial dispute" it would naturally be supposed that an incident of such a dispute would be the stoppage of payment to the union officials, although it would be an ordinary incident in regard to the workers employed in the industry, because if they ceased work their pay would naturally cease also. But as I understand it, the member for York has moved an amendment the effect of which will be to enormously widen the incidence of a strike.

Mr. Monger: There will be fewer of them.

Mr. Nanson: I do not know about that, but the object of the amendment is to provide as one of the essential features of a strike, an automatic stoppage of the emoluments of the union officers; and I submit, on the lines of the argument used by the leader of the Opposition, that it is perfectly legitimate to insert this provision in the definition portion of the Bill, not with the idea of imposing a penalty, but with the idea of enlarging the scope of the definition of a strike. There might be some doubt on the subject but for the fact that the House has already agreed that it is possible in the definition of the Workers' Compensation Bill to do a precisely similar thing, with the only difference that in the one case, as pointed out by the leader of the Opposition, payment is provided for and in the other case non-payment is provided for. On these grounds the amendment should be allowed. At any rate I hope that, if there is any doubt on it, the benefit of the doubt should rather go to the amendment moved by the member for York than otherwise, because, I take it, the object in this Chamber, as in all Legislative Chambers, is to facilitate discussion. Therefore, if there is any doubt at all on the matter it should be on the side that will enable discussion to take place.

Mr. Speaker: The amendment desired by the member for York is a provision imposing certain conditions during anything which may occur under the operation of the Act, and I have no doubt in my mind that the place to move that amendment is not in Clause 4, which is the interpretation clause of the Bill. The clause deals essentially with interpretation and I cannot see how the acceptance of the amendment would be relevant to it. I have, therefore, no other course but to uphold the Chairman's ruling.

Committee resumed.

Mr. Holman in the Chair.

Question (that amendment No. 2 be not made) put and passed; the Council's amendment not made.

No. 3—Clause 4, in the definition of "industrial matters," strike out paragraphs (d) and (e):

The ATTORNEY GENERAL: These paragraphs enabled preference to unionists and preference of employers to unionists to be industrial matters that

could form the subject of an industrial dispute. He moved—

That the amendment be not made.

Hon. FRANK WILSON: As it would be doing a great injustice to many workers here in our State to permit the court to extend preference to unionists, he supported the amendment requested by the Legislative Council. To do justice to all classes of the community we must permit an individual freedom, we must permit a man to work as he thought proper, we must permit him to be clear of any union and we must not in our legislation have anything which would compel a citizen against his own judgment to join or refrain from joining any trade union. He protested against preference being granted to any section of the workers by the Bill. He would support the amendment which the Council had requested.

The ATTORNEY GENERAL: As on the previous occasion when the Bill was before the Committee, the leader of the Opposition was dealing with great principles on the interpretation clause. All that the original Bill proposed was that among those things which should be called industrial matters were these claims of industrial unions to preference. It was included in industrial matters and was an industrial matter incidental to the progress and movement of industrial affairs just as was the claim of members of a union to be employed an industrial matter. These were matters coming within the scope of "industry." The question was not as to whether it was right or wrong to give preference, but as to whether these things came within the scope of industrial matters. If they did they had a right to be placed here. It was possible there might be disputes arising out of that very right to be employed in preference to another.

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

Ayes	26
Noes	11
Majority against ..	15

Ayes.	
Mr. Angwin	Mr. Mullany
Mr. Bath	Mr. Munsie
Mr. Carpenter	Mr. O'Loghlen
Mr. Collier	Mr. Price
Mr. Dooley	Mr. Scaddan
Mr. Dwyer	Mr. B. J. Stubbs
Mr. Green	Mr. Swan
Mr. Hudson	Mr. Thomas
Mr. Johnson	Mr. Turvey
Mr. Johnston	Mr. Underwood
Mr. Lander	Mr. Walker
Mr. Lewis	Mr. A. A. Wilson
Mr. McDowall	Mr. Heitmann (*Teller*).

Noes.	
Mr. Allen	Mr. A. N. Piesse
Mr. Harper	Mr. S. Stubbs
Mr. Mitchell	Mr. F. Wilson
Mr. Monger	Mr. Wisdom
Mr. Nanson	Mr. Male
Mr. A. E. Piesse	(*Teller*).

Question thus passed; the Council's amendment not made.

No. 4, Clause 4—In the definition of "industry," paragraph (c), strike out the words "or a group of industries":

The ATTORNEY GENERAL: There was no need to further argue the point. He moved—

That the amendment be not made.

Question passed; the Council's amendment not made.

No. 5, Clause 4—"Add at the end of the definition of "industry" the following proviso, "Provided that the agricultural and pastoral industries shall not be included in this definition":

The ATTORNEY GENERAL: A long discussion had taken place on the question before it was agreed to insert the pastoral and agricultural industries. He moved—

That the amendment be not made.

Mr. MONGER: Presumably it was futile on the part of the Opposition to take any exception to the motion. Caucus had ruled on these amendments, and consequently the Bill would go back to the Council in the shape in which it was originally sent to them, with perhaps one or two minor amendments. He hoped the Attorney General would, at all events, show some reasonable consideration to the lengthy debates that had taken place on this measure in another place. Was it worth while adopting these various

amendments, or would it not be as well if the Attorney General went *en bloc* and sent the measure back to another place?

Mr. HARPER: It was hoped the Attorney General would agree to this amendment. It was suicidal to force upon the people of the agricultural districts this arbitration legislation. It was not possible for the agricultural industry to comply with the conditions of arbitration. We had had enough experience of arbitration on the goldfields. Arbitration was a failure. It was not possible to make men work when they did not wish to. The arbitration legislation was quite useless and should never have been placed upon the statute-book. He would like to see it abolished. If we went on as we were doing it would be useless to build agricultural railways, because the agricultural industry would shortly be closing down. It was well that we had another place to deal with tyrannical measures, such as this.

The CHAIRMAN: The hon. member was not in order in referring to measures passed by this place as tyrannical.

Mr. HARPER: He would withdraw, but that was his opinion of it.

The CHAIRMAN: The hon. member would be required to withdraw unqualifiedly.

Mr. HARPER: The withdrawal would be made accordingly, but he desired to emphasise the point that Western Australia now had only one industry which could bear the burden of taxation. In his opinion this was a most iniquitous measure.

The CHAIRMAN: The hon. member was not in order in referring to the Bill as iniquitous. No resolution or clause of a Bill passed by the Committee, could be referred to in such terms. He would ask the hon. member not to refer to it in such terms.

Mr. HARPER: Again he would withdraw. He did not know how to express his opinion in sufficiently forcible yet permissible language. The country should have some chance of going ahead, and the people in the agricultural areas should not be submitted to the same conditions as those on the mining fields. If such conditions were imposed, the industry to which we were looking to pull the State through would close down. Arbitration in every country had proved a fallacy. In New Zealand during the last six years there had been 66 strikes although compulsory arbitration had been the law.

Mr. Green: Nothing of the kind.

Mr. HARPER: New Zealand had the most advanced legislation, and a year or two ago 7,000 farmers were brought before the court for breaches of the Arbitration Act.

Mr. Green: You said that was on account of leasehold the other night.

Mr. HARPER: The hon. member did not know what he was talking about. The amendment should be accepted. No good could come from opposition. It would be almost impossible to continue farming if the clause was enforced. No Act of Parliament could make people work if they do not wish to. The people in the agricultural districts did not want to be humbugged by a court that did not and could not possibly understand the conditions. To stipulate hours and conditions would be out of the question.

Mr. S. STUBBS: It was his hope that wiser counsels would prevail with the Government. As a representative of an agricultural district, he was certain that the area of land under cultivation would be greatly restricted if the Committee rejected the amendment. There had been no agitation on the part of a very large majority of the men engaged in the agricultural industry for this legislation.

Mr. Green: That is because they are not organised.

Mr. S. STUBBS: Ninety-nine out of every hundred persons who applied to an employer of labour in the agricultural areas wanted work on contract. They did not ask to go on wages. They wanted to earn as much money as they could, and they did not work eight hours but they worked ten, twelve, and fourteen hours a day, and some of them earned £4 a week. They did not ask for this legislation. He agreed with the remarks of

the member for Pingelly (Mr. Harper) which had been withdrawn.

The CHAIRMAN: Order! The hon. member was not in order in referring to a remark which had been compulsorily withdrawn by saying that he thought exactly the same. A remark reflecting on any motion or question passed by the Committee was highly disorderly, and he could not countenance a member getting up and deliberately saying that he thought likewise because that also was highly disorderly. He asked the hon. member to withdraw.

Mr. S. STUBBS: Then he would withdraw the remark, but the vast majority in the agricultural industry would agree with what had been said. If he had to withdraw that, he would do so, but it was true all the same.

The CHAIRMAN: Order! If what the hon. member stated was said outside this Committee he had no control, but he would allow no reflection to be cast on any question already passed by the Committee or the House.

Mr. S. STUBBS: The opinion outside the House was that this legislation was unnecessary. Would that be in order?

The CHAIRMAN: The hon. member would be called to order when he got out of order.

Mr. S. STUBBS: If the Government desired to hamper the agricultural industry they were going the right way about it by endeavouring to place on the statute-book legislation that had never been agitated for except by a few people.

Mr. Hudson: Bookmakers do not agitate against betting.

Mr. S. STUBBS: That was a logical argument. His constituents included 1,000 farmers and 950 would agree that there had been no agitation in any part of the agricultural districts for such legislation. The Committee should agree to the amendment.

The ATTORNEY GENERAL: It was surprising that two representatives of an agricultural constituency should have so little faith in their country and in their industry as to deem it necessary to cast such reflections upon agricultural labourers. What was proposed was to put all labourers on an equality in the eyes of the law. That being so the hon. member lived in a wrong age. He should have lived in the time when the lord owned his peasant body and soul and claimed him as an appendage to his household and when he sold his property sold the peasant with it.

Mr. S. Stubbs: Rubbish.

The ATTORNEY GENERAL: The hon. member's remarks were rubbish. What were members afraid of? Were they afraid that if there was any dispute among agricultural labourers they would go to the Arbitration Court?

Mr. Harper: Arbitration is a farce anywhere.

The ATTORNEY GENERAL: It would be if the interpretation of some members of the Opposition was correct. In their arguments they had shown no sense of fairness or justice.

Mr. Harper: You cannot mention where they abide by it.

The ATORNEY GENERAL: What could be expected if we had such masters exhibiting such a disposition towards the men, treating their rural labourer as if he was something outside of flesh and blood.

Mr. Harper: I treat my labourers all right.

The ATTORNEY GENERAL: Not in sentiment. He would do the hon. member this justice, that in his heart and emotions he had a sense of fairness and a spirit that would do kindly justice to his fellowmen when it did not involve the financial aspect. Under the Bill as it left this Chamber these people were not mentioned, and as it was returned to the Chamber the stigma was cast on the labourers of the agriculturists and pastoralists. All others might have the benefit of the Act, the seamen and even the domestic servant, but the rural labourer was to be out of the pale of the law. That was what he objected to. Was there to be a distinction in the classes of labour?

Hon. J. Mitchell: The agricultural worker is the freest worker in the land to-day.

The ATTORNEY GENERAL: Then he should be kept so. He should have the freedom if a dispute arose to enter into every court of the land. The amendment would deprive him of some of the benefits which his fellow labourers enjoyed. If members of the Opposition were fair and just they would put him on the same footing. That was all which was asked. He could understand the objection of the member for Wagin when he said that arbitration was such a bad thing, but there were those who believed arbitration had virtues, had done some good, had settled many disputes and had brought lots of men to better understandings with their employers. Give to each one a fair chance and fair play. The hon. member by his constant interruptions and unwise ebullitions of temper was only displaying the fact that he was unconscious of the real spirit of the times in which he lived. The time when men could be kicked and buffeted and could be sacked at a moment's notice, the time when they could be treated as chattels, had passed.

Mr. Harper: On a point of order, was the hon. member in order in using that language? He (Mr. Harper) understood the position thoroughly, and he wanted to inform the House——

The CHAIRMAN: What was the point of order?

Mr. HARPER: The Attorney General stated that he (Mr. Harper) did not understand the Arbitration Act. He maintained that he did.

The CHAIRMAN: There was no point of order in that. The hon. member must resume his seat.

Mr. HARPER: What he wanted to tell the House was that he had employed men in Western Australia for twenty years, and he had always treated them well, and had absolute proof of it.

The CHAIRMAN: There was no point of order, and the hon. member must resume his seat.

Mr. HARPER: But the Attorney General reflected on him by saying that he did not know what arbitration meant, and that he was incompetent to judge.

The CHAIRMAN: There was no point of order in that. The Attorney General might have thought that that was so.

Mr. HARPER: The Attorney General might have thought it, but he said so as well.

The ATTORNEY GENERAL: The hon. member should not feel offended because there was no ill-feeling or spite or malice towards the hon. member. All he had was a feeling of compassion to think that in the twentieth century there were those who had the cast iron ideas of our ancestors who believed that there were a certain number of people born to rule the earth, and another kind of people to be hewers of wood and drawers of water. The better we treated the worker all the world over, the more prosperous would the world become. If we treated these people as men and as our equals, we would become better served, get more profit from the land, and so would the land become more fertile and more prolific. All this would come about when we recognised the rural labourer as our fellow, and as our brother and comrade. If we did that, we would get all the good that a man could give to another. In moving that the amendment be not made, he protested against the shame that was cast against the rural worker by specially mentioning him for exemption. The rural worker had not been mentioned in the original Bill. He had been left out because it was thought that all men were equal and could be treated on an equality. When the Bill reached the other place, the rural worker was specially selected as the person to be branded forever as not fit to participate in the blessings of arbitration.

Hon. J. MITCHELL: The agricultural worker was a freer man than the Attorney General himself. No class of men in Western Australia to-day was more sought after. The experienced agriculturist could get work at hundreds of places.

Mr. O'Loghlen: At what wages?

Hon. J. MITCHELL: At high wages.

Mr. Green: 15s. a week.

Hon. J. MITCHELL: The hon. member might pay 15s. a week, but he (Mr.

Mitchell) paid men a long way better than the member for Kalgoorlie was ever worth.

Mr. Green: What do you pay your Chinamen?

Hon. J. MITCHELL: The hon. member had been already informed that, whilst he (Mr. Mitchell) kept clear of Chinamen, the hon. member ate their vegetables. The Attorney General could be assured that the agricultural workers were absolutely free, and they were free because they were sought after. There was no need for them to approach the court.

Mr. O'LOGHLEN: As one who had travelled in the agricultural districts, he claimed to know as many agriculturists as hon. members who had spoken. What pleased him was the fact that the Attorney General was sticking to the original measure. A few hackneyed arguments had been heard from members of the Opposition who claimed to represent the agricultural districts, but the House had to consider whether logical arguments had been advanced as to whether the Bill should differentiate between the workers in the State. If any workers had a right to the benefits of a measure such as this, it was the rural workers. Why should not they have the right to approach the court?

Mr. Monger: Because they would not be able to work under contract.

Mr. O'LOGHLEN: There would be nothing in the measure to prevent the men working at contract rates. A circular which had been published in the provincial journals signed by a Mr. Monger as President of the Farmers and Settlers' Association pointed out the dire calamity that would happen if the Bill was passed.

Mr. Monger: I have not seen any contradictory arguments against it in any of the papers.

Mr. O'LOGHLEN: Perhaps they dealt with this gentleman as they dealt with most of the clan; they did not take him seriously. If we were to give assistance to the rural workers, we should carry the povision as outlined by the Attorney General. To-day the Federal Arbitration Act was prepared to give recognition to these men's claims, and if we refused under our industrial laws to allow them to participate in these benefits, we would be driving them to the place where they could get registration. Which was preferable?

Mr. Harper: I should say the Federal.

Mr. O'LOGHLEN: Notwithstanding what had been said by the members for Pingelly and Wagin, even if the rural workers had no organisations to speak for them, was not that all the more reason why this Bill should give assistance to those who needed it most. There was to-day a union of pastoralists which was working on a colossal scale. It had 60,000 members and a bank balance of £50,000. Hon. members knew that for ten years the workers had been appealing for an amendment of the Act so that they could approach the court, but notwithstanding that the hon. member sat behind the Government all that time no genuine effort had been made to alter the Act so as to bring it into conformity with public opinion and give the workers an opportunity of approaching the court. Unions had had their funds depleted and had been beaten back time and again owing to technicalities.

Mr. Monger: Name one industry.

Mr. O'LOGHLEN: The tailoresses and the shop assistants could be instanced. The pastoral industry had gone ahead and, working under awards given by the Federal Arbitration Court, was as prosperous to-day as ever before. The workers had been able to build up that industry. The member for Pingelly had condemned arbitration, but what alternative had he to offer?

Mr. Harper: Give them plenty of work.

Mr. O'LOGHLEN: The desire was to see that the conditions and wages attaching to work were fair and reasonable. His experience of a great number of farmers in the country was that if they were prepared to pay a fair wage they could get good employees, but what could we expect from a number of farmers who expected good men at absolutely the lowest price they were called upon to pay? There were at least four members of an-

other place who employed farm labourers on a large scale and said that the majority of men coming to them for work were not worth their tucker. Whether those men were inferior labourers or not, they had wives and children to keep, and if they were given employment they should receive a wage which would enable those wives and children to be decently kept. If they were not competent to give the farmer a decent return for his wage then he should try to get better men. The Labour Bureau was constantly receiving requests from farming districts for good men at from 15s. to 25s. a week and good harvest hands received up to £2 a week.

Mr. Harper: They may be new chums.

Mr. O'LOGHLEN: Were we always to take advantage of the new chums? The member for Northam (Hon. J. Mitchell) had said that the court could not be taken advantage of by the rural workers because they had no union and were too satisfied with their present freedom to desire to form a union. If the Act was not to apply to rural workers why was there so much trouble about agreeing to this proposal?

Mr. Monger: Do they want it?

Mr. O'LOGHLEN: The rural workers did want it. The only reason which the hon. member could give against extending the provisions of the Act to the rural workers was that the agricultural industry could not stand the strain. The workers had to have a union before they could approach the court, and the member for Northam said there was no union in existence to-day, and there was not likely to be one.

Hon. J. Mitchell: I did not say there was not likely to be one.

Mr. O'LOGHLEN: The inference was that they were so satisfied that they would not form a union. Suppose they did form a union, they would, according to the hon. member's statement, be weak both financially and numerically. Against them would be the landed classes of Australia, who, whether they were new or old settlers, were in a better position to marshall their statements, analyse their facts, and put them in a clear and convincing manner before the president of the court, who was to be a judge of the Supreme Court entirely apart from parties. If the president was not to be trusted to give a decision based on the evidence a bigger reflection was being cast on the judge than this amendment would cast on the farmers. The amendment meant that the farmers were afraid to face a cross-citation by the rural workers. Two hon. members had said that if the measure was applied to the farming industry, the industry would be crippled.

Hon. J. Mitchell: If that log was applied to the industry it would shut it up.

Mr. O'LOGHLEN: There was no union in existence to put forward a log, and no log had been ever granted in its entirety by a court. The practice was for the workers to put in for a higher rate of pay than they were prepared to accept and for the employers to offer a lower wage than they were prepared to pay. The man who put forward a log and said that was going to be a common rule was talking nonsense. If the amendment was disagreed with and rural workers were brought under the Act, they would have to put their claim before the court to be refuted by the other side, and would any one say that the strongest party would not be the farmers? The farmer who was afraid to place his case against the rural workers in the hands of a judge of his own country had a very poor case to place there. As to the general indictments of arbitration and the ill effects that had followed the working of the Act in this State, we need not take much notice of those remarks, because it was admitted that whilst there might be difficulties and breaches and evasions of an award, the Arbitration Act, if it would only prevent one strike justified its existence on the statute-book of any country. Those who condemned arbitration and yet brought in no measure that would meet with the aspirations of the people had no alternative to offer but a wild raging strike.

Mr. Harper: Introduce wages boards.

Mr. O'LOGHLEN: Wages boards had proved a failure and even in South Australia a Liberal Government was intro-

ducing an Arbitration Bill. Much was said about the virtues of a round-the-table conference, but four representatives of the employees sitting at a table with four representatives of the employers found their independence sapped to an extent that they were not free to speak strongly for their fellows because they knew the result that would follow. The arbitration system was much better where we had an independent judge and representatives of both parties. After all, when a wages board without the extensive and comprehensive powers that an Arbitration Act conferred, gave such low awards as had been given in South Australia and Victoria, that was sufficient to condemn the system. The chairman of a wages board had not the right to take into consideration anybody but the worker, but surely the wives and children of the workers were entitled to some consideration. What alternative was offered by those members who said that arbitration had proved a failure? This conflict of opinion was going on in all lands, and was it not better that we should in the light of reason and experience avoid the pitfalls of older countries by getting a measure which would have the confidence of those who sought its provisions, whether they were masters or men? Admittedly there had been failures in connection with the working of the Arbitration Act. In the old country we found the masters organised on the one hand and the men organised on the other, and there was nothing but coal strikes, shipping strikes and dock labourers' strikes, and strikes in the manufacturing industry. Speaking with a knowledge of what might happen in Western Australia unless some adequate provision was made to cope with it, he knew that the position was really serious. He represented a strong industrial electorate and knew the position in that electorate. For five years the timber workers had kept on working under an agreement absolutely useless to them and under great disadvantages compared with their fellow workers in other industrial enterprises, and after keeping the wheels of industry running smoothly for so long, they were told by some hon. members that they were not to have a Bill that they could take advantage of, that they were not to have anything like a fair deal in approaching the Arbitration Court. Every other industry was drawing 9s. a day, but simply because these men were acting honourably their minimum was 8s., and if some members had their way they would have no alternative but to appeal to the tribunal not of the Arbitration Court but of public opinion. It was said that arbitration had failed, that no effort of Parliament would make a perfect measure, that we would cripple the industries, and that the Act had become a farce. Who had helped to make it a farce? When the Act was passed 10 years ago it was an experiment, but it must be admitted that in scores of instances troubles had been avoided in consequence of the existence of the Act, imperfect as it was; and though the president of the court was pointing out its inadequacies, and how impossible it was to administer it, yet the party recently in power made no attempt to get an amendment through.

Hon. J. Mitchell: You will get a good Bill.

Mr. O'LOGHLEN: One could not be so optimistic. The responsibility, if the Bill failed, would not lie on the shoulders of the Government and the men who knew the difficulties they had been grappling with for many years, and who came to Parliament with a direct mandate from the people to bring about reform in industrial legislation. The Minister should give way on very few points in regard to this Bill. We should send it back to another place again as representing the views of men sitting on the Government side.

Hon. J. Mitchell: We are near Christmas you must remember.

Mr. O'LOGHLEN: Just so, and many workers in the country were thinking of Christmas and wondering what the prospect was. The Bill should go to the other Chamber again as representing the views not only of members on the Government side but also of the overwhelming body of electors. The party were going to stand or fall by the Bill and take the responsibility for it.

Mr. Monger: I am glad to hear that.

Mr. O'LOGHLEN: Members were not so irresponsible as the member for York. The Bill should go back to the other House with the hall mark of the approval of members on the Government side.

Mr. Monger: Has the Attorney General told us that?

Mr. O'LOGHLEN: Undoubtedly. Members were prepared to take the responsibility for the measure and to advocate all its worst provisions as well as the best, and they were prepared to see that the penalty clauses would be enforced. No member would assist any movement to commit a breach of the Act. They did not wish an opponent to say, "This is an arbitration measure; abide by its provisions," and yet not allow the men to mould it according to their requirements. The party supporting the Bill wished to see the industries expand and grow, and to see that the workers enjoyed fair conditions. It was possible to bring about such a state of affairs and prevent disastrous industrial strikes and conflicts such as those going on all round us. The clause should not be amended as the Council desired. It would give the rural workers the opportunity of making their positions in life a little better than to-day. The shearers under the A.W.U. award were working under good conditions and were building up their industry to its further expansion, and similarly the organisation of the rural workers would mean the establishment of a better class of rural workers. Men would be attracted to the industry by the better conditions of work, and the farmer would get a good return for the money. The idea of the party was to see the farming industry flourish and move along.

Hon. J. Mitchell: Has not the agricultural worker the right to go to the Arbitration Court now?

Mr. O'LOGHLEN: No. If we allowed the rural workers to approach the Arbitration Court they would have confidence in a State institution rather than try to go to the Federal tribunal, and they would have a better chance of getting their grievances settled in a court understanding local conditions. Then we would get a better class of agricultural labourer, and the agriculturist would in time thank Parliament for putting the industry on a fair and reasonable footing and giving the agriculturists the chance to progress.

Mr. A. E. PIESSE: While seeking to bring about legislation for the control and settlement of disputes in various industries, it was very difficult to put up any argument why a special industry should be exempted, unless there were some principles underlying the measure which might be strenuously objected to. Not only in one industry but in regard to all industries, there were principles underlying this measure which were of compulsory character and which, if applied to the agricultural industry, would cause serious trouble. He saw no reason why the agriculturist or worker in the agricultural industry should not be brought under the operations of an industrial settlement Act. Some objections were raised in another place that we were legislating for troubles that might happen. There was no dispute at present, and there never had been a dispute of a serious character in the agricultural industry, and it was only to be expected that farmers viewed with some alarm the bringing of the rural workers under the operation of the measure. It was made compulsory for every worker to become a unionist. That was the principal objection from an agriculturist's point of view.

Hon. W. C. Angwin (Honorary Minister): The Bill does not compel every one to be a unionist.

Hon. A. E. PIESSE: Practically it did. There was no getting away from the fact underlying the Bill that it was one of compulsion. Why should the agricultural labourer be forced into a union? The whole of the measure provided for preference to unionists, for if we are going to adopt this principle we would be compelling every person engaged in the industry to become a unionist. That was the main objection he had to agriculturists being brought under the operations of the Bill. We had heard a good deal of the manner in which agricultural labourers were treated, and we had been told that they were paid as low as 15s. a week. Pro-

bably there was no industry in the State which had such a variety of work to offer as that of agriculture. Lads growing up in the country were eager to gain experience and, in consequence, were ready to accept a low wage for a start. He had no objection to any body of workers forming themselves into a union with a view to improving their conditions, but he objected to those who knew nothing about the industry attempting to regulate it. In Victoria to-day there was an agitation afoot to bring all the rural workers under the Federal Arbitration Act. He would be sorry to see any of our industries brought under the Federal Arbitration Act.

Mr. Heitmann: Why?

Mr. A. E. PIESSE: Because we here were in a very much better position to understand the peculiar conditions of the State. There was no dispute or likelihood of a dispute in the agricultural industry at the present time. He did not object to the agricultural worker being brought under a measure of this kind, but he certainly objected to the underlying principle giving preference to unionists.

Mr. Mullany: Then your objection is political and not industrial?

Mr. A. E. PIESSE: The two were so closely connected that it was difficult to differentiate. However, he strongly objected to agriculturists being forced into a union without an opportunity of being able to make their own terms. We had nothing to fear in regard to agriculture. He did not desire it to go out to the world that the industry would be crippled if it were brought under industrial legislation; but to allow some of the principles of this measure to pass would be to bring serious trouble on the agricultural industry. Awards would be made which would seriously retard the industry. He could not support the amendment in its entirety, but he would vote for it for the same reason as he would vote against other principles in the Bill.

Mr. S. STUBBS: The remarks which had fallen from the Attorney General would lead the public to believe that he (Mr. Stubbs) was one of those generally termed sweaters. In his opinion the industry would be crippled by the introduction of legislation such as this. He firmly held that everybody in every industry should get a fair day's work for a fair day's pay, and if the Attorney General could assure him that the agricultural industry could afford to pay 1s. 3d. or 1s. 4d. an hour for eight hours a day he would be prepared to listen. It was to be remembered that if wages were raised the farmer could not secure an equal rise in the price of his commodity. The agricultural industry would get a serious set-back if the amendment were not made. If the principle underlying the Bill of forcing everyone into a union was adopted, and if, after forming a union, the men decided that their wages must be increased, the industry would receive a serious blow.

Mr. Price: Would it necessarily follow that wages would be raised in the agricultural industry as a result of the passing of the Bill?

Mr. S. STUBBS: A certain number of men were traversing the agricultural districts endeavouring to form branches of an industrial union.

Mr. Hudson: The Liberals are trying to do that to-night in Perth.

Mr. S. STUBBS: The prices received for the produce of the agricultural industry were ruled by London. If it was going to cost 3s. to raise wheat in future and the London price was 3s. 6d. the industry would get a serious set-back. Was it the desire of the Government that the agricultural industry should be thus hit? At harvest time the employees could command 9s. for eight hours, with overtime added, and that was about all the industry could stand. In the best interests of the agricultural industry the Committee should agree to the amendments made by the Legislative Council.

Mr. HARPER: The Arbitration court created a bad feeling between the employer and the employee. Both parties went into open court and gave exaggerated evidence. The fact that the court was to fix the rate of pay for the varying conditions which prevailed in the agricultural industry—

Mr. B. J. Stubbs: Was the hon. member in order in discussing as he was doing arbitration generally.

The CHAIRMAN: The member for Beverley was about to allude to the conditions in the agricultural industry.

Mr. HARPER: It was not so much a matter of wages but the difficulty which would follow a decision of the Arbitration Court in connection with the payment of the varying rates which would have to be fixed for the different kinds of labour performed. In one day a farm labourer might have four different occupations, and it would be difficult for the farmer to keep a record of all those so as to give proper pay afterwards. He (Mr. Harper) employed men long before Arbitration Courts were thought of and both sides always lived on amicable terms, and even to-day he would prefer to employ men under the old conditions. In connection with agriculture the Arbitration Court might fix different rates for the different work and compel the farmer to keep a proper record of the hours worked.

Mr. Heitmann: Are you in favour of arbitration?

Mr. HARPER: No.

Mr. Heitmann: I heard you say on the platform that you were in favour of arbitration and unionism.

Mr. HARPER: The hon. member was making a mistake, but that did not matter. He did not believe in arbitration for agricultural labourers. He did not mind the wages that the Arbitration Court might be likely to fix, but what he objected to was the technicalities that would have to be observed by the farmer. The position in fact would be full of difficulties and neither side would be satisfied with regard to the records kept. It was bad enough in regard to mining, but on the mines there were always time-keepers to look after these things, and moreover the work was not so difficult or so varying as in connection with the agricultural industry. The Committee should see the necessity for carrying out the clause as amended by the Legislative Council.

Mr. A. N. PIESSE: There was some justification for the amendment made by the Legislative Council, because he failed to see how agricultural labourers were going to derive any benefit. There was no discontent among them, they were satisfied to-day, and in proof of that we had only to remember the failure of those who recently tried to organise a rural workers' union. If we asked ourselves what prompted these efforts we could not shut our eyes to the fact that the sole object was the desire on the part of the organiser to get himself into Parliament. That man failed in his work and that was proof that there was no justification to carry out the desires of the Government. He failed to see how it would be possible to adjust the working hours of farm labourers. Many farmers were away 14 or 15 miles from a railway, and if they sent out a loaded team, an eight hours' day could not be fixed for that particular class of labour. The same argument applied to droving. If eight hours were fixed for that occupation that would be the end of the industry.

Mr. Turvey: Who said they were fixing eight hours?

Mr. A. N. PIESSE: That was what the log set out.

The Attorney General: Your dreams have as much relation to this amendment as the log has.

Mr. A. N. PIESSE: This log had been published throughout the State. There was a union of rural workers in the Eastern States, but an attempt to form one in this State had failed. The Minister should be satisfied with half a loaf and agree to this amendment.

Mr. Foley: If we do there will be no bread at all.

Mr. A. N. PIESSE: Bread was plentiful at present, but if the Minister insisted on defeating this amendment bread would be scarce. It would certainly be scarce if the rural workers' union succeeded in bringing about an eight hours' day in the farming industry, because the industry would not be able to stand it.

Mr. NANSON: All the evidence available showed that the agricultural

worker in this State did not wish to be brought under the Act. The Trades' Hall had strained every nerve to form a rural workers' union, and had failed. If there was a powerful union of the agricultural workers in existence this question would not have been debated at any length, but if a fractional number of workers, perhaps the bare statutory number of 15, formed a union, it meant, if the agricultural labourers were brought under the Act, that these 15 workers could go before the court and obtain an award that would be binding not upon themselves only, for no one would object to that, but on every rural worker throughout the length and breadth of the State. In all States of the Commonwealth there came a condition of things when employment became scarce in town, and a number of city workers and those previously employed by the State went into the country districts and were glad to obtain employment from the farmers, even though they were destitute of agricultural experience. An award made by the Arbitration Court would be one which would fix the wages for the competent worker, and if we were going to tie down the farmer in no instance to pay less than he would pay to the competent worker, the net result would be that this avenue of employment in bad times would be entirely closed to a large number of men to whom in times past it had been of the utmost advantage and benefit. There was no objection on the part of the farmer to paying a fair rate of wages to competent agriculturists, but were we going to shut our eyes to the fact that there was a very considerable proportion of men in country districts who were learning their business, and for the first few months of the time they were with their farmer-employer might not be worth the current rate of wages for agricultural labourers? It would be an exceedingly difficult matter so to fix an award as to provide for this class of labourer, and if no practical provision could be made, the net result would be not to increase employment, but rather to diminish it in agricultural districts; and whilst that would be to the disadvantage of the worker it would also be an enormous disadvantage to the country at large. Hitherto the operations of the Arbitration Act and the awards under it had been, with very few exceptions, applied to industries which were able to pass the burden on to the consumer. It might be argued that the great pastoral industry, in which the workers were highly organised and which paid a very liberal rate of wages to its employees, was not an industry which could pass the burden of increased wages on to the consumer in other parts of the world.

Mr. B. J. Stubbs: Can gold-mining pass it on?

Mr. NANSON: No, and that was why the present position at Kalgoorlie was so serious. Only to a limited extent could the pastoral industry pass on to the consumer the burden of high wages. The pastoral industry stood in a peculiar position. Australia had practically a monopoly of fine wool; no other country had the enormous natural advantages for the growth of merino wool, or could produce it of equally good quality. Employing relatively to the output an exceedingly small amount of labour, and given good seasons, it was possible to pay a very liberal rate of wages, and this had never been grudged by the employer who in this State had fixed the rate of wages by agreement with the employees without recourse to the Arbitration Court. But the agricultural industry involved an altogether different state of affairs. There was no large margin of profit for the wheat grower. He was threatened on every side with an increase of burdens, and although he had no objection to paying a fair rate of wages, he viewed with considerable uneasiness the adjudication of wages in his industry by a body that could not possess that close and intimate and practical knowledge which he and his employee had. There was validity in the argument that when the employer and employee had got on perfectly well for 10 years without any trouble, and when an endeavour had been made to form a union it was an entire or a virtual failure, it might well be argued that there was no desire on the part of the

agricultural worker to be brought within the provisions of the Bill; that he preferred to do his bargaining on his own behalf, that he obtained greater freedom of action and more elasticity in regard to the terms of his employment and the amount he could earn and also had greater ease in obtaining employment. A man might go to a farmer and be totally destitute of farming knowledge and he was able to bargain with the farmer as to whether his services were worth remunerating at a certain wage. But if the agricultural worker was brought under this law it would be practically impossible for that class of worker, of whom there was a large number in the country districts, to obtain employment. The right of private bargaining would be taken from him. While admitting that he was there to get experience, he would not be permitted to accept a lower amount of wage than an award would give him, and therefore the result would be that employment in the agricultural districts would be more difficult to obtain and the productiveness of the country would be considerably lessened. If there was one thing more than another that was calculated to bring the whole fabric and structure of compulsory arbitration into disrepute it must be dragging into the law persons who did not wish to be brought under its provisions. He would be the last to offer any opposition to bringing agricultural labourers under the measure if it could be shown that there was a reasonable desire to be included, but the evidence was so enormously in the other direction and what would be the consequences in this country if purely on theoretical grounds legislation was passed compelling the agricultural worker to accept an award.

Mr. B. J. Stubbs: Where is the compulsion?

Mr. NANSON: The whole of the Bill was compulsion. Was it not a compulsory Arbitration Bill? Did the hon. member know what he was talking about? A worker was denied any justice under the measure unless be belonged to a union. There was nothing but compulsion all through the Bill and what was the consequence of this principle of compulsion? What was the consequence of endeavouring to drive men into unions? We saw the consequences in New Zealand. In one town there was practically civil war. Workers who did not wish to be in a union found that they were subjected to the taunts and the assaults and other provocation on the part of the unionists, and at last, denied ample protection from the law, they took the law into their own hands and showed that instead of the unionists being in the majority they were considerably in the minority, and that so far as physical force was concerned, when not backed up by explosives and revolvers, the unionists were no match in point of numbers or courage for the non-unionists. If the agricultural worker against his will was to be dragooned under this law, and if he found that avenues of employment now open to him were closed because of awards under this law, would he be prepared to quietly acquiesce in that state of affairs? Members of the Labour party were sowing a wind and ultimately, no doubt, would reap a whirlwind. The avowed object of that party if we could judge by the opinions frequently expressed in their official organ, *The Worker*, was to create animosity between employer and employee, and again and again the effort had been made to create animosity between the agricultural worker and the farmer. Although these two classes, the farmer and his employee, had lived in the utmost amity for years past, yet persons not connected in any way with the industry, with funds not supplied by the workers in that industry, had gone out into the agricultural districts and tried to prove to the workers that the farmer was no friend of theirs, that if they were to get their rights it could only be by believing that the employer was their enemy and that there was no community of interest between the employer and the employee. It was largely because there was at least one industry remaining in this State where these feelings did not exist and where there was the utmost good will between employer and employee and where,

despite every effort to create ill-feeling, that effort had failed, that members representing agricultural constituencies were unwilling, when there was no wish on the part of the agricultural worker to come under this measure, that he should be dragged into it. It was useless for the Attorney General to talk about liberty when the Bill denied liberty to the individual and when it wished to take away from the agricultural worker the liberty to-day enjoyed by that worker.

Mr. ALLEN: Anything likely to retard the progress of the agricultural industry should be entered on with very serious reflection. That there was harmonious working between the farmer and his employees was shown by the failure to form unions among agricultural workers. That harmony should not be impaired. Far too much was being done to form unions and create strife and ill-feeling between employers and employees, and it was being done by agitators with the idea of securing remuneration as union secretaries. The prosperity of the State depended upon the agricultural industry. Anything that would retard the industry should be approached with great consideration and avoided on every possible occasion. The better conditions of to-day had been brought about by the efforts of Liberalism and not by the Labour party. Of course the fate of the question before the Committee was sealed, no matter how long it was debated.

Mr. MONGER: Early in the evening the Attorney General had been appealed to to make the mild amendment suggested by another place, but the member for Forrest (Mr. O'Loghlen) had since told us of the mandate of October, 1911, and had said, "We are going to carry this Bill, and if we do not we are going to the country." It reminded one of the eloquent address of the Attorney General at Esperance a few months since where he said, "We are going to reintroduce that legislation"—or words to that effect—"We are going to reintroduce that illegitimate legislation we attempted to foist on the people of the State during last session, and if it is not carried in its entirety we are going to disband the Legislative Council and will go to the country."

The Attorney General: That is not correct.

Mr. MONGER: It was to that effect that the Attorney General spoke. One could never hope to express himself in the actual language of the Attorney General, but could only give the gist of the remarks. Was the expression of the member for Forrest to be taken as a threat? Was that hon. member empowered by the Government or by those who so frequently met in one of the committee rooms of the House to say, "We are going to carry this measure in the way we desire irrespective of what another Chamber may desire." If that be the interpretation of the remarks of the Attorney General and the member for Forrest, he (Mr. Monger) would see that some of the vital portions of the Bill were slightly altered so that the promise of these hon. members might be given effect to and we might have an early appeal to the country.

Mr. Price: Why do you misquote the member for Forrest?

Mr. MONGER: The amendment requested by the Legislative Council was a very reasonable one. We recently had before us the Shearers' Accommodation Bill; and though the member introducing the Bill assured us that the pastoralists required nothing more than was embodied in his Bill, he accepted every amendment requested by the Legislative Council and thanked another place for passing the measure. The member for Cue (Mr. Heitmann) had gone through the farming electorates. He did not know whether the hon. member was pleased with his reception. After months of attempts on the part of the members for Cue and Forrest, and other members on the same side of the House, to form a rural workers' union, what was the result? It was a defunct organisation.

Mr. Heitmann: I am sorry to say I had nothing to do with it.

Mr. MONGER: Hon. members opposite had agitated and advocated for assistance for that organisation but

without result. He advised the Attorney General to accept the Legislative Council's amendment and so facilitate the passage of the remaining amendments.

Mr. TAYLOR: The moment any legislation was brought down to make the conditions of the employees in the pastoral or farming areas better than they were, they were opposed tooth and nail by members of the Opposition. Any legislation to improve the position of the employer by voting large sums of money to the Agricultural Bank however, was supported by all sides. The member for York accused hon. members of stumping the country in the hope of organising a rural workers' union; the speeches which had been made in the Chamber more than justified the stimulating of the workers to protect themselves against their representatives in the Legislative Assembly who wanted them excluded from the provisions of the measure.

Mr. Nanson: They have had this provision for ten years and have never availed themselves of it.

Mr. TAYLOR: The member for Northam was afraid that his employees would go to the court and expose the injustices to which they were subjected. The Attorney General, it was to be hoped, would not accept the conditions submitted by another place.

Mr. NANSON: The last speaker had not accurately represented the reasons advanced by the Opposition for supporting the amendment from another place. The main ground for this support was that the agricultural worker had no desire to join a union.

Mr. Taylor: This will not compel him to do so.

Mr. NANSON: There were several thousand agricultural workers in the State, and provided that out of that number 15 could be found to form a union, those 15 could then go to the court, get an award, and all the other workers would be bound by that award equally with the employers. We had had a great deal of general talk from the last speaker as to the tyranny under which the agricultural labourer laboured. But there was no evidence whatever of discontent on the part of the agricultural workers. All the available evidence went to show that the agricultural worker did not wish to be brought under the Act. Every effort had been essayed by the Trades Hall organisation to make the agricultural labourers discontented, but the result had been an abject failure. A number of paid agitators, whose business it was to foment discontent, had used their utmost endeavours among the agricultural labourers, but without success. Was that not convincing evidence that the agricultural worker had no wish to be brought under the Act? Moreover, we had had hon. members going through the agricultural districts and trying to persuade the rural worker that he was an ill-used individual. Those gentlemen who wished to persuade the rural worker that everything was not right with him, had gone into the agricultural districts and endeavoured to form a union, but when the workers came to know the amount they would have to pay out in support of this, that, and the other, in support of the Trades Hall, and the caucus machine, and the agitators, the agricultural labourer had showed fight and preferred to do his own business in his own way. That was what hon. members on the Ministerial side objected to. They did not like the independent man. Their enthusiasm for the agricultural labourer was not worth twopence. They simply desired to get him into the meshes of their political net. What amount of interest had hon. members on the Ministerial side taken in the agricultural labourer until they thought some seats were to be won?

Mr. Taylor: We have tried to improve the conditions of agricultural labourers ever since I have been in the House.

Mr. NANSON: Hon. members had certainly tried to make their own positions better, and they had succeeded. Hon. members had raised the cost of living and generally made employment more difficult. How was it going to benefit the agricultural labourer if that worker had no grievance? All the evidence pointed to the fact that the agricultural labourer was contented with his conditions, with the liberty he enjoyed in making his own terms. What would be the result if the agricultural labourer was to be dragged into this legislation against his will? A

considerable number of the agricultural workers were inexperienced, but had the necessary physical strength, and the desire to become skilled agriculturists. Consequently they made satisfactory bargains with the farmers, and in a few months' time became competent, and so achieved the certainty of obtaining the full rate of wages.

Hon. W. C. Angwin (Honorary Minister): The market for farm labourers is overflooded.

Mr. NANSON: It might be overflooded so far as the inexperienced workers were concerned, but not in respect to experienced men. What would be the market for the inexperienced agricultural labourer if times were to become bad? We had the experience again and again in this State that when employment became slack in the towns a large number of workers streamed into the country and obtained employment on the farms, even though they had no experience, at terms which could only be arranged by individual bargaining between employer and worker. No Arbitration Court could fix those conditions, and if the court did fix an award for competent workers in the agricultural industry, that numerous class of casual workers would be denied the opportunity of obtaining employment in the country at all. With the short-sighted views of the Labour party in regard to capital and labour, instead of employment being made more plentiful in a new country like this it was so frequently made scarcer. Hitherto the agricultural industry had gone along well, as regards both the employer and employee, without this continuous tinkering by legislation. Freedom of contract had had full sway in the agricultural industry, and would anyone say that the agricultural industry and the agricultural worker had not thriven? How many men were there working their own farms to-day who began as agricultural labourers? Any one who would exercise a reasonable amount of thrift had no need to remain all his life a servant, but could, at any rate before the new fangled ideas of the Government in regard to land tenure had been introduced, obtain his own freehold. The great bulk of our farmers were men who had begun as farm labourers in the first instance, and could we have any better example of the advantages of freedom of contract in an industry in which there was no surplus of labour, than was to be found in the agricultural industry? We saw industry after industry being stunted and dwindling away owing to the continual interference of the legislature, and the one industry which was thriving to-day, and which in the last ten years had brought Australia from a condition of depression to one of great prosperity, was the agricultural industry which had never been interfered with by this class of legislation. In those circumstances could it be wondered at that members representing agricultural constituencies were unwilling that the agricultural worker, against his inclination, should be dragged before the Arbitration Court, and that the future of the industry should be endangered to some extent, when in the past all had been well? Why should we embark on a hazardous experiment when the industry was sound, when there was no complaint from the workers, and when the industry had brought to Australia a prosperity which it had not known for many years. When an industry which had hitherto been spared from interference by the political labour agitator was no longer to be spared, were members not justified in opposing this legislation to the last ditch? Although it was hopeless in this Chamber to expect victory they were compelled on this point to enter their emphatic protest. He resented in the strongest manner possible the statements of persons like the member for Mount Margaret that in the stand the Opposition were taking they were actuated by hostility to the worker, instead of being actuated as they really were by regard for his interests. They wished employment to remain abundant in that industry and not to limit it and make it difficult as it has been made in other industries through too much legislation and interference, and too little respect for the individual liberty of the subject.

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

Ayes	.. .. ..	23
Noes	.. .. ..	10
Majority for	..	13

AYES.

Mr. Angwin	Mr. O'Loghlen
Mr. Bath	Mr. Price
Mr. Collier	Mr. Scaddan
Mr. Dooley	Mr. B. J. Stubbs
Mr. Foley	Mr. Swan
Mr. Gardiner	Mr. Taylor
Mr. Green	Mr. Thomas
Mr. Lander	Mr. Turvey
Mr. Lewis	Mr. Walker
Mr. McDowall	Mr. A. A. Wilson
Mr. Mullany	Mr. Underwood
Mr. Munsie	(*Teller*).

NOES.

Mr. Allen	Mr. S. Stubbs
Mr. Harper	Mr. F. Wilson
Mr. Mitchell	Mr. Wisdom
Mr. Monger	Mr. Male
Mr. Nanson	(*Teller*).
Mr. A. E. Piesse	

Question thus passed; the Council's amendment not made.

No. 6.—Clause 4.—Definition of "Worker," add at the end of the definition the following:—"But shall not include any person engaged in domestic service":

The ATTORNEY GENERAL moved—

That the amendment be not made.

Mr. Monger rose.

The CHAIRMAN: Already he had called attention to his determination that after the question had been put he would not withdraw it.

Mr. MONGER: The Chairman had not given time.

The CHAIRMAN: On the other hand he had dwelt upon the question but members seemed to have a desire to wait until the question had been put before rising to speak. If the question had been put it was not competent to withdraw it, and he would adopt that course in future.

Mr. MONGER: The amendment was a reasonable one and he could not understand why the Attorney General took exception to it. If he desired a workable Act this was one of the suggestions which might be accepted. Those engaged in domestic service did not desire to be brought under the definition of worker.

[*Mr. McDowall took the Chair.*]

Mr. HARPER: The amendment would have his support. There was no great agitation for the inclusion of domestics. For some time there had been a dearth of domestics and competent hands could almost dictate their own terms.

The Minister for Mines: They might have their wages reduced.

Mr. HARPER: Where labour was scarce an arbitration award did not apply. Higher rates were being paid even at present than were stipulated under arbitration awards.

Mr. Foley: In what industry?

Mr. HARPER: At Brookton bricklayers were being paid much more than the award stipulated. They had always refused to belong to a union and did not wish to be interfered with and he stood there to defend their rights and privileges. There was far too much interference with the rights of the subject and this was another imposition. Domestics were practically the bosses of their employers. At the present time they could dictate terms and hours and practically do as they liked. In many cases the employer had to do the work because the domestic would not work after certain hours.

Hon. W. C. Angwin (Honorary Minister): We have a lot of girls coming here next week.

Mr. HARPER: And more were required. All who were brought in were rapidly absorbed. At present domestics practically dictated their terms but trades unionists had not created that position. It had been due to the progress of the country. It would be soon enough to bring in a measure of this kind when the necessity arose. Right through the whole chapter of arbitration the diabolical feature of it was the creating of bad feeling between the parties.

Question put and passed, the Council's amendment not made.

No. 7.—Clause 6, Subclause (4), paragraph (a).—Strike out the words "the Court or (if the Court is not sitting)":

The ATTORNEY GENERAL moved—

That the amendment be not made.

This took away the power of the court altogether and left it with the president. At a later stage the Council made an amendment which practically gave all the power into the hands of the president and did away with the assessors. The idea of the Government was to retain the president sitting with assessors, and they therefore could not make the amendment requested by the Council. Later on if there was a compromise and it was necessary to make this amendment it could be done.

Question passed, the Council's amendment not made.

No. 8.—Clause 6, Subclause (4), paragraph (a), line 5—Insert after the word "union" the words "or validate the registration or supposed registration prior to the commencement of this Act of such society as an industrial union":

The ATTORNEY GENERAL moved—

That the amendment be made.

Question passed, the Council's amendment made.

No. 9 (consequential) not made.

No. 10.—Clause 6, Subclause (4), paragraph (a), line 10—Strike out all the words within brackets after "example," and insert "the vocations of clerks or engine-drivers":

The ATTORNEY GENERAL moved—

That the amendment be not made.

Question passed, the Council's amendment not made.

No. 11.—Clause 6, Subclause (4), paragraph (a)—Insert at the end of the paragraph the following:—"or where interests are of a like composite character":

The ATTORNEY GENERAL moved—

That the amendment be made subject to the following modification:—That "where" be struck out and "whose" inserted in lieu.

Question passed, the Council's amendment made as amended.

No. 12.—Add the following subclause to stand as (5):—"The Metropolitan Shop Assistants and Warehouse Employees' Industrial Union of Workers or any other society registered or purporting to be registered under 'The Industrial Conciliation and Arbitration Act, 1902,' may apply to the court or the president for an order validating its registration or supposed registration, and the court or president may make such order as they or he may think just, notwithstanding that such society or union consists of persons who are not all employers or workers in or in connection with one specified industry":

On motion by the Attorney General, the Council's amendment made.

No. 13.—Clause 7, Subclause (1).—Add at the end:—"of which seven days' previous notice specifying the time, place, and objects of such meeting shall have been given":

The ATTORNEY GENERAL moved—

That the amendment be made subject to the following modification:—Add the words:—"Such notice shall be given by publication of an advertisement in a newspaper circulating in the district in which the office of the union is situate and by posting a copy of the notice in a conspicuous place outside the said office."

This would have the effect of making it much more explicit.

Question passed; the Council's amendment made as amended.

No. 14.—Clause 7, Subclause 3, paragraph (b).—Add at the end:—"Such notice shall be given by publication of an advertisement in a newspaper circulating in the district in which the office of the union is situate and by posting a copy of the notice in a conspicuous place outside the said office":

The ATTORNEY GENERAL moved—

That the amendment be not made.

Hon. members would notice that this requested amendment had been made to Clause 7, which was the proper place for it.

Question passed; the Council's amendment not made.

No. 15.—Clause 7, Subclause 4, paragraph (b).—After the word "State" insert "or elsewhere":

The ATTORNEY GENERAL moved—

That the amendment be not made.

There was a principle involved in this amendment. This clause provided that no fund should be paid or applied to assist any person engaged in a strike in the State, and the Legislative Council desired to make this apply to elsewhere as well. We had enough to do to look after our own State to say that we should make it an offence to contribute to funds elsewhere. In this State in the case of a lock-out the parties to the dispute would have a court to approach. We had some justification for saying "You shall not strike, and in every instance you shall pin your faith to arbitration." That was a different thing from saying that we should not help our fellows in other parts of the world.

12 o'clock, midnight.

Mr. NANSON: The amendment suggested by another place would not prevent a person of generous instincts contributing to distressed persons elsewhere. It merely prevented the funds of a union being used for the purpose. If there was a strike in the old country, and if public feeling here ran strongly in favour of the strikers, there was nothing to prevent a public relief fund being opened in Western Australia; but these union funds had been subscribed for specific purposes, and the minority in the union should not be overridden in respect to their disposal.

The ATTORNEY GENERAL: The arguments of the hon. member would apply to the helping of strikers here, as outside the State, if the interpretation of the hon. member was accepted. The unions were ever struggling after ideals, particularly the general betterment of the world, and they were not circumscribed by geographical boundaries in their desire to aid their fellow men. They were bound by the laws of the State, certainly, but those laws did not obtain beyond the State. As the cause of unionism was one, they would be helping their brothers who had not got this Bill if they contributed their funds collected for that purpose. Surely we should not restrict them by declaring that they could not do this with their corporate funds.

Mr. NANSON: The Attorney General argued as if there was always perfect agreement within the ranks of labour as to the rights or wrongs of individual strikes. That was not so. Frequently strikes occurred in respect to which there were strong differences among unionists as to whether or not the strike should be supported, and it was sound policy that the directions in which the funds of a union might be spent should be limited. Otherwise we might find union funds squandered in directions outside the scope of the union, in which case the union itself would suffer. Even if there was a small majority of the members of a union who were endeavouring to alienate a portion of their funds, the minority had certain rights, and surely they were entitled to say, "Those of you who wish to help this particular movement can do so without bringing the funds of the union into it."

The Attorney General: It has always been the practice, all the world over.

Mr. NANSON: What was the limit to this distribution of union funds?

The Attorney General: Common sense.

Mr. NANSON: It was the duty of the Chamber to protect the minority in unions quite as much as the majority, if it could be done without injuring in any way the main purpose of the union.

Hon. J. MITCHELL: The Attorney General should agree with the amendment. It was ridiculous to say that the funds should not be used within the State, but could be sent out for a similar purpose elsewhere. If it was not good to support strikes here it could not be good to support them elsewhere.

The Attorney General: Surely you can make a distinction between this State and a country which has not this Bill.

Hon. J. MITCHELL: It was not fair that we should legislate to make it possible for even the majority of the members of a union to deal with the funds of the union in a way which was never intended by the contributors to those funds.

The ATTORNEY GENERAL: The Bill as it had left this Chamber had simply provided that it should be illegal to assist a strike in this State, and we were making laws only for this State. The Western Australian Parliament could not make laws

for elsewhere. What right had we to restrain the unions from giving sympathy and help to other unions? Surely there was good sense enough amongst the majority in any union to direct them as to the disposal of their funds. He objected to this limitation of the liberty of even the majority to exercise their benevolence towards their fellows outside the State.

Hon. J. MITCHELL: Surely the Attorney General would agree that if the men desired to assist strikers elsewhere they could do so individually, but power was given for 51 out of 100 members of a union to resolve to use the union funds to help people elsewhere against the wishes of the minority.

The ATTORNEY GENERAL: A man in a union, getting the benefits of unionism, better wages, shorter hours, and better conditions generally, who would not help his fellows outside the State, who were struggling for those privileges, was so contemptible as to be unworthy of consideration. There were no unionists of that kind in this State. In connection with industrial matters for the benefit of their fellows, he had scarcely met one man who was not willing to exercise to the utmost his generosity, and encourage others in helpfulness.

Hon. J. Mitchell: What about the strike in New Zealand?

The ATTORNEY GENERAL: That strike had been entirely misrepresented by the Press. The strike had been condemned by the head executive of the unions.

Hon. J. MITCHELL: The amendment was a reasonable one, and the Attorney General had given no reason why he objected to it. If we prevented unions from using their funds to assist strikers in this State how much more important was it to prevent them from assisting strikers elsewhere?

Mr. NANSON: The Attorney General argued as if a minority in a union opposed to sending away funds to assist strikers were actuated by meanness and lacking in ordinary philanthropic motives towards humanity. That argument did not apply. In the case of a recent strike in France a body of workers, who themselves were employers, had been fighting against their worker employees, and in such a case it could not be said to be meanness on the part of the minority to desire to prevent funds being sent away to assist one body of workers against another body of workers. We had a case in this State where the Minister for Railways, himself a worker, was resisting a demand on the part of certain workers to whose class he belonged. There they had an instance of a worker resisting the workers because he considered their demands were wrong. It could not be said that the Minister was a mean man because he objected to voting funds to assist those strikers. A case on all fours with that might occur outside the State. There was nothing to prevent a majority giving assistance outside the State in their capacity as ordinary citizens, but they must not touch the union funds, and that was certainly fair from the union point of view. It was necessary in the interests of the union that the funds should be safeguarded as much as possible so that they might be used for the direct objects of the union rather than for the indirect objects.

The Attorney General: You want to prevent the majority from ruling.

Mr. NANSON: Certainly. In some cases the minority had rights and where it was not a direct object of the union it might be wise to restrict the purpose to which union funds could be devoted. One might as well say that the Minister for Railways as a worker was an absolute tyrant because when he became Minister and an employer of labour he refused to concede to the demands made by the employees, persons who belonged to the same class as himself, and with whom he would be sympathetic if he were sitting on the Opposition side of the House.

Question put and passed; the Council's amendment not made.

On motions by the ATTORNEY GENERAL amendments Nos. 16 to 25 made.

No. 26, Clause 40.—Strike out this clause:

The ATTORNEY GENERAL moved—

That the amendment be modified as follows:—"That the words 'strike out'

be deleted and 'amend' inserted in lieu, and that the following words be added after 'clause':—Provided that before making any declaration under this section in respect of any industry, the court must be satisfied that a majority of the workers engaged in that industry in the locality specified in the agreement are desirous that such declaration should be made, or that the employers of such a majority of workers (being a majority of the employers engaged in that industry in such locality), are desirous that such declaration should be made.'"

Hon. J. Mitchell: Have you copies of your amendment?

The ATTORNEY GENERAL: No.

Mr. Male: Report progress and get copies.

The ATTORNEY GENERAL: No, it was fairly simple. In the event of an agreement it must be at the instance of a majority of the workers or a majority of the employers employing a majority of the workers in that locality. It was only just to make sure it was not a catch movement of the court but was a properly considered proposal.

Mr. NANSON: This was a most important amendment to try to consider under such disadvantageous circumstances. A copy of the amendment should be supplied to members, as it seriously limited the effect of the clause. If we were to take everything the Attorney General endorsed as absolutely safe, members might very well go home. The Attorney General should postpone the most important matters and pass merely formal ones, otherwise debating these things in the circumstances was a travesty on legislative proceedings. One must object to being asked without previous consideration to agree to a proviso so limiting the power of the court. How was it to be ascertained there was a majority of employers or employees?

The Attorney General: Rules will be made.

Mr. NANSON: The whole responsibility for any farcical legislation must be placed on members who endeavoured to secure the consideration of it at this early hour of the morning.

The ATTORNEY GENERAL: There was nothing controversial in this. He had been most patient to-night during the sitting while members had been throwing off fireworks and belching out criticism. We had been getting on very rapidly during the last half hour.

Mr. Nanson: On non-controversial matters we do not wish to have any delay.

The ATTORNEY GENERAL: This was not controversial. The Council had moved to delete Clause 40 and there was nothing complicated about that. He proposed that it should stand.

Hon. J. MITCHELL: It was clear that the clause should be struck out. Either one side or the other might apply to have the common rule made, but what he argued was that both parties should be consulted before the common rule was made. The amendment simply made it possible for one side or the other to adopt an award and make it apply to an industry. Why not make both sides go to the court? Neither the amendment nor the proviso would meet the situation. Would it be fair to include workers in an agreement without consulting them? At any rate the Committee should report progress because good work had been done.

Mr. B. J. STUBBS: Now that there was a clause in the Bill which would allow of the settlement of disputes hon. members opposite wanted to destroy it. All that was desired to be brought under the proviso was that whenever an agreement was signed by a majority of workers and by the employers employing a majority of workers——

Mr. Nanson: Must you have both majorities?

Mr. B. J. STUBBS: Yes, it was necessary. When a majority of the workers and the employers employing a majority of the workers came to an agreement either side should be able to go to the court and ask that the agreement be made an award. Of course the court would not make it an award without first taking

evidence on the question, and it would require to be proved that a majority had arrived at that amicable agreement. What objection could then be offered to the award being made a common rule? There could be no logical objection to the clause or the proviso. The clause would lighten the work of the court and encourage the employers and the employees to come together and fix up their agreements amicably.

Question put and passed; Council's amendment made as amended.

No. 27, Clause 42, Subclause 1—Strike out all the words after "consist of" and insert "a President nominated from time to time by the Governor from among the judges of the Supreme Court":

The ATTORNEY GENERAL: This was the important clause. He moved—

That the amendment be not made.

He proposed to stick to the original wording, and have the court composed of two layman and a President who might or might not be a judge of the Supreme Court.

Hon. J. MITCHELL: It had been expected that the Attorney General would agree to the President being nominated by the Governor from among the judges of the Supreme Court. It could easily be urged that the President should be the whole court. For this we had a precedent in the Federal Arbitration Court, consisting of Mr. Justice Higgins. Under our existing system we had two lay members who, as partisans, offset each other and thus left the real business of the court to the President. Was it desirable to have these lay members retained if they could be treated as Mr. Somerville had recently been treated, namely, severely censured in a public meeting for the reason that they dared to exercise their own judgment? In the case of the Midland Junction engineers' trouble, the men had refused to have the ordinary court and had a court specially constituted to deal with their case. They had that excellent unionist, Mr. Diver, representing them, Mr. Hope represented the Commissioner of Railways, and the Rev. Brian Wibberley acted as chairman.

1 o'clock, a.m.

The Minister for Mines: That board did good work, better than one man would have done alone.

Hon. J. MITCHELL: That might be so, but the decision did not suit the men who had been on strike and they called upon Mr. Diver to come along and be reprimanded.

The Minister for Mines: Yo do not give up a principle because a small section disapproves of a decision.

Hon. J. MITCHELL: It was wrong that a union should be able to censure a member of the court because he had not done what they wanted. The Attorney General was urging that gentlemen who could be taken to task by those who had nominated them should administer the Act. Surely the happenings of the last few weeks should convince the Attorney General that the system had failed and that the President alone should constitute the court.

The Attorney General: Would you deprive the workers of the services of a man like Mr. Somerville?

Hon. J. MITCHELL: The workers said they did not want Mr. Somerville.

The Attorney General: I am asking the Committee to say what they want. You are going to allow the workers to jump on Mr. Somerville.

Hon. J. MITCHELL: No, the desire was to assist Mr. Somerville to jump on the workers.

Mr. B. J. Stubbs: I suppose you did not see that the Fremantle unions had passed a vote of confidence in him.

Hon. J. MITCHELL: The Committee were told that if the members of the court gave a decision according to the evidence the dissatisfied party could take them to task for their decision.

Mr. B. J. Stubbs: Did you ever know any losing litigant before a court to be satisfied?

Mr. Nanson: Did you ever know of the suitors choosing the judge and then attempting to dismiss him?

Hon. J. Mitchell: When the parties chose their own judge they should be satisfied, but notwithstanding what had happened to Mr. Somerville and Mr.

Diver, the Attorney General said that the president should be treated in the same way, and should not be a judge of the Supreme Court.

The ATTORNEY GENERAL: The Bill as it left this Chamber said that the court should consist of three members to be appointed by the Government. One should be president and the other two should be called ordinary members. The president was to hold office for seven years, and unless he was a judge of the Supreme Court should receive an annual salary of £1,000. The president might be a judge of the Supreme Court, or he might not.

Mr. Nanson: The policy of the Government was admitted in the debate we had.

The ATTORNEY GENERAL: That was the policy of the Government, but the president might be a judge of the Supreme Court. The object now was more to preserve the ordinary members and make the court one of three instead of merely a president. In this State the court of three had worked well. Mr. Somerville had certainly done excellent work and it would be a pity to lose his services in the court for some time to come.

Hon. J. MITCHELL: When it came to a question of appointing the president, unless he was to be a judge of the Supreme Court, pressure might be brought to bear on the Government to appoint a man nominated by the unions or somebody else. That would be unsatisfactory. It was not likely that the president would be a judge of the Supreme Court in view of the fact that the Attorney General resisted the amendment.

The Attorney General: I want it to be left free.

Hon. J. MITCHELL: There was a strong objection to the president being other than a judge, to the salary being fixed at £1,000, and to the term of appointment being seven years. The man who occupied the position should be as independent as a judge of the Supreme Court.

The Minister for Mines: The conditions of his appointment make him independent of any Ministry.

Hon. J. MITCHELL: At the end of seven years he must please the Ministry of the day or go out. Every member ought to object to that provision. The nominee of the unionists had not had a happy time. We had not heard of employers calling their representative to task.

The Minister for Mines: Perhaps they did it quietly.

The Attorney General: I have heard them say a few nasty things about their representative.

Hon. J. MITCHELL: The court should be so constituted that when the decision was given no one should have a right to take the court to task. What would happen if the words used toward Mr. Somerville were used toward one of the judges? The Attorney General would be the first to protect the judge and because of that he urged that the amendment should be made. It was better to have for a president a judge of the Supreme Court as was the case with the Federal court than a president as proposed by the Attorney General. The Attorney General had not urged that a judge was not the most suitable person; in fact, it could be concluded from his remarks that he had no objection to the appointment of a judge. Judges had done the work satisfactorily and had exercised independence which had satisfied everybody. They had spoken their mind whether in respect of the House, the Ministry, or the case, and they had done their duty fearlessly and well. In the interests of all concerned it was necessary to agree to the amendment. If anything further was done to shake the confidence of employers there would be less work than at present and more unemployed. The court should be unbiassed and the employer should be able to realise that the decision would be in accord with the evidence.

The Minister for Mines: The railway board gave the same rates of wages as I offered.

Hon. J. MITCHELL: There was no fault to be found with the attitude of the

Minister. Many of the railway men deserved the increase they got, but the Minister could not go on increasing their wages indefinifely.

Mr. NANSON: The question whether the president of the court should be a member of the Supreme Court bench had already been fully debated in a full House.

Mr. Monger called attention to the state of the House; bells rung and a quorum formed.

Mr. NANSON: If the subject was again debated the result was not likely to be any different. So far as that portion of the amendment was concerned the Attorney General naturally expected that it should not be debated at great length if at all, but the other portion of the amendment suggested introduced something new so far as that Chamber was concerned. It had never been suggested in that Chamber that the court instead of consisting as at present of three members, should consist of only one and that a judge of the Supreme Court. The chance of any compromise being arrived at with another place must be seriously lessened if when new proposals were put before the Chamber they were disposed of in a way that could only be regarded as formal seeing that three-fourths of the members were out of the Chamber and those who were in it were not in a condition to give very much attention to the matter. The Attorney General should have grouped the amendments and allowed a certain amount of discussion on any new proposal made by the other House such as this. Any lengthy debate during this sitting had taken place on new proposals not previously debated in this Chamber. The question of the constitution of the court was one that should be debated at a time when members could do more justice to it. Otherwise the very first objection of another place would be that there was no actual consideration given to their requests, and that the decision of the Assembly merely represented the views of the Attorney General and the Government. On the whole, the method of having three members to constitute the court seemed to answer, though from time to time the workers' representative was carpeted by some dissatisfied union. No doubt that would always continue while the assessors were elected by the suitors before the court. The principal objection to having these additional members of the court was that they could not be independent. If from conscientious motives either representative found himself acquiescing in awards which failed to meet with the approval of those by whom he was elected, he knew he would not be re-elected, and it was not a desirable state of things that the judiciary should be in that dependent position. It was alien to all our ideas of justice that a person's sitting on a court should depend on giving satisfaction to the parties before the court. In nine cases out of ten the workers' representative or the employers' representative was merely the echo of the demands of those he represented. Judging by the encomiums heaped by members on the Government side on Justice Higgins, the practice of having one judge in the Federal Arbitration Court was a success. If the work could be done well by one judge, if only on the score of economy and efficiency it was no use having three people to do it. There were very few instances in which there was absolute unanimity on the part of members of the existing court. If members of the court could feel that they had some security of tenure and could not be punished for any action of theirs, there might be something to be said in favour of three heads being better than one, but it was absolutely impossible to expect a degree of imparitality when two of the members of the court were elected. Under existing conditions the president really determined the result of the award. Whatever he decided he had one representative supporting him. That was not one's idea of a properly constituted court. The idea was that a judge should be impartial, yet two members of this court could not be impartial. Seeing we could not alter the method of appointing these two members of the court, it would be better to accept the suggestion of another place and abolish the assessors altogether.

The MINISTER FOR MINES: Whilst it was true that this proposal was en-

tirely new so far as the Legislative Assembly was concerned, it nevertheless dealt with one of the principles of the Bill that was fully debated when it was previously before the Chamber. Therefore there was no need to debate it further at any length. Whilst it was true that some criticism had taken place recently with regard to one of the Arbitration Court judges, the fact remained that the court as at present constituted had been very successful. Hon. members opposite were very inconsistent in their arguments. The member for Greenough argued fully as to the absurdity of having any court or body representative of both sides to the dispute. Yet was it not a fact that just prior to the recent elections one of the main principles advocated by his party was the abolition of the Arbitration Court and the substitution of wages boards as they were known in Victoria. Those boards would intensify the evils complained of by the member for Greenough.

Mr. Nanson: They sit around a table and they all belong to the industry except the chairman.

The MINISTER FOR MINES: Instead of having one representative from each side they had a number of representatives with a layman as the chairman. If that principle was good why was it not good in the present instance? The ordinary members of the court were usually selected because of their general knowledge of the industries and he was certain that if the president of the court could be asked for an expression of opinion, he would at once admit that the advice and assistance rendered to him by the ordinary members of the court in coming to a decision on knotty and technical problems was of material value.

Mr. Nanson: I think the judge would prefer two experts chosen from the particular industry.

The MINISTER FOR MINES: In that case they would be more likely to be violent partisans than if they were appointed for a term. Hon. members were mistaken in assuming that the award recently delivered was the only one upon which the members of the court unanimously agreed. There were dozens of cases on which the court had given unanimous decisions. That showed that the court was capable of taking an impartial view of the evidence. The criticism of Mr. Somerville was unjust because there was no more upright and conscientious man, and that being so whatever decision that gentleman gave was given honestly upon the evidence placed before him. The experience we had had of the court justified us in endeavouring to retain the court as it was constituted.

The ATTORNEY GENERAL: As the member for Greenough rightly put it the whole of this matter was fully debated in this and the other Chamber and was reported in *Hansard*. It was true that there was the new element which was debatable, and which had not been discussed in the Assembly, namely the existence of two assessors. In the old Act the accessories to the court had been provided for and in the other States they had been found to work well. He was not blind to the fact that the way in which the Federal Court had operated had proved sometimes the difficulty of having one judge to accept the responsibility. It had advantages, but for the present he preferred the court of which he had had experience, and he preferred to trust those men we had already tested. Therefore, he was anxious that this should go back for the re-consideration of another place. Doubtless it would return to us again, and then it would be necessary to more minutely discuss the points submitted.

Hon. J. MITCHELL: It should be pointed out to the Minister for Mines that we could not compare this system with that of the wages board. He believed the wages board system was the better of the two, but since we had determined to have arbitration, and not the wages board system, he thought it was necessary that we should provide a court which should satisfy all people and encourage the investor. Unless we had as president a judge of the Supreme Court this could not be hoped for.

Mr. Hudson: But the member for Pingelly (Mr. Harper) has condemned the Supreme Court judge to-night.

Hon. J. MITCHELL: The Attorney General should accept the amendment, because it was necessary in the interests of the worker that people should have every confidence in the court. If a layman was appointed as president the court would lose much of its value in the eyes of the people. We were actuated by a desire to encourage all classes to work in harmony and bring about industrial peace. The Attorney General ought to agree with the amendment as far as the president was concerned. Let us make the Bill law as quickly as we could for it had been urged that the law was required at once, that without it very serious trouble might presently occur. Why not be reasonable?

The Attorney General: I wish you would be reasonable and sit down.

Hon. J. MITCHELL: There was no chance of the Bill becoming law unless it was agreed that the president should be a judge of the Supreme Court. Constituted in any other way the court would not meet the wishes of the people. Why should we wait until the Bill was again returned to us—why not agree to the amendment now?

Mr. S. STUBBS: This was the most important amendment in the whole Bill, in fact in his opinion it was the crux of the Bill. Undoubtedly a judge of the Supreme Court was the fittest person to preside over this court of arbitration.

Mr. Hudson: We have only to refer to the remarks of the member for Pingelly.

Mr. S. STUBBS: The contention of the member for Pingelly that arbitration had proved a failure had been on the ground that if an award did not suit the parties they did not obey it. If the Attorney General was agreeable that the president should be a judge of the Supreme Court there was no need for a long discussion. Certainly the Attorney General had advanced no argument why a judge should not be appointed president and he would be well advised to accept the amendment.

Mr. MONGER: If it was the desire of the Attorney General and those supporting him that instead of a judge of the Supreme Court we were to have as president the member for Dundas with all his knowledge and legal capacity, it should be made known that this was another appointment the Government were desirous of giving——

Mr. Lewis: As spoils to the victors.

Mr. MONGER: The hon. member had kindly put the words in his (Mr. Monger's) mouth. Was it the intention of the Attorney General to foist upon the people of Western Australia, not a man respected as a judge of the Supreme Court would be, but a person like the member for Geraldton, who had given yeoman service to the cause of his party, or like the member for Subiaco——

The CHAIRMAN: The hon. member's remarks are entirely beyond the clause and I cannot allow them.

2 o'clock a.m.

Mr. MONGER: It might be explained that he was talking about——

The CHAIRMAN: The hon. member had been allowed more latitude than he was entitled to. He could not be permitted to wander all over the country and degenerate into personalities and reflections on members. If the hon. member persisted in that he must know what the result would be.

Mr. MONGER: There was no desire on his part to cast any reflection upon any member, but he considered he was within his rights in saying what might occur if the amendment was not made. Would it be fair for the Attorney General to place the member for Albany (Mr. Price)——

The CHAIRMAN: Order! The hon. member had already been informed that these reflections would not be allowed. If he desired to discuss the question he could do so, and the hon. member was always allowed the utmost latitude. Unless he intended to deal with the question the hon. member must be dealt with under the Standing Order relating to irrelevance and repetition. If this tedious repetition continued the hon. member must come under the Standing Order.

It was early in the morning and we had had quite enough of irrelevant discussion. While he was in the Chair he would allow it no longer.

Mr. MONGER: Very little part had been taken in the irrelevant debate by him. The Attorney General had caused him to make a few comparisons. Ninety-five per cent. of the people of Western Australia were desirous that this high and honourable position should be held by a judge of the Supreme Court, and he hoped the Attorney General would give an assurance that no one other than a judge would be appointed to the position.

Question put and passed; the Council's amendment not made.

No. 28, Clause 42, Subclause (2.)—Strike out this subclause:

The ATTORNEY GENERAL: This dealt with the same matter. He moved—

That the amendment be not made.

Question passed; the Council's amendment not made.

No. 29—Strike out all the clauses from 43 to 49 inclusive:

The ATTORNEY GENERAL: These clauses dealt with the constitution of the court. Consequently he moved—

That the amendment be not made.

Mr. Monger rose.

The CHAIRMAN: These are practically consequential amendments and must be made. It was no use the member for York (Mr. Monger) wasting the time of the Committee in this way.

Question passed; the Council's amendment not made.

On motion by the ATTORNEY GENERAL amendments Nos. 30 to 37 (consequential) not made.

No. 38—Clause 60, strike out this clause:

The ATTORNEY GENERAL moved—

That the amendment be not made.

Clause 60 dealt with industrial disputes in related industries. It was a provision taken from the New Zealand Act. This clause should be retained as it was inconsistent to omit it.

Hon. J. MITCHELL: It was wrong to allow different industries to be affected by a dispute in one industry. The painter need not be affected by a dispute between the plasterer and his master.

The ATTORNEY GENERAL: What about the mines at Kalgoorlie where there were surface men and men in the pit, and they were all related though they were doing different work?

Hon. J. MITCHELL: There was no reason why trouble in one branch should affect another branch. The Attorney General was wrong in dismissing the requested amendments with such scant courtesy.

The ATTORNEY GENERAL: It was with the utmost courtesy that he desired to enforce the brevity necessary for the preservation of one's physical strength consistent with one's public duties. We must have this Bill.

Mr. S. Stubbs: Then you are going the wrong way about it. Another place will not agree to this.

The ATTORNEY GENERAL: We must stand to our principles. What would the hon. member think if we threw all our principles to the wind?

Mr. S. Stubbs: Is there no principle about the president of the court?

The ATTORNEY GENERAL: Undoubtedly.

Mr. S. Stubbs: You object to a judge of the Supreme Court.

The ATTORNEY GENERAL: Do not snap.

Mr. S. Stubbs: I did not.

The ATTORNEY GENERAL: It was now the "witching hour of night when graveyards yawn" and when we should be courteous to one another.

Mr. S. Stubbs: It is some of the medicine you used to administer to the Liberal Party.

The ATTORNEY GENERAL: It is not; it is pure castor oil, it slips through. The Bill had been practically before two sessions and fully discussed and members had read in *Hansard* what had taken place in another Chamber, so that it was mere waste of time and prolongation of the agonies of legislation to discuss it at this hour of the night.

Mr. S. Stubbs: The Council will not swallow these proposals.

The Minister for Mines: Who is going to govern the country, those fellows or ourselves?

The ATTORNEY GENERAL: The responsibility belonged to the Government and they would stand by it. Simply because another Chamber ventured to suggest amendments we were not bound to fall down and worship the golden calf.

The CHAIRMAN: The principle contained in this amendment had been debated on the second amendment.

Mr. MONGER: This Bill was bludgeoned through the Chamber on the second reading.

The CHAIRMAN: Order! The hon. member would have to withdraw that remark. *It was distinctly out of order.*

Mr. MONGER: The word would be withdrawn and he would say that the Bill had been forced through with all the strength the Attorney General could get behind him.

The CHAIRMAN: The hon. member was not talking to the subject before the committee. If the hon. member would make use of arguments which affected the clause under discussion, the Committee would listen to him, otherwise he would have to resume his seat.

Mr. MONGER: The arguments used in another place——

The CHAIRMAN: The arguments used in another place had nothing to do with the Legislative Assembly. The hon. member had not touched on the clause at all and he (the Chairman) would not allow the time of the Committee to be wasted in that manner. If the hon. member did not touch upon the subject the Committee were discussing, he would have to resume his seat.

Mr. MONGER: We were on the eve of a very peculiar position in regard to the situation on the goldfields while so far as the timber industry was concerned——

The CHAIRMAN: This kind of thing could not be permitted to go any longer. The hon. member would have to resume his seat. The clause under discussion had nothing to do with the goldfields dispute or any other dispute.

Question passed; the Council's amendment not made.

No. 39.—Clause 64, Subclause (4).—Strike out this subclause, and insert the following:—"Provided that when the Court is sitting for the trial of any offence, counsel or solicitor shall be entitled to appear and be heard before the Court on behalf of the prosecution or of the defence":

The ATTORNEY GENERAL moved—

That the amendment be made subject to the striking out of the words "Strike out the Subclause and."

This would keep the subclause in but would add the proviso.

Hon. J. MITCHELL: If we left the subclause in we would provide that no legal practitioner could appear before the court, but if the amendment was accepted a legal practitioner could appear. The amendment made by the Council would be a decided advantage. He knew, too, that the work could not be expeditiously done by ordinary laymen; and, apart from that, it was doubtful if the litigants were as well served in any particular, while it probably meant that in addition to their agents the parties required to have their solicitors all the same. He hoped the Attorney General would agree to the amendment as sent down to us. In endeavouring to modify the amendment of another place the Attorney General had deliberately defeated the objects of that other place.

The Attorney General: No, I am meeting them half way.

Hon. J. MITCHELL: It was scarcely meeting them half way. He thought the Attorney General should agree to the Council's amendment.

Question put and passed; the Council's amendment made as amended.

No. 40, Clause 65, Subclause 1.—Strike out in line one "and in any proceeding under this Act":

The ATTORNEY GENERAL: There was no reason why we should strike out the reference to proceedings under the Act. He moved—

That the amendment be not made.

Hon. J. MITCHELL: A man might be charged with some serious offence

and, therefore, he would be entitled to be judged by the law of the land; whereas the Attorney General desired to have him tried apart from all legal technicalities and without regard to the rules of evidence. The Council's amendment was a good one and did not interfere with the Bill.

The ATTORNEY GENERAL: After all, he was not wedded to this. We had proceedings for penalties and offences under the Act, and the accused would, of course, be defended by lawyers, as we had given the lawyers power to come in. And although equity and good conscience were supposed to prevail in all proceedings, there were legal forms and procedure for trials for criminal offences. Therefore he would concede this amendment, withdraw his motion, and move that the amendment be made.

Motion by leave withdrawn.

The ATTORNEY GENERAL moved—

That the amendment be made.

Question passed; the Council's amendment made.

On motions by the ATTORNEY GENERAL Council's amendments Nos. —41 to 51 not made.

On motion by the ATTORNEY GENERAL Nos. 52 and 53 made.

No. 54, Clause 79—Insert at the beginning "the Court may order that."

The ATTORNEY GENERAL moved—

That the amendment be not made.

This amendment applied to the common rule which had been fought for very strongly. It was one of the best features of the old Act, and the Committee would be weakening it by making the suggested amendment.

Hon. J. MITCHELL: The amendment was a very reasonable one. There might be an award in the timber industry and unless the Court had power to limit it, the award might apply to the whole State from Kimberley to Collie. It was entirely right that the Court should determine whether an award was to be a common rule or not; indeed it was necessary for the protection of the workers. It was very unlikely to happen that an isolated mine or timber company would get an award in which the wages were fixed far in excess of the rate paid in the other portions of the State and that rate become a common rule, but it was far more likely that an award made in the timber industry in the South-West would be made by some mischance to apply to other portions of the State. Unless the Court was given discretionary power in this matter, injustice might be worked. The Court was the proper authority to determine whether a common rule should apply.

The ATTORNEY GENERAL: The Clause as sent from this Chamber automatically made an award a common rule in any industry to which it applied. It was right that the common rule should be automatic. There was sufficient safeguard in the proviso "that if the operation of the award or any part thereof is limited to any particular locality, then the common rule shall not as regards matters to which the limitation applies operate beyond such locality." If there was no limitation the award became a common rule. Now the power of the Court came in and provided that it should not be a common rule for the whole of the State, but for a portion. That was the proper way. If the Court made no limitation the common rule applied generally, but the Court had the discretion to make a limitation.

Hon. J. MITCHELL: The Attorney General, in his opinion, was wrong. If a rate was fixed for railway navvies and it was intended to build a line to the north, unless the limitation was set up when the award was made, the navvies in the far north would have to be paid the same wages as those in the Busselton district. Under the clause as it stood the common rule must apply.

The Attorney General: Quite right too; it is one of the best things in the Bill.

Hon. J. MITCHELL: The amendment did not give the court power to alter the award, but only to make it apply.

The Attorney General: But if it is not made at the time there is no common rule. The president should be able to make it a common rule without all this ordering.

Hon. J. MITCHELL: The Attorney General was resisting something which was fair and just, and there was no excuse for his attitude.

Mr. B. J. STUBBS: The common rule simply applied to those engaged in a particular industry and the award could be limited to any area the court desired. Under the existing Act there were five industrial districts. The South-West district embraced the metropolitan area and extended along the coast to Busselton, and along the goldfields line, as far as Cunderdin. That district was found to be too large and almost every award during the last few years had covered an area of 14 miles from the General Post Office. Under the Bill industrial districts had been abolished and the court would be allowed to say over what area an award should apply. Under the existing Act, once an award was given it was a common rule without any further argument before the court, and without the court specifying that it should be a common rule. The fact of it being an award made it a common rule for the area. That was all that was asked for in this case. If the amendment was accepted, special application would have to be made to the court to have the award made a common rule.

Hon. J. Mitchell: Unless the words are accepted there will be endless confusion.

Mr. B. J. STUBBS: There could be no logical objection to what had existed for over 10 years. No employer had raised any objection to the awards being common rules. If an industry was to be controlled, the award must operate over every employer in the industry in the area to which the award applied.

3 o'clock a.m.

Mr. WISDOM: The clause as it stood made an award automatically a common rule for the whole State, because the proviso threw on those who did not wish the award to apply to their particular section of the industry the onus of convincing the court that the award should not be a common rule for the State. That was unfair.

The ATTORNEY GENERAL: There were clauses giving full power to make an application to limit the extent of an award. As the clause stood in the original Bill, the common rule was made by the mere fact of the award being given unless it was specially limited at the time to no particular locality.

Hon. J. MITCHELL: Under the carpenters' award in Perth the rate of wages applying in Perth, unless the award was limited to Perth, would apply to the men at Roebourne, and it would be necessary for the carpenter at Roebourne to take steps to have the award limited. The Upper House suggested that the court should order the award to be common rule. That gave the court power to do what was reasonable.

The ATTORNEY GENERAL: It had never yet been found necessary to restrict an award. No one accustomed to proceedings before the court would ask what the Legislative Council asked. This provision was one landmark in our local legislation which differed from that of the other States. Mr. Somerville considered it would be a blot upon the measure if it were removed.

Mr. Hudson: You could get the same opinion from another source.

The ATTORNEY GENERAL: In the circumstances, it would be unwise to make an innovation, more particularly when it sounded like redundancy. The award itself was in order, and to say that the court should order an order sounded strange and unnecessary.

Mr. WISDOM: No doubt an award became automatically a common rule unless cause was shown by any section of the industry why it should not become a common rule for the whole of the State. It would be much better if the onus of making the award a common rule was thrown on the court in the first instance. If the court did not consider it advisable to make the award a common rule it was open to any other section of the industry to apply to the court to get an award. The principal objection to the proposal was that it threw the onus on a section which might not agree with the award to show cause why it should not become a common rule.

Question passed ; the Council's amendment not made.

No. 55—Clause 85, Subclause 1, paragraph (*a*)—Strike out "or order" in line 5 :

On motion by the ATTORNEY GENERAL the Council's amendment made.

No. 56—Clause 85, same subclause and paragraph, after "who" in line six insert "in the opinion of the Court" :

The ATTORNEY GENERAL moved—

That the amendment be not made.

The Legislative Council desired to give the court the power to say who was ill or infirm or sick or diseased and unable to earn the prescribed minimum by reason of old age.

Hon. J. Mitchell : How are you going to fix it ?

The ATTORNEY GENERAL : As at present, by the employer and the secretary of the union, and failing agreement by an appeal to the police magistrate. That was provided for in the award.

Mr. HUDSON : Nearly every industrial agreement registered in the court provided in that direction. If we adopted this amendment it would only be putting an additional burden on the court

Hon. J. MITCHELL : It was obvious that the court could not interview all these people. If the magistrate decided the matter, it would be quite satisfactory.

The ATTORNEY GENERAL : The court had absolute power to fix this matter.

Mr. WISDOM : It seemed that the difficulty here was as to who was to decide whether a man was unable to earn a living.

Hon. W. C. Angwin (Honorary Minister) : Who decides it now ?

Mr. WISDOM : The union did.

Hon. W. C. Angwin (Honorary Minister) : By an order of the court.

Mr. WISDOM : No, the poisonous part of the clause was that it left it to the unions to decide whether or not a man was able to earn his living.

The Minister for Mines : You would leave it to the court ?

Mr. WISDOM : Yes.

The Attorney General : And trot every man to the court ?

Mr. WISDOM : Certainly, rather than to the unions. It was as important as any other question of wages, and why should it be left to one side or the other to say whether a man was able to earn his living ? He would not mind if it were left to a magistrate, but even that was not provided in the Bill.

The Attorney General : Yes we do.

Mr. B. J. STUBBS : It was extraordinary that the members of the Opposition insisted upon finding poison, as the hon. member had put it, in parts of the Bill which had been in existence ever since we had had arbitration in the State, parts which had always given satisfaction. The court had the power to make orders under which these workers should be treated. In every award of the court was inserted a clause to say that where there was an infirm or old worker he should apply to the secretary of the union to fix a rate of wages, below that in the award, at which the infirm or old worker thought he could secure employment. The significant fact was that it had not yet been found necessary for the infirm worker to appeal to a magistrate. Members of the Opposition seemed to think that because the old and infirm had to go to the secretary of a union they were bound to be jumped upon. Who knew better than the secretary of the union how much a man's infirmity would affect him in his work ?

Mr. HUDSON : There was no alteration in this proposal of the Bill as against the provision in the Act of 1902. Under that Act awards usually provided for old and infirm workers to go to the secretary of the union ; also in all the agreements registered the employers and the employees had accepted the situation and inserted a similar provision. If the hon. member who had raised the objection would refer to the records of the court he would find this provision almost invariably made.

Question passed ; the Council's amendment not made.

No. 57—Clause 85, Subclause 1, paragraph (*b.*)—strike out this paragraph :

On motion by the ATTORNEY GENERAL the Council's amendment made.

No. 58—Clause 85, Subclause 1, paragraphs (*d.*) and (*e.*)—Strike out these paragraphs:

The ATTORNEY GENERAL moved—

That the amendment be not made.

These two paragraphs specially directed that as between members of an industrial union and other persons offering or desiring service preference should be given to such members. It was the usual preference to unionism which we had discussed and affirmed at a previous stage in to-night's debate.

Hon. J. MITCHELL: This was an important amendment and an extremely proper one. It was iniquitous that preference should be given to anyone. The Attorney General should not insist upon putting in the Bill preference to unionists or anybody else.

Hon. W. C. Angwin (Honorary Minister): The court may please itself.

Hon. J. MITCHELL: A body of workers could apply to the court to direct that preference should be given, and if the Attorney General appointed the Court it would so direct.

The Attorney General: If I appoint the court I will appoint good men.

The Minister for Mines: Mr. Justice Higgins has never given preference.

Hon. J. MITCHELL: If the provision in the Federal Arbitration Act had never been put into operation, preference might well be struck out of the Bill. We could not trust Ministers in a matter of this kind. If the amendment was objected to he hoped the Council would throw the Bill out altogether.

The Attorney General: That is inciting them to riot and is most disorderly.

Hon. J. MITCHELL: It was to be hoped the Bill would meet with the fate it deserved if the Attorney General persisted in keeping this clause in. The Minister would have only himself to blame if that happened. No responsible body of men would pass a Bill containing a clause such as the one under discussion.

Mr. DOOLEY: This clause was very necessary in the interests of the State if we were to keep as close a control over industrial matters as possible. If the clause was not included in the Bill, the workers would go to the Federal Arbitration Court, which had power to grant preference, and the control of industrial matters would pass entirely into the hands of the Federal authorities. That was undesirable, and the hon. member for Northam ought to bear that in mind when he was urging the Council to reject the Bill.

Question put and passed; the Council's amendment not made.

On motions by the ATTORNEY GENERAL amendments Nos. 59 and 64 made, and Nos. 60 to 63 not made.

No. 65.—Clause 101. Add a new subclause as follows:—(2.) Any society consisting of workers employed by the Government (not being public servants subject to the Public Service Act, 1904, or members of the Police Force, warders employed in the prisons and nurses and attendants in all hospitals for the insane), shall be qualified for registration as an industrial union under and subject to this Act, provided it would be so qualified if its members were not employed by the Government:

The ATTORNEY GENERAL moved—

That the amendment be made subject to the following modification—strike out the words "warders employed in the prisons and nurses and attendants in all hospitals for the insane."

Those workers were provided for in other ways.

Hon. J. Mitchell: You mean that they will be allowed to form a union.

The ATTORNEY GENERAL: Yes, they already have such.

Hon. J. MITCHELL: The Attorney General, though offering no explanation or endeavouring to justify the proposal sought to amend the amendment in a very important direction. Warders were in practically the same position as the police.

The Attorney General: We have Acts dealing with the police force. We give special consideration to warders in hospitals who have not been included

in any Act for the regulation of the service.

Hon. J. MITCHELL: No branch of the civil service should be allowed to qualify for registration.

The Attorney General: We have them in the railway and the police force.

Hon. J. MITCHELL: If some were prevented the whole should be prevented.

Mr. B. J. Stubbs: We are only preventing those who are governed by special Acts.

Hon. W. C. Angwin (Honorary Minister): Should not the nurses in the Hospital for the Insane have the same privilege as the nurses in a public hospital?

Hon. J. MITCHELL: Yes.

Hon. W. C. Angwin (Honorary Minister): Then this amendment will give them the same privilege.

Hon. J. MITCHELL: No branch of the civil service should be entitled to registration. The civil servants who came under the Public Service Act had a right to appeal to the commissioner but that was not the same as appealing to the Arbitration Court. It was ridiculous to treat one branch in one way and another branch in another way. The Attorney General was not justified in asking that the words should be struck out.

Question put and passed; the Council's amendment made as amended.

No. 66—Clause 111, strike out this clause:

The ATTORNEY GENERAL: This was the great penalty clause and he moved—

That the amendment be made.

Question passed, the Council's amendment made.

No. 67.—Clause 112, Strike out "any member of the court" and insert "the president":

The ATTORNEY GENERAL: This was merely consequential on others dealing with the constitution of the court. He moved—

That the amendment be not made.

Question passed, the Council's amendment not made.

No. 68.—Clause 127, Subclause (1), paragraph (6)—strike out this paragraph:

The ATTORNEY GENERAL moved—

That the amendment be not made.

Question passed, the Council's amendment not made.

No. 69.—Clause 127, Subclause (4), strike out this subclause:

The ATTORNEY GENERAL: This was a provision over which there had been a long debate as to the meeting of both Houses for the purpose of dealing with regulations. He moved—

That the amendment be not made.

Hon. J. MITCHELL: This matter had been discussed at considerable length on another measure. The Attorney General wished that both Houses should meet to determine questions regarding regulations. That was altogether wrong. There were 50 members elected on one franchise and 30 in another place elected on another franchise and for a different purpose. Could the Attorney General justify his objection to the amendment?

The ATTORNEY GENERAL: The combined sitting was not altogether an innovation. It had been adopted in other States in connection with the election of senators. Recently in South Australia a senator was elected by a meeting of two Houses. This was a modern change in constitutional procedure which was becoming more in vogue in the Commonwealth as the years rolled on. The sooner it was introduced here the better. The one evil of our political life was this standing on two sides of the fence like two wild bulls. By throwing down the barriers members of both Houses knew each other better. The proposal would enhance fraternal feeling between the two Houses.

Hon. J. MITCHELL: If regulations were to be amended they should be amended by the usual procedure. It was necessary to follow one course to pass a Bill, and now it was proposed to have another course to pass regulations with the force of law. The two Houses were elected on a different franchise. The Attorney General was running the danger of this being classed as reckless legislation, and it was an impossibility

to ask the Legislative Council to agree to this provision.

The ATTORNEY GENERAL: First a resolution had to be taken by either Houses disapproving of certain regulations and stating grounds for disapproval. There must be long debate on that, and it would be a most exceptional occurrence. Then the Governor would summon a joint meeting of the two Houses to consider the one resolution to which either House had taken exception. There was nothing unusual in that procedure, because it was already adopted in filling extraordinary vacancies for the Federal Senate.

Hon. J. Mitchell: It is not the usual course.

The ATTORNEY GENERAL: It was not the usual course of dealing with regulations, but it was a practice that was becoming usual, namely the joint sitting of both Houses.

Question put and passed; the Council's amendment not made.

4 o'clock. a.m.

On motion by the ATTORNEY GENERAL amendment No. 70 made.

No. 71.—Insert the following new clause, to stand as Clause 46:—"(1.) In case of the illness or unavoidable absence of the President the Governor shall appoint some other Judge to act as President during such illness or absence. (2.) The Judge so appointed may act in any matter commenced before him until the conclusion thereof":

The ATTORNEY GENERAL moved—

That the amendment be not made.

Hon. J. MITCHELL: Some amendment of this kind was necessary. There would have to be a judge appointed to fill the place of the president of the court in the absence of the latter.

The ATTORNEY GENERAL: The Governor appointed the president of the court and that power existed at the present time.

Hon. J. MITCHELL: It might be pointed out that if another place insisted upon a judge of the Supreme Court becoming president this amendment of theirs would be needed. In anticipation of that the amendment might be allowed to remain.

Question passed; the Council's amendment not made.

On motion by the ATTORNEY GENERAL amendment No. 72 made.

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

House adjourned at 4.8 a.m. (Wednesday).

Legislative Council,

Wednesday, 20th November, 1912.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Workers' Homes Act, 1911—Amendment of Regulation No. 7. 2, Health Act, 1911—Roebourne Local Board of Health By-law No. 3.

BILLS (2)—THIRD READING.

1, Fremantle Harbour Trust Act Amendment returned to the Legislative Assembly with amendments.

2, High School Act Amendment, passed.