life-boats, the number of other boats, the number of sailors, the tonnage, and in every other respect there are expressed provisions included in the Act. If the Commonwealth Act applies apart from this measure it will be sufficient; if it does not, we should have in this Bill a stipulation as to what the proper equipment and manning should be.

On motion by Mr. Angwin, debate adjourned.

ADJOURNMENT—BILLS NOT PRINTED.

The PREMIER (Hon. N. J. Moore): I regret that the Bill dealing with licensed surveyors, and, indeed, the three or four measures following, have not yet been printed. The same remark applies to the Metropolitan Water Supply, Sewerage and Drainage Bill. The Minister for Works is quite ready to proceed with this measure, but it has not been printed and has not yet arrived at the House. The private Bills have not yet been printed, therefore, I move—

That the House do now adjourn.

Question passed.

House adjourned at 5.48 p.m.

Legislative Assembly,

Tuesday, 7th September, 1909.

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

PAPERS PRESENTED.

By the Minister for Mines: Statement of expenditure under the Mining Development Act for the year ended 30th June, 1909.

By the Premier: 1, By-law passed by the Subiaco Local Board of Health. 2, Amended Regulation No. 22 passed by the Fremantle Hospital Board.

By the Minister for Lands: 1, Regulations under the Land Act, 1898. 2, Permits to construct timber tramways. 3, The Cemeteries Act, 1897—By-laws and statements of receipts and expenditure.

QUESTION—VACCINATION RETURNS.

Mr. BOLTON asked the Premier: What is the number of children in West Australia under the age of six months who were registered as having been vaccinated during the period, June 30th, 1908, to June 30th, 1909?

The PREMIER replied: 616.

QUESTION—PRINTING, FREMANTLE GAOL.

Mr. BOLTON (for Mr. Swan) asked the Premier: 1, What number of persons is engaged in the printing department at the Fremantle gaol? 2, Is it the intention of the Government to instal a type-casting machine in this printing department?

The PREMIER replied: 1, There are 11 printers, 1 bookbinder, and 4 driving the printing press (16 in all) in the shop. 2, No; it is not intended to extend the printing shop at all, as the only prisoners to be employed there are those who are physically unfit for heavy labour.

QUESTION—RAILWAY SIDINGS LEASED.

Mr. O'LOGHLEN asked the Minister for Railways: 1, How many sidings are let by the Railway Department to timber companies and others along the South-West lines? 2, What are the names of the lessees? 3, What rent is paid to the department for each siding?

The MINISTER FOR RAILWAYS replied: 1, 32. 2 and 3, See statement attached:—

Sidings.	Distance from Fremantle. Mls.	Chs.	Annual Rental.
Haydon's Machinery Siding ..	16	35	£15
Thos. Coombe & Co., Armadale	31	5	£10
Thos. Curran and Harry Lee (near Beenup)	37	17	£15
Millar's Karri & Jarrah Co. (1902), Ltd., Mundijong ..	40	71	No rent charged.
Buckingham Bros.	52	70	£15
Murray Roads Board, North Dandalup	56	41	No rent charged.
Whittaker Bros., North Dandalup	57	0	£15
Millar's Karri & Jarrah Co. (1902), Ltd., Yarloop.. ..	89	51	£15
R. Williams & Co., "Uduc" ..	94	24	£15
Millar's Karri & Jarrah Co. (1902), Ltd., Wokalup ..	100	60	£15
Bunning Bros., Bunbury ..	126	40	£15
Millar's Karri & Jarrah Co. (1902), Ltd., Bunbury ..	127	3	£20
Millar's Karri & Jarrah Co. (1902), Ltd., Bunbury ..	127	18	£15
Collie Proprietary Coalfields of W.A., Ltd., Bunbury ..	127	21	£20
H. W. Copplestone & Co. (Copplestone)	125	36	£15
Millar's Karri & Jarrah Co. (1902), Ltd., Dardanup ..	128	08	£10
Bunning Bros. (near Argyle) ..	139	32	£15
W.A. Jarrah Saw Mills, Kirupp..	155	66	£10
Millar's Karri & Jarrah Co. Kirupp	155	76	£10
Timber Corporation, Ltd., Greenbushes	171	38	£10
Swan Saw Milling Co.	154	11	£10
Sexton & Drysdale	107	24	£10
W.A. Jarrah S.M. Co., St. John's Brook	183	5	£15
Millar's Karri & Jarrah Co. (1902), Ltd., Worsley ..	125	44	£15
Millar's Karri & Jarrah Co. (1902), Ltd., Worsley ..	125	44	£15
W. Bedlington, West Collie ..	133	0	£10
Collie Co-operative Collieries, Ltd., Collie	136	17	£52*
Timber Hewer's Co-operative Society, Ltd., Collie	136	24	£10
Collie Coalfields Proprietary Mine, Collie	136	40	£15
Scottish Collieries, Collie-Burn	140	42	£15
Collie-Cardiff Coalfields Mine Co.	142	40	£15
Bunning Bros. (Collie Timber Co.)	142	40	£15

* The material in this Siding is the property of the Department.

QUESTION — EDUCATION, SECONDARY SCHOOLS.

Mr. JACOBY asked the Minister for Education: 1, What is—(a) The estimated cost of building and equipping the proposed State secondary school for Perth? (b) The estimated annual cost? 2, Are fees to be payable by the students, and if so, what is the proposed scale? 3, Is it proposed to increase the State educational opportunities to country children? 4, If so, will this include raising the standard in the moderate sized primary schools to that obtaining in Perth, and the provision of secondary schools or agricultural high schools?

The MINISTER FOR EDUCATION replied: 1, (a) Building, £11,637; equipment about £700. (b) About £2,500 in addition to the present cost of the Normal school, which will be merged in the new school. 2, It is proposed to charge fees of £6 per annum, but to provide for many free places by scholarships. 3, Yes, by means of certain scholarships confined to country schools. 4, Wherever the numbers in the highest classes are sufficient, the standard will be the same as in the Perth schools. It is hoped that district high schools may be established in country towns in the near future, but not during the present financial year.

QUESTION—MINING REPORT, MURCHISON AND PEAK HILL.

Mr. HOLMAN (without notice) asked the Minister for Mines: Has a report been received in connection with the visit of the State Mining Engineer to the Murchison and Peak Hill goldfields, and if so will the Minister place a copy of the same on the Table?

The MINISTER FOR MINES replied: I have not received any such report. I will have no objection to publishing it as soon as I have received it.

Mr. HOLMAN: I mean the report on the State Mining Engineer's recent visit to those districts.

The MINISTER FOR MINES: As soon as the report is available it will be given to the Press in the usual way.

LEAVE OF ABSENCE.

On motion by Mr. Gordon, leave of absence for one fortnight granted to Mr. Butcher (Gascoyne) on account of ill-health.

BILLS (2)—FIRST READING.

1, Public Education Endowment (introduced by the Attorney General).

2, Coal Mines Regulation Act (1902) Amendment (introduced by Mr. A. A. Wilson).

BILL — METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE.

Second Reading.

The MINISTER FOR WORKS (Hon. Frank Wilson) in moving the second reading, said: I think I may be pardoned for congratulating the House on the fact that we are drawing near finality in regard to this very important question, a question which involves the huge undertaking of the supply of water to the metropolitan area; the establishment of a sewerage scheme, which will at first serve Perth and Fremantle and ultimately, we hope, will be extended to other municipalities, and the initiation of a storm water drainage scheme which I venture to think is equal to anything of a similar capacity which has been carried out in other portions of the Commonwealth. These are matters which are of great moment, inasmuch as they practically affect the health of the community generally; and of course the economical working of this huge undertaking is a matter which must concern every member of the House. The purpose of the Bill is to put the management and the control of these works on a sound, businesslike footing, and I hope that this measure—which is not only an amending measure but also a consolidating measure bringing under one Act the whole of the numerous small Acts which are already in existence—I hope that this measure upon which so much time was spent by my predecessor, Mr. Price, during his term of office in the Works Department, and by the officials of the department, will prove effective for the purpose for which it is intended. I claim that it is a Bill to which every practical member of this House can well give serious attention. I look to my friends, the member for Guildford for one; and the member for Murray, who is well known for his practical knowledge, to lend their aid in moulding this measure into a really good Bill which will serve the purpose for which it is introduced. The cost of the undertakings to which I refer amounts at the present time to a total expenditure of £777,000. When the sewerage and storm water works already in hand—that is the present sewerage and storm water works for Fremantle and the city of Perth proper—are completed, the total expenditure, including the first cost of all the waterworks already established for the city of Perth and for Claremont and Fremantle, will reach the fairly respectable sum of close on a million of money. And, of course, it will not stop there; expenditure will go on increasing as the works are extended and as the population increases. The Bill is designed to control the whole of the present works, also any additions which may be decided on as time goes by. The Bill, of course, is introduced, as the House is well aware, to take the place of the 1904 Act which was passed during the latter portion, I think, of the 1903 session of Parliament. That Act was put through in a rather hurried manner on some undertaking by the then Minister for Works, Mr. Rason, that the administrative clauses would not be utilised until Parliament had an opportunity of revising or, should it be deemed necessary, of amending them. Matters remained in abeyance in connection with that Act until 1907, and then my predecessor introduced a short amending Bill which passed through this Chamber but, unfortunately, did not reach the Upper House. This short amending Bill was to constitute certain storm water districts, to give extended powers in regard to the levying of storm water rates, and to remove certain ambiguity that existed with regard to lands subjected to water rates. It gave wide power, which is also included in the Bill I am now introducing, to levy differential rates in different parts of the metropolitan area, and, further, it extended the power of the Minister to control the works pending the appointment of a board. The Act of 1904, which, of course, has been proclaimed and which is the law to-day, only gives power to the Minister to control the works actually constructed by him under that Act and not the existing works, such as those that we have established at Claremont and Fremantle; so hon. members will see at once the idea of the member for Fremantle, who was my predecessor, to get certain powers which

were not embodied in the Act of 1904; but, as I said before, unfortunately the session was too late and the measure did not get to the Upper House, therefore the Minister had to go on as well as he could in the circumstances. But the following year he made another effort, and introduced a temporary measure for one year only, with the object of tiding over that year so that he could go on with the works until he could bring the consolidating measure down. This temporary measure mainly consisted of the machinery clauses of the 1904 Act regarding sewerage matters principally, in fact, I believe altogether, if I remember aright, in respect to sewerage matters. It was introduced because of the crying necessity for more complete powers in connection with the construction of the reticulation works. But that Bill also was too late to be considered by the Legislative Council, and, therefore, my predecessor found himself in the same position as he was in previously.

Mr. Taylor: It will be unfortunate if this Bill meets with the same fate.

The MINISTER FOR WORKS: It will be. In fact, I rely on the hon. member, and those practical gentleman I have named, to assist me in putting this measure through in order that we may be no longer blocked in the administration of this great undertaking. The construction work had reached such a stage that it became absolutely necessary that we should have some special legislation. Until the Act of 1904 was proclaimed we were working under the Public Works Act; and although this Act provided plenty of power for constructing and making works in public thoroughfares, it was absolutely inadequate for the carrying out of the reticulation works which are, to a large extent, constructed in private property. In order that members may understand the disabilities under which my predecessor (Hon. J. Price) was labouring, I will explain that under the Public Works Act there are two methods—and two only—of dealing with private property in works of this description to obtain access, that is, by the consent of the owner of the property, or by resumption. As I have mentioned, the reticulation is, to a large extent, in private property, but the machinery provided in the Public Works Act was too unwieldy for carrying out this work. The impossibility of carrying out the work under that Act will be realised at once when hon. members remember that we could not go on to private property unless we resumed or obtained the consent of the owner. Now, to resume a strip of land for every drain we carried through private property would mean an interminable procedure and unlimited expenditure, and, therefore, it was out of the question, so that the works had, of course, to be delayed so far as that portion of the scheme was concerned. Under the Bill I am submitting this afternoon, in common indeed with the Act of 1904 which has been proclaimed, and I may say also, in common with all sewerage Acts throughout the Commonwealth, the right of entry on private property without permission is provided. Of course, I do not say without compensation. It is subject to the ordinary liability for compensation for any damage which may be done. The Bill gives the necessary means for carrying out the work, without in any way avoiding what may be termed the legitimate responsibility as regards any damage that may be occasioned during the carrying out of these works. But this explanation shows, I hope, to members the absolute necessity that arose, seeing that my colleague did not get either of his temporary measures through Parliament, for proclaiming the 1904 Act in order to prevent any further delay in the carrying out of this important work, and until this measure now before us could be introduced. Unfortunately the proclaiming of the Act of 1904 repealed several Water Supply Acts under which the Minister for Works controlled the existing water supplies, and therefore it was necessary for the Minister immediately on proclaiming the Act to appoint a board of three members under the provisions of the Act to temporarily control these water supplies. These gentlemen were appointed temporarily, and the board consists of the Engineer-in-Chief, who is chairman, Mr.

Loton, and Mr. Cavanagh. Their powers have been wisely restricted to the control of existing water supplies, and the member for Fremantle, under Part V. of the Act, gave the necessary notice to the board that he would exercise all powers conferred on him in regard to the construction of sewerage and storm water works within the area. The Minister wisely kept the construction in his own hands as, I believe, was the intention of Parliament; and he appointed the board to temporarily control the administration of the existing water supplies pending the passing of this more comprehensive measure. The Bill now before the House is largely modelled on the Act of 1904 which has been proclaimed, but there are, of course, certain important amendments which remove a number of disabilities that have become patent under that Act as the works proceeded, and I shall briefly refer to the main defects in the 1904 Act which I propose shall be remedied by this legislation. The first defect to which I shall call attention is that of the board itself. The existing Act provides that there shall be a nominee board of three members.

Mr. Angwin: Why have a board at all?

The MINISTER FOR WORKS: What would the hon. member suggest?

Mr. Angwin: Ministerial control.

The MINISTER FOR WORKS: Well, I think the hon. member would find, if he went closely into the matter, that he was giving the Minister something rather more than the Minister could possibly wisely and economically control.

Mr. Angwin: It acts in South Australia.

The MINISTER FOR WORKS: This is a big undertaking with a mass of detail, and I defy any Minister controlling the Works Department to carry out his duties in that respect properly, so as to give the necessary time and attention to the detailed work in connection with a huge scheme such as this is, and such as it will become in the near future.

Mr. Scaddan: Why did they abolish the old Metropolitan Waterworks Board?

The MINISTER FOR WORKS: The hon. member might ask me something easier. I do not think I was in the House at the time. I do not remember the reasons, but something was unsatisfactory.

Mr. Walker: The board was a failure.

The MINISTER FOR WORKS: Supposing we admit for argument's sake that the board was a failure, and was abolished on that account, the board appointed under the Act of 1904 is exactly on the same lines as the board which was abolished, and now I shall explain my reasons for amending the provisions of the 1904 Act. There was strong objection to the old board, strong objections which apply equally to a board appointed under the 1904 Act. The local authorities took strong exception to a nominee board on the ground—and I think it is a perfectly just ground—that the citizens who were subjected to taxation in connection with these works and undertakings had no representation. Now, we hope by the clause in this Bill which provides for the board—that is Clause 8—to remedy this state of affairs. The clause provides that there shall be a composite board, a board of 10 members for the whole of the districts which are brought under the operation of the Act. The mayors of Perth and Fremantle we propose shall be ex officio members of the board. Then we propose that the Governor in-Council shall appoint three members, one of whom shall be chairman. The remaining five we propose shall be elected from the municipal councils in the area.

Mr. Daglish: Why not have the ratepayers elect them directly?

The MINISTER FOR WORKS: Because of the expense, and because it would be too cumbersome a system.

Mr. Daglish: The other system is a failure in Melbourne.

The MINISTER FOR WORKS: The reason for the failure in Melbourne is that the board there is a small parliament. I think it would be unwise to have members of a board of this description coming into direct contact with the ratepayers for election. It must be remembered that they would be carrying out their functions in controlling the works and imposing certain charges upon the very men by whom they were elected. It stands to reason, therefore, that in such circum-

stances those elections would be fought out on the question of whether "So-and-So" had been charged too much for sewerage or "So-and-So" had been overcharged for water supply or proceeded against for an infringement of the Act. It is a very much better system and will show a large saving for the councillors chosen to represent the ratepayers to appoint their members to represent the ratepayers on the board. At any rate that is the proposal in the Bill, and I am quite willing that members should ventilate fully any objections they may have to the principle. If the majority of members wish to alter the system of electing members to the board, then, of course, it is within their discretion to do so. The Perth district is the most important one, and it is proposed that it shall have two representatives. There are five members to be elected. The Perth and Fremantle councils will have the mayors ex officio, and the Perth council two other representatives, and the Fremantle, Claremont, and Guildford districts one representative each. This will give a total of 10 members. Of course Guildford, not coming within the scope of the Bill at present, would have no representative at first. We propose that the chairman shall be appointed by the Governor-in-Council and he shall be chosen quite differently from the members who will only attend certain meetings in the same way as members of a board of directors.

Mr. Angwin: I suppose the engineer in charge of the scheme will be chairman.

The MINISTER FOR WORKS: The hon. member must not suppose anything of the sort. The chairman will be appointed from one of the Government nominee members and his term of office will be for seven years—this term to be reduced or increased as members may think fit.

Mr. Taylor: It is a heavy sentence for a first offence.

The MINISTER FOR WORKS: It is necessary that there shall be a fixed tenure of office. Some hon. members, I have no doubt, will feel that this is a position that suits their peculiar capabilities, and if they apply for it and are selected they will surely want a fixed tenure of office. If we are to get a good man, a competent man, one who will make of the scheme a success which largely depends upon his tact in handling his board, upon his daily attention to all the details of the undertaking, the right man for the position, we must give him a fairly fixed tenure of office with a respectable salary.

Mr. George: You do not call £1,000 a year a respectable salary for the position, do you?

The MINISTER FOR WORKS: I think it is not too much; does the hon. member think it is?

Mr. George: No, I do not, I think you will only get a "half-inch" man at the price.

The MINISTER FOR WORKS: That is an opinion which members might meditate upon. Anyhow the Government propose that the salary shall not exceed £1000 a year. If we cannot get more than half a man, as the member for Murray suggests, or rather a "half-inch" man, for that, I am afraid we shall have to come to the House to ask members to increase the salary. I think at present, however, that a maximum of £1,000 a year should be sufficient, and should obtain for us a very capable man to take charge of these undertakings. The chairman has practically to occupy the position of managing director of the concern, he has to take the full responsibility not only of any works that may be constructed under his regime but also of the detailed working, he must answer complaints, settle disputes, fix rates, and see that everything is done on business-like lines so that the scheme will not be unduly burdensome to taxpayers. The remaining members of the board will be paid a salary of two guineas a meeting, with a maximum of £100 a year. There are similar bodies controlling similar works in the Eastern States. I find that in Sydney there are only seven members of the similar board. I may point out, however, that Sydney is not quite so spread out as the metropolitan area here, ranging from Midland Junction to Fremantle. The chairman and two members of the Sydney board are nominated by the Government and four are elected members, two city and two suburban. In Melbourne, on the board which has been

referred to by one hon. member, there are 39 members, constituting a very cumbersome body. In addition to that number there is a chairman, so that there are really 40 members to control the metropolitan works in Victoria.

Mr. Daglish: They are all honorary.

The MINISTER FOR WORKS: They are all elected by the municipalities, and the chairman himself is elected by the board. In Hobart there is a board of 17 members, five of whom are nominated by the Government. The mayor of Hobart and the principal medical officer are ex officio members, and five members are elected by the city council and five by the suburban councils. In Adelaide the system the hon. member for East Fremantle (Mr. Angwin) referred to is in vogue. The whole of the metropolitan and sewerage works are under the control of the Commissioner for Works.

Mr. Angwin: And working satisfactorily.

Mr. Gill: He controls all the waterworks in the State.

The MINISTER FOR WORKS: I am not aware of that. As I have mentioned the management of the concern as provided for in the old Act was defective; but by the proposals I have just outlined we have attempted to remedy in a satisfactory way those defects. I shall be very pleased to hear criticisms from members with regard to the proposal. To leave the subject of the constitution of the board, I now come to another defect that appeared to us to exist in the old Act. Under the latter measure there was a uniform rate provided for all districts in the metropolitan area. That was a rate on the full capital cost, and, of course, the full annual cost, regardless of whether those costs were incurred in one district of the area or another. This was thought to be extremely unfair and, I believe, the member for East Fremantle himself took exception to it. More especially was it thought to be unfair with regard to the existing water supplies and works, the cost of which, as members know, varies very considerably. Take Perth, there the water rate is 1s. in the pound, whereas the rate at Claremont is 9d., and at Fremantle 6d.

Mr. George: Look at the difference in the quality of the water.

The MINISTER FOR WORKS: Certainly Fremantle and Claremont get nothing like the same article, and perhaps they have not such a good supply, but nevertheless the fact remains that such is the supply they will have for several years to come, and during those years and while a better supply is being provided, it would be, if adopted, manifestly unfair to make people there pay a portion of the charge say on the Perth supply. Therefore, it is concluded that to make a uniform charge such as is provided for in the 1904 Act would be unfair and would impose a severe hardship on the residents of Claremont and Fremantle. Until we have a source of water supply common to all the districts, we are not justified in imposing a uniform rate.

Mr. Draper: Would you propose a uniform rate then?

The MINISTER FOR WORKS: Personally, yes; but that question must be left for the future, and it will be for the Minister who will then be in charge to decide what to suggest. With a common source of water supply it would certainly simplify matters to make a uniform rate throughout the area. The disability now existing will be obviated as time goes on, and as municipalities extend and become more adjacent to one another. The provision we have made in this Bill is to divide the areas into districts, each district to bear its own cost. This not only covers the hardship I have mentioned, but it also covers any objection against paying for overcapitalisation of the Perth water supply as it stands to-day. I would immediately point out, however, that the cry of overcapitalisation is fast disappearing, and in fact, is almost a myth, although it meant a considerable sum when the Perth water supply was taken over from the people who constructed it. At that time the sum of £80,000, included in the purchase price, was for goodwill. That sum has been gradually written down from profits until now the balance is only £13,512; that is

that the cost of the Perth water supply standing to-day at £489,000 only includes the sum of £13,000 as representing goodwill—the total cost is for actual value received in works carried out. The Bill provides that the cost of each district shall be kept separate. For instance we would take the capital cost of the Fremantle works as they now exist, ascertain the sinking fund and interest on that capital cost, charge up the maintenance and the cost of running works and thus find the total. Then there will be the percentage of joint charges, which will, of course, arise in connection with the central administration, and possibly later on, before the amending Bill may be introduced, there might be the capital cost of one main source of supply. That sum may be considerable, amounting perhaps to £200,000 or £300,000, or even £500,000. The proportion of all the joint expenditure will be worked out and charged up to the various districts on a per capita basis.

Mr. Taylor: What are the districts? Does each municipality form one?

The MINISTER FOR WORKS: No, there will be a metropolitan water area proclaimed including the Perth, Fremantle, Claremont and Guildford districts. The district of Fremantle will take up a certain portion of the suburbs, while Claremont will take in Cottesloe. Then Perth takes in the suburban municipalities, Subiaco, Leederville, North Perth and East Perth, and so on, while the fourth district will be Guildford, which will take in the districts adjoining the boundaries of Perth.

Mr. Daglish: What do you mean by a division on a per capita basis?

The MINISTER FOR WORKS: Population.

Mr. Daglish: Not on a basis of value?

The MINISTER FOR WORKS: On a population basis; charges which are common to all districts, administration, central offices and boards, and the capital cost of works which may be constructed and which serve all districts in common would be charged on a population basis to the district concerned.

Mr. Daglish: What about non-resident ratepayers; would they escape these charges?

The MINISTER FOR WORKS: No; why should they?

Mr. Daglish: On a population basis I think they might.

Mr. Foulkes: It will not necessarily be a resident population.

The MINISTER FOR WORKS: You can get the ratepayers list and take the population from that. This provision of course more especially applies to the water supply scheme and the extensions, because the sewerage schemes and the storm-water schemes are separate in each district although they are adopted on a general plan. The septic tank system is adopted in each centre as its own scheme. The charges can be easily allocated with regard to those schemes. In order to get over the difficulty which might arise through an alteration in the population—that is when there is any variation in the population in any one district, if it increases rapidly, arrangements may be made that the cost of administration may be re-allocated from time to time. The next fact I wish to draw attention to is the inadequate provision which was made regarding the storm-water proposals in the 1904 Act. In that Act storm-water drains were included in the definition of "Sewer," and under that Act, which is now law, it is necessary to control storm-water works under the same provision as sewerage works. That is of course manifestly unworkable as the storm-water rating as compared with that of sewerage is totally different. For instance, the storm-water arterial drains serve large areas, and the rate of course which is struck must cover all the property within the areas of the drain, whether the property is adjacent to a drain or otherwise, whereas the sewer rate is only imposed on property within a reasonable distance of a main sewer. The Bill clearly distinguishes between the two classes of service, which is not the case under the existing Act. The initial water and sewerage districts are defined in the schedule of the Bill, and the storm-water districts will be created by proclamation from time to time as drains are constructed, and they will only

comprise the areas directly benefited from the construction of the drains. An objectionable feature in connection with the existing Act is the distance provided of 220 yards from the proclaimed sewer, that is that a property 220 yards from a proclaimed sewer should be subject to rates whether it has the advantage of connecting with that sewer or otherwise. In fact under the existing Act the board would be compelled to rate all property that came within that distance and that is considered unworkable; therefore it has been altered. Provision has now been made to proceed on the same lines as exist in Adelaide and Melbourne. That is, the board gives notice to the property owner, after a sewer has been constructed, to connect with that sewer, and after that has been done then the property is rated and not before.

Mr. Bath: Supposing branch sewers are not constructed?

The MINISTER FOR WORKS: Of course if a branch sewer were not constructed notice would not be served because the owner could not possibly be called upon to make his connection with the main sewer perhaps half a mile away.

Mr. Collier: The connections are to be made as the sewers are completed.

The MINISTER FOR WORKS: That is so. The whole sewerage reticulation has been plotted out, and as it is completed in sections owners of property will be given notice to connect. Sewers are to be brought opposite to each property. I do not think there will be any risk of undue hardship or the stretching of the Act to cause hardship on any property owner in that respect.

Mr. Bath: They stretch the existing Act extensively sometimes and cause hardships.

The MINISTER FOR WORKS: I am not aware of that fact. There is to be the same safeguard as exists in Adelaide and Melbourne, and it has been found to work very well there. The Bill also remedies several other defects, and several improvements have been inserted. In Clause 40 certain formalities have to be observed in the way of notice being given and certain procedure in regard to the submission of proposals, and notice that the board propose to undertake works. This is necessary in regard to main sewers and proposed storm-water drains; but it is too cumbersome to apply to the extension of water supplies and reticulation, etc., therefore the Bill provides for this procedure to be obviated in the case of small works by permission of course of the Governor-in-Council. The next matter I want to draw attention to is that of the house connections. The present Act provides a very rough and ready method of adjusting the charges for putting in house connections as between the occupier and the owner of a given property. It provides that where the occupier has a lease of more than five years he shall pay the whole of the cost of the installation; but if the lease is under five years, then the occupier and the owner have to divide the cost. We have amended that by inserting a provision that the owner must bear the cost. It is an improvement to his property which means an enhanced value and we think the cost shall fall on his shoulders.

Mr. Bath: That is what we had a debate about last year.

Mr. Collier: Would you not allow that to be an arrangement between the owner and the occupier?

The MINISTER FOR WORKS: We have inserted the clause to protect the owner so that he may not be put to a big expense, and we have provided that the tenant during his term of tenancy shall pay an increased rental of eight per cent.

Mr. Collier: You did not get that from the Melbourne Act.

The MINISTER FOR WORKS: I got that from our own common sense of justice and equity.

Mr. George: You have to guarantee tenants just now; that is the main thing.

The MINISTER FOR WORKS: I quite understand that. I should be glad to have a guaranteed tenant for some property I have at present. Unfortunately I cannot guarantee the hon. member a tenant, but I can guarantee this, that if these house connections are put into his property he is the right man to pay for them, subject to the tenant giving him for the

time being a fair return for his capital expended.

Mr. Underwood: You can safely leave it to the landlord.

The MINISTER FOR WORKS: What is the good of the hon. member talking like that. He has evidently not given the matter a moment's consideration. Supposing he has a 12 months' lease of a house and he is paying £1 a week rent, and he is called upon by the board to connect that house, and it costs him £30, would he not be the first to cry out if the Act said he should have to pay the cost of that work? If he is a weekly tenant only the landlord may put up the rent, but landlords may put up rents in any case if they think they can get more. This question, however, is controlled by supply and demand. There are any number of empty houses in Perth at the present time I am sorry to say, and therefore the hon. member would exercise his right to select another house, the landlord of which may be more reasonable.

Mr. Bath: Is there any provision for compelling a tenant to remain in the house after improvements have been effected?

The MINISTER FOR WORKS: No. The next point is that provision has been made that whenever there is a double charge; that is when sewerage and sanitary rates are contemporary during transition from one system to another, the local authority may make some allowance in order that both may not be carried. The occupier of course is liable with the owner for the cost of the house connections, and he is also liable for rates, but wherever he has paid money either on capital account or by way of rates, he has the right, for services rendered, to deduct from the rent a sum sufficient to recoup himself as against the owner. To facilitate collection of rates it is provided that overdue rates shall bear interest at five per cent., and on the other hand the board is empowered to allow a discount on the rate of five per cent. from the payments. In common with the 1904 Act, provision is made for the construction of the works by the Minister or the board with the consent of the Governor. It is proposed that the Minister shall continue the construction of all the main works, and also that he shall proceed to carry out all reticulation and house connection work in addition to the general administration and maintenance of the water supply, sewerage and storm-water works, pending the appointment of a board, which I have already explained. This, of course, comprises a very large volume of work, and it will necessitate a fairly considerable staff, more especially when the house connection work gets into full swing, to overtake the main work which has already been advanced to a considerable degree. One reticulation contract is already in hand, and a contract is about to be accepted for a second area. We have in the Works Department a sufficient staff engaged upon this work to enable contracts to be called for reticulation areas at intervals of about a month. We have at least 40 miles of reticulation pipes in hand, and the supply contract is still going on; so that members will see that it is not proposed to delay. If the measure be acceptable to the House we propose to press on with the work and get it to completion as fast as we can. It means a large expenditure, and it stands to reason that the sooner we can get some return on that expenditure by way of rates, the better for the country. House connection pipes are being manufactured. A contract was let some time back for between £8,000 and £9,000 worth. That is the first instalment, so it will be seen that everything is in readiness.

Mr. George: Are these pipes being made in the State?

The MINISTER FOR WORKS: Yes; all these pipes are made in the State.

Mr. Swan: A good deal of the clay is being imported.

The MINISTER FOR WORKS: Yes, a fair quantity of clay, I am sorry to say, has been imported. The contractor has been seeking everywhere to get a suitable clay in the State, but he has been forced to make several importations. I am sure it would be beneficial to hon. members to take a trip round and see what is being done in this respect. The by-laws, which are a very essential part of the administration of this de-

partment, have all been prepared in draft so as to facilitate the inauguration of house connections on the passage of the Bill. These by-laws were drafted after consultation with the municipal authorities, and I believe they are very complete, although I have not read them myself. They are all ready to be published. Of course we cannot do this until the Act is approved of. The first step will be to publish these by-laws and license plumbers, and then these house connections can proceed as fast as the reticulation is laid. Now, in addition to remedying these several defects to which I have referred, there are many points, of course, which have been re-enacted in this measure and which are in the 1904 Act. I might briefly touch upon these in passing. Provision is made that the members of the board in case of misconduct may be dealt with. Provisions for filling extraordinary vacancies are also in the measure. Then there is the control of water reserves. A very important point in connection with this is that the Act makes it unlawful for any person to sink an artesian bore within the metropolitan area without permission from the Government. This, of course, is absolutely necessary to prevent indiscriminate boring, and to conserve to the board the water supplies which exist within that area. Then, of course, there are clauses affecting the protection of the works and providing against waste of water. A very important matter is the question of deferred payments for house connections. It will be probably but a small percentage of owners who will be prepared to put up the whole cost of the connections to the sewerage scheme, and as it is made compulsory that this work should be carried out, the board has the power to give notice to connect; and if the owners do not connect, the board then has the power to step in and carry out the work and charge up the cost. Consequently we have provided that the payment for this work may be extended over three years; the cost can be spread over 12 quarterly instalments bearing interest. This is a provision which is fairly general in all sewerage Acts throughout Australia, and I may mention that Victoria provides for extended payments over 10 years. That, to my mind, is too long a period. Then there is another provision, namely that for rating powers. The board has the power to impose a maximum rate of 1s. in the pound on the annual capital value, or 2½d. on the unimproved value in each case; that is, for water supply, sewerage and storm-water drainage.

Mr. Draper: It is an increase of 1s. on the last Act.

The MINISTER FOR WORKS: No; the last Act provided the same maximum. This is a maximum.

Mr. George: I thought the storm-water and sewerage were to go together?

The MINISTER FOR WORKS: No; that is impossible. The storm-water drainage will be very much less than the sewerage. You must have a maximum, and your water rate is 1s. now. The maximum must leave a fair margin. However, that is a matter we can deal with in Committee.

Mr. Taylor: The maximum is a bit high.

The MINISTER FOR WORKS: I do not think so. Then we come to the question of the financial powers of the board. They have power to borrow money for the construction of new works and the payment of transferred works. That borrowing power is qualified by the necessity of the approval of the Governor being first obtained. Before raising the loan the board must make provision for a sinking fund not exceeding one per cent. Under the financial clauses the board also, of course, has the usual power to obtain temporary advances from a banking institution up to but not exceeding £5,000. Then provision is made for safeguarding the keeping of accounts by a stipulation that an auditor must be appointed. Further than that, the Auditor General has power to at any time enter in and inspect the books and make a report to the Treasurer; and the Governor-in-Council has the right to order a special report whenever occasion may arise. The Act is drafted to come into force by proclamation not later than the first of May in next year. And, of course,

the power is given that, pending the appointment of the board, the Minister may carry out all the functions of the board. He may control the undertaking, and in fact he will be a board in himself both as regards the construction of new works in progress and to be initiated; and also the maintenance of works when they are utilised, and the striking of rates in the different districts. There are numbers of Acts which are repealed by this Bill. Some of them have already been repealed by the proclamation of the 1904 Act. I need not weary the House by recapitulating these Acts, but I will say that with the exception of Sections 1 and 2 of the 1905 Act, which authorised a special agreement for the reticulation of the Mount Lawley estate, all the other Acts are now consolidated in the Bill before the House. This is the only Bill, with the exception of those sections which refer to the Mount Lawley estate. Now, I could give a lot of information with regard to existing works, but I do not think this is the proper time. I propose to leave that over. Also I could give information with regard to the estimated rateable value, and the rate which it is estimated at the present time will have to be imposed. I propose to leave that information until we reach the Committee stage. As we get on, members will want information and I think—

Mr. Angwin: I suppose you are of opinion that the present control has been satisfactory so far?

The MINISTER FOR WORKS: Does the member refer to the board or to the Works Department?

Mr. Angwin: The Minister has been controlling the works and the board too for some time.

The MINISTER FOR WORKS: Yes, and I can congratulate my predecessor on the fact that the numerous charges made against his officers in regard to the construction of the works were disproved before the Royal Commission.

Mr. Walker: No: that is not so.

The MINISTER FOR WORKS: Well, the hon. member will have his opinion.

Mr. Walker: Of course, I will not have yours thrust down my throat.

The MINISTER FOR WORKS: Of course not. I would not attempt to thrust anything down your throat. As a man who knows something about these works, having examined them myself, having read the evidence, and knowing that the members of the Commission inquired into the works, I say that the department was exonerated.

Mr. Walker: When the time comes I will show you that it was not so.

The MINISTER FOR WORKS: The whole of the works are satisfactory with the exception of, perhaps, one or two little defects. Where, I might ask, is a work of like magnitude without its defects?

Mr. Walker: That is an apology.

The MINISTER FOR WORKS: Nothing of the sort. Nothing is perfect. The hon. member himself for example.

Mr. Walker: I will bear comparison with you in point of veracity.

The MINISTER FOR WORKS: The hon. member himself is not without his defects. He is losing his temper. He has a very great gift in that direction, and he does not know when to control it. In my opinion these works have been well and faithfully carried out. The hon. member, however, loses his temper and doubts my word. Still I have a perfect right to voice my opinion in this House, and I intend to do so; and I am ready to pit my knowledge of these works against his.

Mr. Walker: You stick to a matter of opinion and you are all right, but when you state it as a question of fact then you are open to contradiction.

Mr. Angwin: The proposal to substitute a board really counteracts your statement.

The MINISTER FOR WORKS: Not at all. I have explained the reason why a board must be appointed. Surely it is satisfactory to the hon. member. The hon. member may still say that the Minister should have the control. It is a matter of opinion. The House must decide. I am not going to force my opinions down the throat of any member. I have put the measure before members for their consideration and deliberation. If they think that the Bill as drafted

is right, or if they approve of the provision made, let them pass it, but if they wish to amend it then let them amend it by all means. There is nothing party about this. It is simply a machinery Bill to carry on a big undertaking, and surely we can sink any semblance of personal feeling when we try to introduce a measure that will be of utility and benefit to the State and to the people living in the metropolitan area. I move—

That the Bill be now read a second time.

On motion by Mr. Swan, debate adjourned.

BILL—SEA CARRIAGE OF GOODS.

Second Reading.

Debate resumed from the 2nd September.

Mr. ANGWIN (East Fremantle): It is not my intention to oppose the Bill, though so far the Minister has not given us much information as to why the measure is required, except that the Commonwealth Parliament has passed the measure. It appears to me, however, that the Bill, as drafted, does not meet the requirements in the manner the Minister desires. Because we must realise that, though the Commonwealth Act has been in force since 1904 prohibiting certain conditions or agreements being laid down in a bill of lading, almost all those conditions have been embodied in bills of lading up to the present time, just as was the case prior to 1904. This Bill provides certain penalties for the inclusion of certain clauses in a bill of lading, but on reference to various bills of lading supplied to shippers, we see that they contain the very clauses for retaining which the Commonwealth Act provides the imposition of a penalty. The Bill before us provides that there shall be a proper delivery of goods handed over to the steamship owners or ships and included in a bill of lading, but we find bills of lading issued exonerating the shipowners from liability for any goods that have been stolen on board the ship by any person employed or not employed in the service of the company. Consequently, it appears to me very clear that the Bill, as drafted, shows that there is something wanting in order to prevent the inclusion of such clauses in a bill of lading. The only remedy that I can see to get over the difficulty with regard to our sea carriage of goods was put very clearly by Mr. Higgins, now a Judge of the High Court. When the Commonwealth Parliament were dealing with this question, Mr. Higgins repeated a statement he had heard from the late Hon. Robert Reid. He said he recollected a conference of chambers of commerce which met in Melbourne about three years previously, and that the late Hon. Robert Reid, one of the most experienced men in these matters he had ever met in Australia, had actually urged that not only should there be legislation with regard to the contents of bills of lading, but that ships should be run by the Government for the conveyance of produce. And it appears to me that this is the only method that should be availed of so far as Western Australia is concerned. We cannot get over the fact that there is at present a monopoly or combine dealing with the sea trade of Western Australia, so that I consider it is necessary, before we can make any prohibition having a tendency to protect the shippers in regard to produce or otherwise conveyed by such ships, that we should provide that the State should run ships in the manner suggested by the late Hon. Robert Reid, though I must say one would not have expected a gentleman such as the late Hon. Robert Reid to recommend such a socialistic scheme as he did at that conference of chambers of commerce held in Melbourne a few years ago. The position is that, though by measures such as this introduced by the Attorney General we put various increased liabilities on the shipowners, the shipowners will, no doubt, immediately pass on the liabilities to the shippers by way of increased charges; and to my mind there is only one remedy. It is a matter of impossibility for any shipper to say that he will not ship by any steamship, or that he will not send

his goods by the routes the various shipping companies follow, because there is no help for him. The owners are combined, and it is a matter of impossibility to do otherwise than ship one's goods by the various shipping companies trading on the coast of Western Australia. Therefore I think that if the Minister, before he introduced this Bill, had given consideration to the question of taking on the shipping trade along the coast of Western Australia, it would have been far better for the State as a whole. In dealing with the Bill before us we find that where any bill of lading contains words prohibited by the measure, they are null and void, and that if a bill of lading does contain such a clause or such words a penalty may be enforced. Now I would like the Minister to inform us whether, if this Bill should become law, it is his intention to enforce that penalty on shipowners who include in bills of lading those clauses specified in this Bill as being illegal and as null and void. It is useless passing legislation if the legislation is not to be enforced. It has not taken place so far as the Commonwealth is concerned, and I think that if a Bill such as this is passed, steps should be taken to see that its provisions are carried into effect. We have a large number of Acts in Western Australia which have not been enforced, and on which, in my opinion, action should be taken in several cases for the benefit of the various persons trading in the State. One gentleman told me the other day that he was standing to lose about £1,500, and that he had asked a Minister to enforce certain sections of an Act, whereby he, as a resident of Western Australia, should be protected in regard to a matter in which he was investing his money, but that the Minister had said he could not do so as it was not a matter concerning him. So this gentleman was not in the position of getting that protection that we expect should be given to any person in such a matter. However, as I have already said, it is not my intention to oppose the Bill. I merely rose for the purpose of trying to express my view that when measures such as this are passed, it is necessary that the provisions contained in them should be enforced.

The ATTORNEY GENERAL (in reply): In regard to the suggestion of the hon. member that the State should take upon its own shoulders the running of ships to the North-West, hon. members will recognise it scarcely comes within my department, but I shall be pleased to pass on the suggestion to whatever Minister may be responsible. Without going into the controversial question as to whether the State should undertake the sea carriage of goods itself, I may point out that this Bill is a simple measure, chiefly designed to prevent the shipowner getting out of his existing legal liabilities, or to prevent him contracting himself out of those liabilities. I do not know how it will be possible for the shipowner to cast the burden of these liabilities on to the shipper. I think the Bill is a fairly watertight one. Similar provisions have been in force, as passed by the Commonwealth Parliament, for several years, and I have yet to learn that they have not proved effective.

Mr. Daglish: Do they not apply to Western Australia?

The ATTORNEY GENERAL: No. They do not apply between port and port in Western Australia. As to enforcing the penalties, we provide the machinery; and if any shipper or consignee finds that the provisions of this Bill are being avoided, it is a simple matter to bring offenders to book; but I very much doubt, if this Bill becomes law, that a shipowner will willingly run the risk of incurring the penalty provided in Clause 6.

Mr. Bath: They are doing it under the Commonwealth Act.

The ATTORNEY GENERAL: Well, they are running a grave risk in doing so. I do not think there is anything more for me to say.

Question put and passed.

Bill read a second time.

BILL—LICENSED SURVEYORS.

Second Reading.

The PREMIER (Hon. N. J. Moore) in moving the second reading, said: This

Bill has been drawn up by the Licensed Surveyors' Board as the result of a conference held last year at Sydney, at which the various States of the Commonwealth were represented, as well as New Zealand. But while the Bill was drawn up at the instigation of that conference, at the same time it was recognised that necessity existed for altered legislation in order to provide power for legalising certain of the present procedure and practice adopted in connection with the examination of candidates at the licensed surveyors examination. In addition, the Surveyor General, the Under Secretary for Mines, and the Chief Inspecting Surveyor of the Lands Titles Department, in their individual official capacities have met and perused the Bill very carefully, with the view of preventing any ambiguity and in order to make the Bill as nearly as possible a measure that will meet with the requirements of this important profession. To my mind the work carried on by the members of the survey profession in connection with the opening up and developing of our lands, the new country, is not appreciated by the community generally to the same extent it should be. Assuredly, no class of civil servant renders more honourable service to the State than the licensed surveyor. In the face very often of great hardship and privation he carries out, in an unostentatious way, the preliminary pioneering and exploratory work which is so necessary prior to settlement. During the present year Western Australia will be employing more surveyors than any of the other States. The fact that last year something like 1¾ million acres of land were surveyed will give members some idea of the work that is being done. Between 60 and 70 surveyors will be employed during the present financial year, and it is anticipated that considerably over two million acres of land will be surveyed. Members will, therefore, recognise how necessary it is that in this important work we should have men of good character and well qualified. The Bill makes provision for due examination and registration of the members of the profession, and generally provides for the protection of the profession and the public alike. The standard of examination will be uniform throughout the States, and New Zealand will come into line as one of the reciprocating bodies. It is only a question of a very short time when reciprocity so far as surveyors are concerned will be secured throughout the Empire. Last year at the meeting of the Imperial Conference the following resolution was passed:—"It is desirable that reciprocity should be established between the respective Governments and the examining authorities throughout the Empire with regard to the examination and authorisation of land surveyors." A conference is now being arranged between Canada, South Africa, the Commonwealth, and the Dominion of New Zealand for the purpose of devising means to give effect to that resolution. The Bill itself, as members will see from the marginal notes, is practically on the lines of the Queensland Act passed in 1908. The underlying principle of the Bill is that one license will be granted to a surveyor to practise not only under the Land Act, but also under the Transfer of Land Act and the Mining Act. At the present time it is necessary for a man to hold three distinct certificates. After having secured a license under the Land Act it is necessary now, after a period of some six months, for a man to apply for registration under the Transfer of Land Act, while it is impossible to practise as a mining surveyor without the permission of the Mines Department. This Bill enables the board appointed under it to be the governing power in the issue of the licenses and the subsequent dealing with them in the matter of suspension or cancellation. It provides also for the repeal of certain portions of the Land Act, and also of section 16 of the Transfer of Land Act. With regard to the latter, provision in the Bill is made for an alteration so far as the form of declaration is concerned. The most important matter in the definition clause is that referring to the definition of an authorised survey. The term is defined as follows: "A survey of land authorised or required (a) under any Act dealing with the alienation, leasing, and occupation of Crown lands, or

under the Transfer of Land Act, 1893, or any other Act affecting titles to land; or (b) by the proprietor, lessee, or mortgagee under any Act affecting titles to land. The succeeding clause relates to the constitution of the board. It is provided that the board shall consist of six members, the Surveyor General to be an ex officio member. Had there been an institute of surveyors in this State there would have been provision in this clause whereby that body should be represented on the board, and in that respect the Bill would then have been brought into line with the Queensland Act. It will be a simple matter, however, to bring in an amendment to the measure when an institute is established here, so that that body can have at least two members on the board. Clause 5 refers to rules and the conduct of business which are set forth in the second schedule instead of as at present being drawn up separately. Clause 9 is important in that it provides for the holding of an examination of persons desirous of qualifying. Later on in the Bill provision is made for rules to be drawn up in connection with the conduct of these examinations. The schedule of subjects recommended at the recent conference provides that the candidate shall satisfy the board as to good character and as to experience. It is necessary for him to have served four years at least with a licensed surveyor, and of this period three years shall have been spent in the field. In the event of the candidate having passed a matriculation or any other corresponding examination, one year is taken off his articles. The subjects for examination include mathematics, as applied to surveying, computation connected with triangulation and the setting out of roads and curves, adjustment of discrepancies in surveys, computation of areas, principles and practice of surveying, topographical, trigonometrical, and underground surveying, setting out of areas, re-determination of boundaries, laying out of roads, setting out curves, plotting by co-ordinates and from field notes, stadia surveying, barometric and other measurements of lengths, and also engineering surveys, field astronomy, geodesy, drawing and an elementary knowledge of forestry. In the event of the candidate having passed some matriculation or other examination corresponding thereto, the elementary subjects are dispensed with. Clause 10 provides that in the event of it being decided to enter into a reciprocal arrangement with boards outside the Australian States regulations may be framed. Clause 14 provides that the register of licensed surveyors shall be kept up-to-date. Clause 16 sets out that during eight months after the commencement of the Bill any person who is the holder of a license to practise as a surveyor shall be entitled to practise as a licensed surveyor and to make authorised surveys under the Bill, provided that he shall, during the said period, be subject to the provisions of the measure. In the same clause it is also set out that after the expiration of eight months it will be unlawful for any person to practise as a licensed surveyor unless he is registered. Clause 17 gives power to surveyors to enter, the power being similar to that now enjoyed under the provisions of the Land Act and Public Works Act. At present under the Transfer of Land Act a surveyor has no power to enter. Clause 19 is rather an important one so far as surveyors are concerned as it provides that the board shall have power to compel a surveyor to correct his errors at his own expense. When the Bill is in Committee I propose to move to amend Sub-clause 2 by striking out the term "three years" and inserting "two years" in lieu, so that the sub-clause will then read—

> "Provided that any request for the correction of a survey shall be made within two years from the date of the lodgment of the plan of such survey with the Surveyor General or other authority."

I think that will be ample time, for it would inflict a hardship in some cases if, after a man had completed a survey, he were called upon three years afterwards to effect corrections, which pos-

sibly might entail an expenditure more than the cost of the original survey.

Mr. Bath: There is no provision dealing with a surveyor certifying a survey he has not personally carried out.

The PREMIER: That is provided for under the regulations. Clause 20 is an almost similar clause to section 24 of the Land Act and provides—

> "It shall be unlawful for any licensed surveyor, directly or indirectly, to acquire any interest in any land open for selection under any Act relating to the alienation, leasing, and occupation of Crown lands, if he has been or is concerned in the survey thereof, unless before acquiring such interest he obtains the permission of the Governor to do so."

The section in the Land Act only applies to surveyors paid by results, contract surveyors, but we think it advisable that a clause should be inserted in this Bill also. Clause 26 makes provision for framing regulations and is very similar to a section in the present Licensed Surveyors Act. It extends the power to make regulations to provide for the recommendations of the last conference of licensed surveyors, at which regulations were framed, and which regulations all the reciprocating boards desired to put into force. I do not think I need go further into the Bill, but if in Committee any member is desirous of obtaining information in regard to it, I shall be only too happy to give it. I may say in conclusion that the Bill is practically framed on the Queensland Act, and has been introduced at the request of the conference which sat in Melbourne and at which the Surveyor General, armed with full powers from the local board here, represented Western Australia. As one with a practical knowledge on the subject I have every confidence in commending the measure to the House. I beg to move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

(Sitting suspended from 6.15 to 7.30 p.m.)

BILL—ABATTOIRS.

Second Reading.

The MINISTER FOR LANDS (Hon. J. Mitchell) in moving the second reading said: May I say that this Bill is an evidence of the development that has taken place in this State during the past few years, especially when you remember that it was only 18 years ago that an open space beneath a spreading gum was used for the slaughter of animals in this State. In those days it was a good place too. With the advancement of years we come to a building made of wood; and later still the structures were of wood and iron. Even now wherever you go you find that a somewhat primitive method of killing beef for the table is in existence. The Bill which I am submitting to the House marks a complete change in this state of affairs. It is evident that the time has arrived in the State when we should provide up-to-date facilities for the slaughter of stock. There are many advantages of course to be derived from the killing of stock at public abattoirs. The first is that you have uniformity of methods. Then in killing stock at public abattoirs you bring about a good deal of cleanliness which cannot obtain in the primitive buildings now in use. It means, too, that the menace to public health is reduced to a minimum. In public abattoirs which are up-to-date, the work must necessarily be done in a more cleanly fashion than under the old system, in connection with which the inspection was far from perfect. It must be evident that where you kill beasts in an area which is very large it is impossible to have perfect inspection. Hon. members will agree it is desirable that the public health should be attended to, and that the meat supply should be subjected to rigid inspection. that the people who slaughter animals, especially the men employed, should be clean, and that they should be subjected to examination from time to time. Altogether the effect of the public abattoir system first means that you preserve the health of the people and you provide in that way to an extent that it is impossible to do under any other system. Pub-

lic abattoirs, too, provide the opportunity to the small producer who is in business on his own account to kill his own beef cheaply and promptly. It must be evident, too, that if anyone desires to start a business, say in Kalgoorlie, and who has to provide his own works, must be placed at a disadvantage. Under this system any man may slaughter stock. Then again a man who produces stock, if he is suffering a disadvantage with regard to the price that he gets from the wholesale butcher, he too can proceed to slaughter cattle himself. Under this system of central abattoirs it will be possible to make use of all the unsaleable matter and convert it into a most useful fertiliser. As an agriculturist, I welcome the idea of turning all this waste product into something useful. Hon. members will agree that this alone will almost justify the erection of these works. If we take our goldfields centres, and any of the other large centres away from the metropolis, it will be realised by hon. members that the most desirable thing in connection with the slaughter of animals is cleanliness by using abundant water, which is not often available. We have heard a good deal about the dry method of killing. That is not right, and it does not make for good health. Under this public abattoir system there will be a plentiful supply of water wherever the public abattoirs will be established. There are many other advantages, too, for the producers. For instance it will enable them where they have to slaughter in a central place, to have an inspecton of the stock, and this will save the producer a considerable amount. At the present time it is possible for animals to be stolen. Under the public abattoir system the brands will be inspected and it will be possible to know exactly what has happened. The Bill is really introduced now to enable us to work the Kalgoorlie abattoirs. Under the Health Act we have certain powers which enable us to work the abattoirs at Kalgoorlie and those provided in the Bill are additional. In this measure provision is made for declaring an abattoir area. For instance, at Kalgoorlie it may be necessary to declare a 10-mile, or even a 15-mile limit from the abattoirs so as to cover the area in which cattle are slaughtered. In Kalgoorlie we have erected most extensive works and hon. members who represent the goldfields will agree that those works are up-to-date and satisfactory in every way, and in fact that they have been splendidly placed in their area of 250 acres of ground. These works are a decided improvement on anything else in the State. The machinery, too, is up-to-date and safe. I am told that it is the most up-to-date machinery in use in Australia. It is right I think that the State, which is setting out in this direction for the first time, should have a plant of this description and should not follow the unfortunate example of some of the Eastern States. I venture to say that if hon. members inspect these works they will see that they are in every respect up-to-date and are provided with every modern convenience. If this Bill becomes law, of which I have no doubt, it will give the Governor power as Clause 4 provides, to establish, maintain, and manage abattoirs for slaughtering stock in any district that may be decided upon. In the metropolitan area we need conveniences of this kind. In fact we need them in all the populous centres. In New Zealand in every centre which boasts of a population of 2,000 people or upwards public abattoirs will be found.

Mr. Angwin: Is there a provision in this Bill for licensing private abattoirs?

The MINISTER FOR LANDS: It is not contemplated to grant a license to private abattoirs. Those in existence can be left out of the areas declared. I think it would be wrong to encourage the establishment of private abattoirs in any abattoir district when one is declared. We have the power here to allow the abattoirs established at Robb's Jetty to continue. In Kalgoorlie inspectors will control the work of killing and preparing the meat inside the area reserved by the Government.

Mr. McDowall: The butchers say it is quite impossible to use the Kalgoorlie abattoirs, that the machinery is all wrong, and that £20,000 has been wasted there.

The MINISTER FOR LANDS: If the hon. member will take the responsibility of saying that, I will be pleased to answer him. I am not responsible for what the Kalgoorlie butchers say. The abattoirs there are certainly better than anything else we have in the State, and will do the work that will be required of them. They will provide all the facilities necessary for a much larger place than even Kalgoorlie. If it had been possible to erect smaller works there we would have done so, but it was not possible to erect them in that centre, and I am quite certain it will be found that they are splendid and up-to-date works in every respect. I have no hesitation in saying that these abattoirs will work very well. At any rate it is a step forward and I welcome the change. I am sure the people in Kalgoorlie will also welcome the change. I fully expect objections to come from people who own slaughterhouses there. Why not? It is only reasonable to expect them to object. They will be obliged to kill under the most approved methods and they will have to use considerable water in preparing the beef for the market. They will also naturally object when their meat will be subjected to a little additional charge, and also to a very rigid inspection. I have much pleasure in moving—

That the Bill be now read a second time.

On motion by Mr. Bath, debate adjourned.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Second Reading.

Mr. BATH (Brown Hill) in moving the second reading said: This is a small measure which seeks to amend the existing Legal Practitioners Act with a view to making provision for the admission of managing clerks who have served a specified term to practise as legal practitioners of the State. The measure is one which was introduced in 1906 by the then Attorney General. It was passed by this House and sent along to another place, but owing to a small amendment which was inserted in the measure in the Legislative Council, when the Bill came back to this Chamber the Attorney General moved for its rejection. I have again introduced it, and I do not anticipate that hon. members will offer any objection to the measure. It provides that a clerk who has served over a term of 10 years in the office of a practitioner or practitioners, the last five years of which have been served in the capacity of managing clerk, and who shall pass the final examination prescribed in the rules under our Legal Practitioners Act, and who shall have obtained from the Barristers' Board a certificate to the effect that he is a fit and proper person, will be entitled to apply for admission as a practitioner. It also provides that anyone completing a term of 10 years as a clerk, and having obtained also the degree of Bachelor of Laws in some university in the British dominions recognised by the Barristers' Board, shall also be entitled to the same right. And it also makes another provision, namely, that in the case of a person who has matriculated or graduated at any university in Great Britain, Ireland, or Australasia, such person shall not be required to pass the preliminary examination laid down for articled clerks. That is a provision in other professions, where matriculation examination is regarded as equal to the entrance examination, and I think it is one that can very well be applied in the case of those seeking entrance into the legal profession. There is, I think, no doubt that anyone who has served for a term of 10 years, five years of which have been passed in the capacity of managing clerk, has a very good title to be admitted as a legal practitioner. If he is to be debarred from this there is nothing for him to aim at other than passing his lifetime in that occupation. In almost every other profession we provide for those who take up the work—after they have shown their fitness and passed an honourable career—opportunities to attain to the highest status in the profession. For my part I fail to see why we should not do so for

those who by their very occupation acquire a practical knowledge of legal work—even a more practical knowledge, perhaps, than one who has secured his admission by passing the necessary examinations. Under these circumstances I think it will commend itself to hon. members as a very desirable thing that those people should be given an opportunity of setting up for themselves as legal practitioners and that we should not condemn them to pass their lifetime as managing clerks in some other legal practitioner's office. It seems to me the more necessary that we should do this, seeing that under existing conditions this qualification is regarded as sufficient in New South Wales, and anyone who has secured admission in New South Wales can come to Western Australia and can secure admission as a legal practitioner in this State; whereas unless this measure be passed we debar one in a similar position who has served 10 years in an office in Western Australia. I know that in past discussions on this measure I have probably given evidence of a reforming zeal in regard to the legal profession. I desire, perhaps, to make it even more democratic than it is at the present time. If one were inclined to point to inconsistencies, one might ask why it was necessary that we should have lost the talents and abilities of the Attorney General for a number of years, why it was necessary for him to have gone all the way to the United Kingdom to seek for admission as a legal practitioner in order that later on he might come to Western Australia and apply for the same position here? But seeing that this measure of reform has been promised to the persons who will benefit by this measure, and seeing that they have been denied for so long, I have regarded it as quite sufficient on this occasion to extend this measure of reform in the direction mentioned, and not seek to jeopardise the measure and arouse discussion by endeavouring to embody in it other more far-reaching reforms. I beg to move the second reading of the Bill.

On motion by Hon. J. Price, debate adjourned.

BILL—LICENSING.

Message.

Message from the Governor received and read recommending the Bill.

Second Reading.

The ATTORNEY GENERAL (Hon. J. L. Nanson) in moving the second reading of this Bill said: In introducing to hon. members a measure dealing with the vexed and controversial subject of liquor law reform it would be idle to pretend that the reflections uppermost in one's mind were of a highly optimistic character. No one who has studied the track of similar legislation in other countries possessing conditions not entirely dissimilar to our own, can but be struck by the fact that it is a track along which may be found not a few legislative derelicts. Nor can one escape the scarcely consoling reflection that in those cases in which the voyage has been safely accomplished, the after results have frequently been more productive of controversy than of acclamation. Happily, however, there is another side to the question. It is the difficult not the easy task, that stimulates; and even the politician, cautious though he may by temperament, or rendered cautious by the steadying influence of office—even the politician, I say, is not insensible to the charm and fascination of enterprises that have in them the spark and spice of adventure. But greatest stimulus of all is to be found in the conviction that this drink traffic represents a problem the successful solution of which is essential to the moral, the physical and the intellectual well-being of the community. Furthermore, there is the ever present danger, if not the certainty, that unless that traffic can be adequately controlled and regulated it will acquire an evil potency in our national life, which may frustrate, if it is not already doing so, that upward and onward movement of social amelioration, the desire for which is not the monopoly of any one party in the State, but is shared equally by all; as much, I am firmly convinced, by hon. members who sit on the opposite side of this Chamber as by those who occupy this bench. My object, however, this

evening is not to weary hon. members with a long and intricate dissertation on the drink question, and an examination of the manifold methods that have been advocated for dealing with it, and which in some countries have been put to a practical test. An inquiry of that nature, even though interesting, would be interminable, and long before I had reached the end of what I had to say I would, I feel sure, have produced amongst hon. members an all-pervading lethargy, against which I would contend in vain. What it is my business to do, and what I wish to do, is to describe as briefly and as clearly as I am able, the underlying principles and the salient features of the Bill with whose presentation to hon. members I have been entrusted by my colleagues on these benches. But first of all I would like to be permitted the observation that while here, as elsewhere, the subject is one possessing not a few complex and contradictory features, yet as compared with older communities we have at least one great advantage in dealing with it. The vested interests with which we are here brought into contact and with which we must endeavour to deal in a manner which, while equitable to private individuals shall at the same time not forget the wider claims of the community—those vested interests, I say, have not with us acquired by age a strength sufficient to interpose any stupendous or insurmountable obstacle in the pathway of reform. It is also, I venture to think, a favourable omen for the success of the task we have set ourselves that in Western Australia, though we have here, as they have in other countries, well-meaning individuals who hold extreme views on this drink question, yet there is good reason to believe that the preponderating body of opinion is one which, while favourable to reform, does not demand a change, sudden, sweeping, and irresistible in its incidence. It rather demands a measure which will not endeavour to march ahead of public sentiment, but in line and in step with it. In saying this, however, I do not wish it to be supposed that the measure which the Government are presenting for the consideration of hon. members is merely a consolidation of the dozen or more liquor Statutes, amendment upon amendment, which at present render intricate our legislation on the subject and to that extent cumber the statute book. A very natural question to ask, almost the first question that will present itself to the minds of hon. members, is what is the fundamental idea at the bottom of this Bill? Well, I can answer that question almost in a single sentence. The Bill is designed to give direct, immediate and unmistakable expression to what we believe should be the fundamental idea at the bottom of all legislation on the subject. I refer to the principle of popular control.

Mr. Scaddan: If you would put it into practice it would be all right.

The ATTORNEY GENERAL: By that I mean that with the people of each locality shall rest the ultimate decision on the question of license or no license, of continuation, of reduction, of increase, of abolition of public houses and drinking saloons in their own immediate neighbourhoods. In making this a salient and basic principle of the Bill, the Government are not forgetful of the fact that there are some whose opinion is entitled to the most serious consideration, who are not altogether enamoured with the working of the local option principle in practice in those countries where it has already been tried—in New Zealand and some of the Eastern States, and the sister continent of North America and some of the Northern countries of Europe. As hon. members are aware, Mr. Carson the Commissioner appointed by the Government to investigate and report on the liquor legislation of the Eastern States and New Zealand, and whose assistance, together with that of Mr. Sayer, the draftsman of this measure, I desire cordially to acknowledge, returned to Western Australia impressed with the success in actual working of the Victorian system of reduction of existing licenses, not by means of a local option vote but by means of a nominated board armed with a clear statutory instruction to bring licenses into accord with a statutory quota fixed in proportion to population. That a fair measure of success has attended that system in Victoria may, I think, be considered as

established. In favour of it, and as against local option as prevailing in New South Wales, New Zealand, and South Australia, it is contended that by the latter method licenses have been reduced where there was no urgent need for their reduction, and have been retained unimpaired in localities where far in excess of the legitimate needs of the residents. My own view, if I may say so, is that there is perhaps in some quarters a tendency to unduly strain the case against local option, that in making a comparison of the result of the local option polls in and around Sydney, for instance, not enough consideration has been given to the varying character of the districts where the vote was taken. If we accept our own metropolitan area as an example, we should not expect to find that in each of the districts comprising that area there would be precisely the same number of licensed houses in proportion to the resident population. Let me explain myself a little more fully. Within a radius of half a mile of the central railway station, it would be reasonable to expect to find a larger proportion of public houses than in an outlying radius of equal area beyond that first one. In the first mentioned area the great bulk of the business and pleasure of the community is transacted. Every morning a large suburban population flocks into it, every evening it is recruited with pleasure seekers drawn from the same source. It is the centre also in which are to be found the largest number of visitors from other parts of the State, drawn thither either on business or on pleasure. I fail, therefore, to see how a quota, which would be perfectly reasonable in the case of a suburb, would be equally so in the centre and heart of a capital city. The local option system cannot be regarded as a failure if the voters recognise that the number of licenses in a district should be governed not only by the population actually resident in the district, but also by other considerations, such as those I have just indicated. Now, the difficulties attendant upon a licensing system based on a fixed quota were illustrated very fully in the course of the debates on the English Licensing Bill of 1908. In introducing that Bill Mr. Asquith, the present Prime Minister of England, pointed out the objections to drawing a hard and fast line between town and country districts and allowing a fixed number of licenses only in each, such number being based entirely upon population. The English Bill provided an elaborately graduated scale, devised in the hope of meeting the requirements of every conceivable kind of locality, but despite all that elaboration it was found essential to give to the licensing courts discretionary powers to meet the peculiar circumstances of large business centres. To give an example. If we had the fixed quota provided in the English Bill and with no exceptions, it would be found necessary in one district of Birmingham to suppress no less than 141 licenses out of 158, or in the central district of Cardiff 85 out of 108 would have disappeared, while again, in one single ward of Nottingham 69 out of 70 licenses would have been abolished. We are driven therefore, I contend, to the conclusion that the true basis of calculation in estimating the number of licenses in any given district is not necessarily population, but rather the peculiar circumstances and requirements of that district. I do not for a moment wish hon. members to think that I contend that population should be left entirely out of consideration. Population is, of course, a factor that to some extent must be taken into account; but it should not be taken into account, I submit, to the exclusion of every other consideration. This view, I further submit, is borne out by the official licensing statistics of England, which go to show that there is not necessarily the most drunkenness in those localities where licensed houses are the most numerous. In Cambridgeshire, for example, with 74.95 licenses for every 10,000 of the population, whereas the statutory allowance provided by the English Bill was only 25 per 10,000 of the population, the convictions for drunkenness were only 12.7 per 10,000 of the population. In the West Riding of Yorkshire,

where there are 24.60 licenses per 10,000 of the population, the convictions for drunkenness were 74.22, or more than six times as many as in Cambridgeshire, where the number of licenses in proportion to the population is so much higher than in the case of the West Riding of Yorkshire. Neither must hon. members suppose that these are isolated instances. It would be easy to quote others even more striking, such as the district of West Ham, where there are only 7.17 licenses per 10,000 people, and which is a district that under the English Licensing Bill of 1908 would have been entitled to double the number; yet, with that small number of licenses in proportion to the population, there were convictions for drunkenness amounting to 43.8 per 10,000 people. I do not wish to weary members by quoting long lines of statistics, but content myself with giving these examples as sufficient to my argument, that if local option does not provide an absolutely perfect method of reduction, neither does the population basis, even when an elaborately graded system is provided, such as there was in the English Bill of 1908, a much more elaborate and a much more ambitious method than is to be found anywhere in the Victorian legislation. To deal with the examples I have quoted, it can scarcely be contended that it would be a particularly effective temperance measure to reduce licenses in a county like Cambridgeshire, where there is little drunkenness with many licenses, and to increase them in a county like West Ham, where there are few licenses and much drunkenness. At any rate, having given the subject very careful consideration, and having endeavoured to look at it from every point of view, the Government have come to the conclusion that reduction in obedience to the desires of the people is preferable to reduction by some cast-iron mathematical system. In the Bill, therefore, as it is drafted, no statutory limitation of licences in proportion to population is inserted, because the Government think that we cannot impose any limitation of that nature which, in its practical working, will give the same degree of satisfaction as a limitation imposed by the votes of the people resident in the district, by the votes, that is, of those persons who may be regarded as being the best judges of their own requirements. There is the further consideration that, even supposing local option as applied to the reduction of licenses does not act with the same certainty as when the task is undertaken by a board or court acting under statutory direction, the reform, when it does come, being the expression of the popular conviction is more likely to be permanent than where it is perhaps forced on an unwilling constituency by a board that does not necessarily reflect local opinion, or, if it does reflect it, does so in a very slight degree only. Even in the Victorian Act, which suspends local option in favour of the operations of a reduction board, the Act provides for recourse being had to local option after a period of years has elapsed. If, however, the system is good enough to adopt 10 years hence, is it not good enough to adopt to-day? Is it seriously argued that the electors within one short decade will undergo some subtle change that will render them more fitted to know what are their own requirements, or that will give them a surer knowledge of their requirements than they possess to-day? I hardly think that is a proposition that can seriously be contended. But even assuming for the sake of argument that the electors are not to-day the best of all tribunals to deal with this question, I doubt whether they can be better fitted for the task, which sooner or later must be placed upon their shoulders, than by placing on them the full power of responsibility. Like every other sense, the sense of responsibility, if opportunity is not given to exercise it, becomes nerveless and atrophied. We may devise all manner of expedients for dealing with the difficult question of the liquor evil, but we may at least be certain of this, that nothing will affect its purpose which has not a strong body of public opinion behind it. Laws are valuable in so far as they voice the popular will and enable it to be enforced, but history and our own day alike afford too many examples of

legislation which has either utterly failed in its pupose, or is at best but a mere pious aspiration, simply because it does not reflect with a fair degree of accuracy the wishes of the bulk of the people whose obedience it is intended to enforce. Let us regard it as an axiom that if the reform of the drink traffic is to be accomplished, it can only be by methods and measures broad-based upon the people's will. But while the Bill is so framed as to give a liberal instalment of local option, not only in regard to new licenses but also in regard to existing ones, its operation as to the latter is necessarily limited, to some extent, by the necessity, as the Government conceive it, for compensating those holders who, through the operation of a local option vote, may be deprived of their licenses. And that brings me to the general, and I think I may say, the vexed question of compensation. There are some temperance advocates, as members are aware, who strongly deny that a license is in any sense of the term a fitting subject for compensation. I am scarcely sanguine that any words of mine will shake those who hold opinions of that kind. It may be, however, that there are in this House some members who have no very decided opinions on the question, so far, one way or another, but with this exception, that they are anxious to do what they consider a fair thing to existing licensees. To those members I would point out that if they wish to look at the matter in its legal aspect, the position, at any rate to my mind, is not quite the same in Western Australia as in the old country. In the United Kingdom the licensing courts have always had a practically unfettered discretion to renew or to refuse existing publicans' licenses; in other words a publican's license in the old country is granted only from year to year, and the refusal to grant the renewal is not, or rather was not until 1904 when Mr. Balfour's Bill was passed, a legal ground for compensation. The leading case of Sharp v. Wakefield, which figures so prominently in all discussions on this question, laid down no new principle of law, but simply affirmed what had been the law for centuries. It was otherwise, however, with beer-house licenses in England which, by the Act of 1869, so far as licenses then in existence were concerned, were given a definite right to renewal subject to compliance with certain specified conditions upon which I need not now enlarge. By our Licensing Act of 1880 the law in regard to liquor licenses generally is made very much the same as it was in England prior to 1904 in regard to beer-houses by the English Act of 1869. Section 33 of our own Act provides definitely, distinctly and unequivocally that every licensee shall be entitled to demand—not only to demand, for that in itself would be but poor consolation if a man failed to get renewal—but the section says he shall be entitled to demand and to obtain from the licensing magistrates a certificate authorising a renewal of his license provided such license has not been allowed to expire or has not become void or liable to be forfeited from any cause whatever. I am now quoting substantially from the language of the section which also says—

> "Provided also that no objection to such renewal shall have been taken and established to the satisfaction of the licensing magistrates on the application for such renewal."

In other words, I contend that a licensee is entitled to renewal unless objection is taken by specified persons on specified grounds, and that such objection is sustained to the satisfaction of the magistrates.

Mr. Daglish: One ground is that the license is not required.

The ATTORNEY GENERAL: Assuming that, and I am not here to contradict the member on the point, the justices must exercise judicial discretion, and it must be shown to their satisfaction that the license, in point of fact, not merely in point of opinion, is not required, and is in excess, for instance, of the legitimate requirements of the population.

Mr. Gill: Is that the law with regard to general licenses?

The ATTORNEY GENERAL: Yes, by Section 33 of the Act 1880. To continue my comparison of our law with the English licensing law, except in the Act

of 1869 relating to beer-houses there is no similar provision in the English legislation prior to 1904, and I venture to contend that had language similar to that in Section 33 of our own Act been in existence in the English law at the time Sharp v. Wakefield was settled the decision in that case might very possibly have been different. That is the view taken by commentators and others of the Australian Licensing Acts where provisions somewhat similar to our own are concerned. If members wish it, I will assume for the sake of argument that there is no legal obligation at all to renew a license, that there is no legal obligation to give compensation of any kind, and I will base my argument on the infinitely stronger ground, that of equitable consideration for, after all, the inherent idea of justice is embodied in the minds of every member, as I trust and believe, in this Chamber. Because licenses have been granted year in and year out provided the necessary conditions were complied with interests have gradually sprung up, which if not property in the language of strict technicality so closely approximate to it that I doubt if there is a member who will be prepared entirely to disregard them.

Mr. Underwood: Here is one.

The ATTORNEY GENERAL: Well, there is one. We may discover others later on, but members should not commit themselves too quickly. They should think the matter over calmly before committing themselves to a proposition which even if legally justified would scarcely be considered to be based on natural justice. Whatever may be the opinion of some members the Government do not intend to ask members to disregard these equitable considerations. Much as we wish to see the Bill occupy a place on the statute book we would rather have it relegated to the scrap heap of rejected legislation —where at least it would have some distinguished company—than have a measure which, in our opinion, seeks to commit an injustice in order that good may come of it. We believe it is possible to frame a Bill, and we think we have framed a Bill, which will give adequate notice to interests which it is sought to abolish or, if it is decided to extinguish them summarily, will provide an adequate pecuniary compensation.

Mr. Gill: Who will get the compensation, the licensee or the landlord?

The ATTORNEY GENERAL: Both in equal, or rather equitable, shares.

The Premier: It depends on the length of the lease.

The ATTORNEY GENERAL: We provide that, so far as licenses granted after the passing of the Act are concerned, they shall have no claim for compensation. The principle is laid down in unmistakable terms that for the future a new license is given only from year to year, and that if at any time, by the operation of a local option vote, its renewal is forbidden there shall be no claim legal or equitable for compensation. That at any rate will do something, I hope, to meet the wishes of members who cannot see why existing licensees should get compensation.

Mr. Swan: There will be some way of getting out of it.

The ATTORNEY GENERAL: Members must endeavour when the Bill reaches the Committee stage to bring their natural acumen to bear on these provisions so as to frame a clause whereby it would be impossible for any member of the legal profession or a licensed victualler to get in a claim for compensation. The licensee will know exactly the position when he receives the license and will have to accept the license subject to the provision that no compensation will be granted.

Mr. Daglish: You are contracting yourselves out of liability.

The ATTORNEY GENERAL: For the future we start clear. We are not responsible for what may or may not have been the mistakes which have come before, but at least we shall be responsible for the form in which this Bill ultimately leaves this Chamber. As regards new licenses, therefore, I submit that all is plain sailing. Other provision has to be made for existing licenses. The Bill provides that licenses now existing but abolished during a period of 10 years from the passing of the Act, shall receive compensation to be paid out of a fund

raised by means of an assessment levied on those licensees and owners whose licenses are subject to abolition by a local option vote. As regards the period during which compensation may be paid on the abolition of licenses in existence before the passing of the Act we have fixed it, as I have said, at 10 years. Some members may think that term is not sufficiently long, others that we err on the side of liberality. I do not intend this evening to go into that aspect of the question for it is a matter that may be better considered when the Bill reaches the Committee stage. The main features of the Bill which I wish more particularly to emphasise are: (1) That it establishes immediate local option; (2) That it supplies means of compensation in respect to the abolition of licenses in existence before the Bill becomes law, provided such abolition is in obedience to a local option vote within 10 years from the date of the passing of the Bill; (3) That no new licenses shall be granted for the consumption of liquor on the premises save, with a very limited exception, in obedience to a local option vote; (4) That if, afterwards, such new licenses are abolished, they shall receive no compensation, either in money, notice, or in any other way. Finally, that just as under the existing law there is power to deprive licensees of their licenses for just cause without compensation, so the power is preserved intact in the present Bill.

Mr. Walker: Is not that giving a monopoly to the old licensees?

The ATTORNEY GENERAL: The period is for 10 years and for old licensees, who are undoubtedly entitled to compensation, unless they lose their licenses for some good cause—offences against the Act. It may be of interest to members if before proceeding to explain the Bill more in detail, I show how our licensed houses compare in point of numbers in proportion to our population. As members are no doubt aware the quota in Victoria for each licensing district is four houses to each thousand of the population, and one for every additional five hundred. Assuming this to be a fairly reasonable proportion—at any rate it is the best for comparison in so far as it is possible to arrive at one—we have in Western Australia 27 electoral districts where the number of licensed houses is below the Victorian quota, and 18 where the number is above the quota. There are five districts in which the quota is exactly on the line. The thirty-two districts have 174 licenses less than the quota while the 18 districts have 262 licenses in excess of it. It may be of interest to members, who naturally are interested in their own districts, if I give those districts where the quota is exceeded, and those where it is not. The electoral districts in which the quota is exceeded and the number by which it is exceeded, are as follow:—Boulder 14, Coolgardie 12, Cue 16, Dundas 15, Fremantle—that is Fremantle electorate not the whole district—5, Kalgoorlie 22, Kanowna 30, Kimberley 4, Menzies 27, Mt. Leonora 23, Mt. Magnet 19, Mt. Margaret 7, Murchison 16, Murray 5, Perth—that is Perth proper not the whole district—12, Pilbara 11, Roebourne 5, Yilgarn 19; total 262. One conclusion we may arrive at is that the climate of the goldfields is peculiarly conducive to thirst. The electoral districts in which the licenses are below the quota, and the number by which they are below are as follow:—Balkatta 9, Beverley 5, Brown Hill 1, Bunbury 1, Canning 3, Claremont 11, Forrest 9, East Fremantle 9, North Fremantle 4, South Fremantle 13, Gascoyne 1, Geraldton 2, Greenough 1, Guildford 4, Hannans 8, Irwin 3, Ivanhoe 4, Katanning 4, Northam 4, East Perth 10, North Perth 22, West Perth 13, Subiaco 21, Swan 3, Toodyay 5, Williams 3, York 2; total 175. I mention these figures, not because I think they are in every case a reliable index as to the localities where reduction should be attempted, but because they may be some guide as showing in what electorates—and it is the electorate which in the main will be the licensing district—licenses are the most numerous in proportion to the resident population. I may add that the five electorates which are neither above nor below the quota are—Albany, Collie, Nelson, Sussex, and Wellington. I now come to the consideration of the Bill more in detail. For the purposes of the Bill we divide the State into licensing districts.

Primarily each electoral district of the State is made a licensing district, but power is reserved to the Governor-in-Council to subdivide an electoral district into two or more licensing districts, or to amalgamate two or more contiguous electoral districts into one licensing district. We do not anticipate that sub-division will be necessary except perhaps for the purpose of the licensing courts. To give an example, the Kimberley electorate comprises three magisterial districts: that of Broome, of Derby, and of Wyndham. Instead of having one licensing court and one licensing bench for the whole of that vast portion of the State it may be expedient to have the three courts; at any rate we think it wise that power should be reserved to make the division, if for administrative reasons it should be deemed advisable. As far as sub-division for the purposes of taking a local option poll is concerned, we hope that it may be avoided, because the roll used for taking the poll, being the roll used in Legislative Assembly elections, in the event of sub-divisions a new roll would have to be prepared which would involve some trouble and expense. It is more than probable, however, that the power to amalgamate two or more contiguous electoral districts into one licensing district will have to be availed of. One of the objections advanced against the local option system is that, while it is possible that all public houses and liquor saloons may be prohibited on one side of a street, on the other side they may flourish with almost unrestrained luxuriance, the centre of the street forming the boundary line between two local option districts, one of which may have a strong temperance following, and the other a majority of voters who belong to the unregenerate faction. For my own part I am strongly of opinion that that other objection to local option, to which I have already referred at some length, namely, that it fails to secure a reduction of licenses in those districts where reduction is most needed, can be very largely, if not entirely overcome by extending the boundaries of districts in the larger centres of population. If for example the whole of a large part of the metropolitan area were combined in one local option district, and a vote in favour of reduction were carried, the License Reduction Board, which we propose to appoint under the Act would have full power to carry out the reduction in that part of the district where, owing to a congestion of drinking places, or other reasons, they considered the reduction to be most required.

Mr. Scaddan: Why not have that in the Bill?

The ATTORNEY GENERAL: Power is given in the Bill to amalgamate contiguous districts.

Mr. Scaddan: That is, where the Governor may think fit.

The ATTORNEY GENERAL: As long as the Government continue in office our regard will be for the sobriety of the people and giving them the opportunity to regulate the drink traffic.

Mr. Angwin: Pressure must have been brought to bear.

The ATTORNEY GENERAL: I have been too busy preparing the Bill to feel the pressure the hon. member has referred to. Coming to the licensing courts, it is provided that for each licensing district there shall be a licensing court consisting of three persons to be appointed by the Governor. We do not specifically provide for the resident magistrate in the district being chairman of the court, though in practice he probably will be. Any person may be a member of more than one licensing court, and by virtue of his office he is a justice of the peace for the State. His appointment is for three years, but he is disqualified if he becomes interested beneficially in the manufacture or sale of liquor, or in any premises licensed or proposed to be licensed under the Act. The licenses in respect to which the courts will exercise jurisdiction shall, it is proposed, be the same as are provided for under the existing law. The list is a somewhat lengthy one, comprising fifteen in all. Consideration has been given to the question whether the number might not with advantage be diminished. Out of some 1,200 liquor licenses in existence in this State, nearly half,

namely, 542, are publicans' general licenses. The wayside house licenses number 168; the gallon licenses 277; colonial wine licenses 116; and colonial wine and beer licenses 32.

Mr. Angwin: Wipe out colonial wine licenses altogether.

The ATTORNEY GENERAL: The remaining kinds all told, barely exceed 100. Of hotel licenses which, as hon. members are aware, allow the holder to dispose of liquor to be consumed on the premises only to lodgers or boarders or to persons taking meals, there are only two in existence in the entire State, and it becomes a question, therefore, whether it might not be well to abolish this form of license, seeing that it is so little availed of, and allow the holders to take out, if they so wish, publicans' general licenses. We have thought it better on the whole, however, to allow this class of license to remain, because although so little used at the present time, there seems to be no strong reason for its abolition, and it is serving a useful purpose, though only on a very limited scale. Among the licenses for the sale of liquor to be consumed off the premises, the most useful and the most generally availed of is the gallon license, of which, as I have already mentioned, there are 277 in existence.

Mr. Taylor: They are the biggest curse of the lot.

The ATTORNEY GENERAL: There must be some means—unless we are to go without it—of purchasing liquor for consumption in our private residences. Gallon licenses give the opportunity of drinking in our homes instead of in hotels. It at first sight may seem an absurdity that we should have one license permitting the sale of liquor in any quantity, if not less than a gallon, and another license of precisely the same character, with the single exception that the minimum quantity that may be sold is two gallons. But this singularity or absurdity, in whichever light hon. members like to view it, is one for which not our own Legislature, but the Commonwealth Parliament, is responsible. By Section 10 of the Commonwealth Beer Excise Act, 1901, it was provided that no person should make beer in the Commonwealth except under license, and that no person who was licensed to retail wine, beer, or spirits in less quantities than two gallons should obtain a brewer's license. It became necessary, therefore, unless brewers in this State were to be prevented carrying on their business, to provide for the issue of these two gallon licenses, of which there are now 33 in use. It would, of course, have been possible to abolish the gallon license in favour of the two gallon, but as the fee for one is the same as for the other, I doubt if any useful purpose would have been served thereby. It would not necessarily assist the cause of temperance to compel a dozen bottles of spirits to be purchased where before one was allowed to purchase as few as six, and it is probable that the net result of a change would have been a wholesale evasion of the conditions of the two gallon license. Another license which is very little availed of is the spirit merchant's license, for which an annual fee of only £10 is charged, as against £15 for a gallon license, but the restrictions imposed by the former as to selling only in original parcels, make it a less valuable license than the latter, and fully explain why it is so little in request. The Bill contemplates some alterations in regard to the fees charged for licenses. By the Act, No. 21 of 1905, it was provided that the license fee for a publican's general license should, in a municipality range from £50 to £100, according to the annual value of the premises, and outside a municipality from £40 to £50. We propose to continue that scale. It would, perhaps, have been preferable to have based the license fee on the amount of liquor purchased for the purpose of sale by each house. A licensee would then have paid strictly in proportion to his bar trade. However, on going into this matter and finding out how we would stand financially—a consideration which I am sure this House would not wish the Government to disregard—we find that a license fee of three per cent. on the gross purchases of liquor by publicans was not likely to produce more than £24,000 annually. From a return prepared by the Government statist, it was ascertained that a license fee of three

per cent. on the gross purchases of liquor by publicans was not likely to produce more than £24,000 annually, whereas the revenue from publicans' general licenses under the existing scale amounts to upwards of £32,000. Therefore, if we had passed this license fee on a three per cent. scale we should have had to put up with a reduction of something like £8,000 in revenue. Of course it would have been open to us to have raised the scale to say six per cent. But hon. members will recognise that it is difficult to get an absolutely accurate estimate of what that percentage method of producing revenue would bring in; and we thought it better—rather than run the risk of losing a substantial amount of revenue, or on the other hand of penalising many publicans almost out of existence—we thought it better to adhere to the existing scale.

Mr. Bath: If you had made it three per cent. on the selling price you would have been safe.

The ATTORNEY GENERAL: Yes, I quite agree with the hon. member; but there may be a difficulty in obtaining information as to the quantity of liquor sold. There would be, of course, no great difficulty in obtaining the information as to the quantity of liquor purchased; and we might have taken this and added to its value a percentage on the wholesale prices. However, that system can be considered in Committee. We have some idea of what the percentage fee would bring in from the experience of Victoria, where the compensation fund is raised by a levy of three per cent. on the quantity of liquor purchased. During the year 1908 in Victoria 3,242 houses contributed to this compensation fund, and they produced a revenue of £48,542, or approximately £15 per house. Our own estimate was on the more liberal scale of nearly £45 per house, yet even on that more liberal scale the revenue would have suffered to the extent of some £8,000 as compared with what we get from publicans' general licenses under the existing Act of 1905. Therefore, we propose to continue the existing methods of assessment rather than incur a possible loss of revenue. The fees for gallon licenses and two gallon licenses we propose to increase from £10 to £15, and for spirit merchants' licenses to £10, thus bringing these fees more into accord with what is charged for these classes of licenses in the Eastern States and New Zealand. The fees for other licenses remain as at present, with the exception of the wayside house licenses, which we propose to raise from £10 to £15. These wayside house licenses underwent no alteration when the publicans' general licenses were increased by the Act of 1905, and I submit, therefore, that it is now quite justifiable to raise them to this slight extent. I may add that the revenue from the gallon licenses, of which there were 281 in existence last year, amounted to £2,810. Assuming, therefore, that the same number of licenses will remain in force under the new scale, we shall have a revenue from that source of £4,215, or an increase of £1,400. I now come to what is perhaps the most important part of the Bill, namely that dealing with local option. We propose that the licenses to be subject to a local option vote shall be the publican's general license, hotel license, wayside house license, Australian wine license, and the Australian wine and beer license. These are practically all the licenses for the sale of liquor for consumption on the premises, the only exceptions being the licenses for packets, for railway refreshment rooms, and for theatre refreshment rooms. For these last named, as a matter of fact, no licenses are in existence, and the combined number of the two former is only eleven, excluding Government railway refreshment rooms. It will be seen that we propose to submit to a local option poll practically every class of license, covering practically every class of drinking saloon.

Mr. Scaddan: Except clubs.

The ATTORNEY GENERAL: Under Clause 80 of the Bill, the first local option polls shall be taken in the year 1911, and subsequent polls shall be taken every three years on a date in both cases to be fixed by the Governor. We purposely avoided making the date of

a polling day the date of a general election. Experience elsewhere, notably in New Zealand, has shown that where the Parliamentary general election and the local option poll occur on the same day in the same booths, under the same direction, and with the same franchise, the electoral contest, particularly if feeling in regard to the drink traffic happens to run high in a district, is apt to be fought purely and simply on the issue of license or no license. Now we wish, as far as possible, to keep this question —which in its relation to the local option poll is purely one of local concern —we wish to keep it outside the arena of party politics. It is of sufficient importance to stand by itself. It is not desirable that by combining two elections held for purposes of entirely dissimilar and unrelated character—it is not desirable that the risk should be taken of confusing the issue in regard to one or the other, or possibly both of them.

Mr. Bolton: It will be very much more expensive, surely, to hold them separately.

The ATTORNEY GENERAL: I hope we can overcome that. The only valid reasons of any importance, as far as I can gather, for holding the two contemporaneously, are that the expense will be lessened and the electors will be spared the trouble of going twice to the poll. In this way, it is claimed, you kill two birds with one stone.

Mr. Bath: And sometimes kill both politicians.

The ATTORNEY GENERAL: You may kill both politicians or may miss both, or at least one of them, and a combination may confuse the issue in both cases, or in one or the other.

Mr. Scaddan: Do you expect to get a true expression of opinion at these polls?

The ATTORNEY GENERAL: If the electors take an interest in the subject there is no reason why we should not get a true expression of opinion, just as one supposes we get a true expression of opinion in returning hon. members to this House. Dealing with the objection advanced as to the expense involved in taking a local option poll apart from the general election, I think that might be overcome to a large extent by holding local option polls simultaneously with municipal elections, and in the Bill power is given to the Governor to so arrange. It may be argued that if there is an objection to holding a local option poll at the same time as a general election there is an equal objection to holding it on the occasion of an election in connection with a municipal council or a roads board. But so far as one's experience goes I am inclined to think that the interest evinced in local government elections is of a less acute character than that taken in the Parliamentary elections. However that may be, the Governor's power is discretionary.

Mr. Angwin: I notice that 10 per cent. of the electors on a roll must make a request for a poll before it can be held.

The ATTORNEY GENERAL: To deal with the point raised by the hon. member for East Fremantle: it may very well happen that in some licensing districts there will be no general desire to have a poll at all. The people may be perfectly content to allow the existing number of licenses to continue and may not wish to have either an increase or a decrease in the number of licenses. If that be so, if for the time being they have come to the conclusion that in their own particular locality everything is for the best, why go to the absolutely unnecessary expense of holding a poll? Therefore we have provided that, in order to avoid any unnecessary trouble and expense, before a poll can be taken there must be a petition from the electors in the licensing district. But we have purposely placed the number of electors necessary to make that petition effective at a very low figure; only 10 per cent. of the electors on the roll need petition in order to secure a local option poll. Our reason for doing that is because, as far as practicable, we wish to make popular control a reality, though we have no desire to enforce it on an unwilling or apathetic community.

Mr. Bolton: Supposing there is no poll, will it not be possible to increase the number of licenses?

The ATTORNEY GENERAL: No. The absence of a poll is to be taken as conclusive evidence that there is no desire to either increase or reduce the number of licenses. The only event in which it would be possible to grant new licenses in the absence of a poll would be if, for one reason or another, some of the hitherto existing licenses had been abolished. Then, I take it, the licensing bench would have power to grant other licenses to bring the number up to that in existence before the licenses referred to were abolished. We believe it a sound principle that before a poll is taken there should be some evidence of public desire for it. Supposing a poll were to be held, the questions to be submitted during the compensation period will be three in number, namely—(a) that the number of licenses existing in the district continue, (b) that the licensing court may, at its discretion, increase the number of licenses, and (c) that the number of licenses in the district should be reduced. After the expiration of the compensation period a fourth resolution will be added, namely—(d) that no licenses be granted or renewed in the district. And where that fourth resolution has been carried and is in force in a district, then at subsequent polls the resolution submitted in its place will be (e) that licenses be restored in the district.

Mr. Angwin: What is your reason for not putting the whole lot together?

The ATTORNEY GENERAL: The reason why we propose that the no-license resolution shall not be submitted during the compensation period is, that where reduction be asked for it can only be carried out according as to whether sufficient funds are at the disposal of the license reduction board. While we believe that the levy which it is intended to make for compensation purposes will be sufficient to ensure a fair measure of reduction, we do not think it is likely to be sufficient to meet the demands arising out of the no-license resolution, and we do not wish to ask the electors to carry a resolution which, if agreed to, would be useless. As I proceed to go into the details of the Bill the hon. member for East Fremantle will discover that the resolution in favour of reduction, if carried, will allow of a very substantial measure of reduction. Now, if resolution A—that is a resolution in favour of continuance—be carried, the licenses will continue as at the time the poll is taken, unless, as I have explained, some of them be abolished because of offences against the Bill, in which case no compensation would be payable, and the number may be brought up to the level. If on the other hand resolution B, in favour of increase, be carried, before that resolution can take full effect some important provisions will have to be complied with. It seems to the Government that if we are going to give local option, if we admit the principle that the people must decide, the logical outcome is that they should be entitled to vote for an increase; but we think it wise that if they should vote for an increase some obstacles should be placed in the path before that increase becomes operative. In the first place, before the licensing court acts on a resolution favouring an increase a petition must be presented to the court, requesting that a license or licenses of the description set forth in the petition may be granted, and such petition must be signed by a majority of the adult residents within the area specified in the petition. The object of this requirement is, I venture to think, self-evident, so that a public house or drinking saloon shall not be forced on any particular locality in opposition to the will of the residents by reason of the votes of the majority of the electors throughout the entire district but not necessarily resident in the same locality. Hon. members will observe that I make a distinction between locality and district. In one district there may be many separate localities, and it is possible that unless we have some check, in addition to a resolution for an increase, a license may be forced on the people in some particular locality in opposition to their wishes. Perhaps I can better explain what I mean by giving an example. Take the case of an electorate like Northam, comprising a fairly large town and a number of small

agricultural townships. It is conceivable that a majority of the residents in the entire district may vote in favour of an increase of licenses; but subject to the safeguards in the Bill—among which I regard this locality petition as one of the most important, the precise increase will be left to the discretion of the licensing court on the presentation of a locality petition. After a resolution for an increase has been carried, the first question will arise as to where the increase is to take effect. It would be manifestly undesirable, supposing for the sake of argument that Meckering was a centre without a public house and the residents there had no wish to have one foisted on them, that one should be foisted on them by the will of the licensing court. It may be argued that it is not very likely that the court will act in this way in opposition to the residents, but at any rate we wish to place the matter outside the danger area altogether, and we seek to make it impossible. We provide, therefore, the expedient of a locality petition, operating as a sort of double or ratifying local option or resolution for an increase; and only in the event of the licensing court receiving such a petition can it proceed to grant a new license. But though the court's power in regard to granting licenses is limited to that important extent, despite the petition it has power to reject an application if the premises and the applicant do not respond to the conditions laid down in the Bill, or if it considers that the license is not really required in the neighbourhood. Then we have further made provision in regard to a premium to be paid for new licenses. Hon. members are no doubt aware that a license once obtained has a definite market value, governed, no doubt, by the circumstances of a locality, whether for instance there is a large resident working population there and whether the competition of existing houses is likely to be keen or the reverse. In some cases the value attaching to a license is an extraordinarily high one. I have in mind some instances given in Rowntree & Sherwell's standard work, *The Temperance Problem and Social Reform*, where instances are given of the increased value conferred by granting a license in the United Kingdom. In one case a property worth £400 without a license, sold for £4,000 after it obtained the license. In another case a property worth £3,000 without a license, sold for £24,000 after getting a license. And, I have no doubt, some members who may be more conversant with the intricacies of dealing with licenses in this State than I profess to be, could quote instances not altogether dissimilar which may have occurred in our own State.

Mr. Collier: But you would compensate for the increased value given by the State.

The ATTORNEY GENERAL: We are not responsible altogether for the sins of our forefathers, though we may suffer for them. But without multiplying instances I may lay it down, I think, as an accepted fact that when premises obtain a liquor license they are given something which has an actual market value, no doubt varying according to the localities in which the premises are situated and the prospects of the liquor trade. Licenses are, in fact, something which have a value, and it is admitted that the license fee which is exacted is not a sufficient equivalent to that value. I am sure it is not regarded as such by the people who deal in these things and, therefore, there is no reason why it should be regarded by the House as such. While it is perhaps true that if the Bill becomes law all new licenses may become somewhat less valuable than licenses under the existing law, still we have, allowing for this disturbing factor, the principle that a license may be something of a prize to the applicant who obtains it; and the State having conferred a monopoly or a partial monopoly, we think the State is entitled to some portion, and a reasonably substantial portion of the fruits of that monopoly. Therefore we have inserted in the Bill Clause 46 providing that every applicant for a publican's general license for premises not so licensed when the Bill becomes law shall, with his application, submit an offer in writing stating the amount he is willing to pay by way of premium for the grant of a license. If his application be granted, then the amount of premium is to be paid to the Trea-

sury; and until it is so paid the license is of no effect. The absolute discretion of the licensing court in regard to the granting or withholding of licenses will, of course, remain unaffected. While a license will not necessarily go to the highest bidder, other things being equal—the suitability of the applicant and the suitability of the premises—the probability is that it will go to the highest bidder.

Mr. Angwin: Do not you think there would be a possibility of the Treasurer notifying the licensing court that he wanted more revenue?

The ATTORNEY GENERAL: I do not think the Treasurer will be on the licensing court.

Mr. Angwin: We have heard of previous Attorneys General notifying the licensing benches.

The ATTORNEY GENERAL: A further important provision with regard to the issue of new licenses is in Part VI., dealing with State hotels. We provide that whenever in any district a poll of the electors has decided in favour of an increase of licenses, the Government may step in and establish a State hotel.

Mr. Bolton: May?

The ATTORNEY GENERAL: Yes. Otherwise we might find in every district throughout the State votes in favour of increases, and Parliament would be faced perhaps, with the difficulty of finding the funds to provide for these new hotels.

Mr. George: How much do you expect to get out of Clause 46? Do you expect to get £50,000 a year?

The ATTORNEY GENERAL: I have made no estimate of that; it remains to be seen. I would not like to hazard an estimate in case it might be some guide to future applicants; they are the best judges; but the more we get the better we shall be pleased, no doubt.

Mr. Angwin: Open confession is good for the soul!

The ATTORNEY GENERAL: For three months after the taking of a local option poll, supposing a vote in favour of an increase be carried, the Government may consider whether they will establish and run a hotel in the district, and during the three months, while the Government are going into the question, while the Government are deciding whether they shall exercise the option, no application by a private person may be granted without the approval of the Governor. Personally I hope that the opportunity will be frequently availed of. For a short time I was a member of the Government which established the State hotel at Gwalia, and I have always thought that had Sir Walter James at that time remained in office we would have had a similar hotel within the metropolitan area. When we consider the success that has attended the establishment of our one State hotel, speaking for myself and not necessarily committing my colleagues on this point, I think the experiment is worthy of being extended to a reasonable extent, or to provide an object lesson in rational public house management. Now before leaving this subject of new licenses, I should like to emphasise, if I may do so without wearying hon. members, the difficulties we are placing in the way of applicants for new licenses. We first provide that the Government have to make up their minds whether they shall step in rather than private individuals; then we have a petition from the residents of the locality, supposing the Government decide not to start a State hotel; and then the applicant has to state the sum of money he is prepared to pay in case of obtaining a license by way of premium. I do not think, therefore, whatever may be thought of the policy of allowing an increase to be voted for, it can be seriously argued that the granting of a new license is made too easy. The private applicant has first to face a double local option vote, firstly of the electors in the district, and secondly of the residents of the precise locality as expressed in a petition to the licensing court; and I contend that if there can be any criticism levelled against this part of the Bill, it is rather that the proposals err on the side of severity than on the side of leniency. I come now to the procedure proposed to be adopted in the event of a resolution for reduction being carried. As in the case of a resolution for continuance, a simple majority of persons voting for reduction is sufficient to secure

it. The resolution does not specify the extent to which the reduction shall be enforced, but we do not intend to leave that absolutely to the discretion of the licensing court. We provide by the Bill that the reductions shall be limited in any one local option period, that is a period of three years, to 25 per cent. of the existing licenses, and in order to guard against the possibility of a vote being rendered inoperative or partly so by an unsympathetic court, a minimum is also fixed by the Bill under which the reduction board or the licensing court, as the case may be, is bound to reduce licenses. Where the number of licenses in a district is 12 or less, the amount of reduction is left to the discretion of the board or court; but where the number exceeds 12, and is less than 24, the number of licenses must be reduced by at least two. Of course, it may be reduced by at most 25 per cent. Where the number is 24 or more but is less than 36, the reduction must be at least 3, and where the number is 36 or more the reduction must be at least 4, always provided that during the compensation period—that is, a period of 10 years from the date of the passing of the Bill—the fund at the disposal of the reduction board is sufficient to make such reduction. On a resolution in favour of a reduction being carried, it will be the duty of the reduction board to cause a classification of the existing licensed premises to be made, and the reduction will then apply to those premises the licensees of which have been convicted, or twice convicted during the three previous years of offences against the Bill, such as selling adulterated liquor or selling liquor to persons in a state of intoxication. The first consideration, however, to which the board must pay attention is rightly, I think, the convenience of the public and the requirements of the several localities in the district. Then, after those factors have all been sufficiently considered, will come the licenses which appear in the black list which is in turn divided into two parts, the first including those licensees against whom two or more convictions have been recorded during the three preceding years and the other part including those licensees who have only had one conviction. If then there should still be room for reduction the board will deal with houses that are, generally speaking, badly conducted, have not sufficient accommodation, or where the sanitary plant or lighting, and matters of that kind, are below par. Members will have gathered, from what I have already said, that the reduction will be a simple matter after the expiration of the time period during which compensation is to be paid, but the process will necessarily be more complicated during the compensation period, and what I wish now to do is to endeavour to make it perfectly clear to members how the amount of compensation will be arrived at, by whom it will be paid, and to whom. In the first place, let me say that in order to carry out a reduction in obedience to local option during the compensation period, the Bill provides for the appointment of a Licenses Reduction Board whose existence will cease on the expiration of the compensation period. The board will consist of three members to be appointed by the Government, and to be paid such salaries or fees as the Government may determine. The Committee may think it advisable, possibly, to fix a maximum and a minimum for the fees, but as the Bill is drafted we have left the question open. We do not wish to burden the Bill or the revenue with excessive salaries, and possibly there may be very little work to be done. Probably, it would be preferable simply to pay fees rather than to create salaried officers. It might be necessary to create one salaried officer, but the two other members could simply be paid fees. That is a detail to be considered later in Committee. When in obedience to a local option resolution the board have decided that certain specific premises shall cease to be licensed, they will make a valuation in order to arrive at the amount of compensation to be paid for the abolition of such license. To estimate the amount of compensation so far as regards the owner of the premises, as distinct from the occupier, the board will take the average yearly rent of the premises for the three years preceding the

31st December of this year, 1909, or the average net yearly rent for the three years next preceding the date of deprivation, whichever may be the less, and they will also take what would be the average net yearly rent during the same term supposing the premises to have been unlicensed. The difference between the two, multiplied by the number of years for which the compensation period has then to run, will be the maximum compensation paid. Let me give an example. Supposing for instance the average annual rental of a licensed house is £500, and the rent of such house without a license is estimated by the board at £200 a year; we will also suppose that half the compensation period of 10 years has expired; then the difference between the two rents will be £300, and the compensation to be paid will consequently be five times that sum, namely £1,500. We have provided for the three years period being taken either from the date of the passing of the Bill or from the date of deprivation of the license as it may be that a license will lessen in value after the passing of the Bill, and in such case there can be no reason why a sum in excess of the actual value of the license at the date of deprivation should be paid. If, on the other hand, a license has increased in value after the passing of the Bill, then its value should be calculated on the period previous to the passing, for it is a principle of the Bill that from the time of the passing of the Bill no licensee shall be entitled to compensation in respect of any increase in value which may accrue during that future period of the license's existence. We only pay compensation for the period prior to the passing of the Bill and not after. In other words, the increase in the value of the license accruing after the passing of the measure cannot be taken into account, but a decrease in the value after the passing of the measure must be taken into account. So much for the compensation to be paid to the owner. The licensee obtains as his share a sum equivalent to his profits either for three years preceding the date when the Bill comes into force, or for the three years preceding the date of deprivation of the license, for whichever period the amount to be paid is the less.

Mr. Bolton: It will be nothing in some cases.

The ATTORNEY GENERAL: That may be so and it is what we intend to provide for. If the tenant's lease has less than three years to run he will only obtain compensation on the unexpired portion of the lease, and cannot in any case obtain compensation for a longer period than three years. I may add that the board are vested with large powers to assist them in arriving at these amounts. They will be able to call for all papers and statements, and make a thorough investigation. Their decision is final and is not subject to review or repeal in any form. Where we are to obtain the money from to pay compensation is the next point I shall deal with. The fund from which compensation will be paid will be raised entirely from contributions by the licensees and owners of licensed houses. An annual levy is to be made in the form of a percentage on the gross purchases of liquor in each year in respect to licensed premises after the Bill comes into force. This levy shall not exceed 2½ per cent. of the amount of the purchase of liquor by the licensee, and it may be less, the actual percentage in each year being fixed by the Licenses Reduction Board, according to the compensation requirements. From an estimate the Government statist has made it is clear that for every one per cent. provided by the amount of drink purchased by the licensees the sum of £8,000 will be brought in. Therefore, in that event the maximum amount, supposing this calculation to be correct, would be £20,000 a year on a 2½ per cent. basis.

Mr. Carson: Will the owner pay anything?

The ATTORNEY GENERAL: Yes, in order that the fund shall be contributed to not only by the licensees, but also by the owners, it is specially provided that the licensee of the premises shall be entitled to deduct from the rent payable by him to the owner or lessor a

sum equal to two-thirds of the amount of the contribution to the fund. While, therefore, the licensee will pay one-third of the annual levy, the owner will pay two-thirds. Some members will object to compensation in any form at all, but I would point out that the compensation thus provided by the Bill may more correctly be described as a species of insurance fund. It is not drawn from the pockets of the public, but from the owners and licensees of licensed premises; if these persons do not object I do not see any strong reason why anyone else should. If they do object and prefer to take the risk of deprivation of license without making payment, I do not know that any strong objection can be advanced, supposing that were the general opinion of the whole body of licensees. It seems more equitable however for all licensees and owners to share the risk and contribute pro rata to the fund rather than that a few whose licenses may be selected for reduction should bear the whole brunt of the burden. This is the method in force in Victoria and in the United Kingdom, where it was introduced by a Conservative Administration — speaking from memory—and at any rate it has been approved of by persons who may be regarded as not altogether incompetent authorities. We find that power continued to be provided for in a Bill introduced by Mr. Asquith in the mother country as recently as last year.

Mr. Collier: Have you the amount paid in Victoria?

The ATTORNEY GENERAL: That came one year to £48,000, contributed by 3,000 licensees.

Mr. Collier: Do you know the amount paid by way of compensation?

The ATTORNEY GENERAL: I cannot give that at the present moment. I have the amount that was raised on a 3 per cent. basis and I will get it for the hon. member later on. Very few words will suffice to deal with the resolution as to no licenses being granted or renewed in a district. I have already pointed out that this resolution will not be submitted until the expiration of the compensation period. To allow it to be put earlier would be without advantage unless we could be sure that sufficient funds were forthcoming to pay the compensation. Seeing that the carrying of the no-license resolution means a change of a very drastic character, we provide that it must be carried by a majority of one-fifth, and by, at least, 30 per cent. of the electors on the roll. We wish to prevent prohibition being carried by the snatch vote of an energetic minority, feeling sure that if it were so carried, the result would in all probability be, not to forward temperance, but to cause a widespread evasion of the law which would be deplorable and really put back instead of advancing the temperance movement. Once, however, a district has decided in favour of no-license we make it just as difficult to secure restoration as before it was difficult to secure total abolition. In order to carry resolution E which affirms that licenses be restored in a district there must be, as with resolution D, a majority of at least one-fifth, and at least 30 per cent. of the voters on the roll must vote in favour of it. We have the further provision that where a sufficient majority is not cast in favour of no-license the votes so cast may go to swell the number cast in favour of a reduction. To be logical, we also provide that where sufficient votes are not cast to secure an increase, the votes given for an increase may go to swell the number given for continuance. Part VII of the Bill which deals with the duties and liabilities of licensees and other persons, need not call for lengthy comment at the present stage. It can be more suitably dealt with in Committee. Many of the clauses are re-enactments of our existing legislation; but there are some few additions which I will briefly refer to. It is provided that a person found drinking liquor during prohibited hours may be punished as well as the publican; that the qualification of a bona fide traveller is that he must have travelled at least six miles instead of three miles as at present from the place where he slept on the preceding night. The publican cannot be compelled to sell liquor even to a bona fide traveller on

Sundays, Christmas Day and Good Friday. Children under the age of 14 years shall not be allowed in bars, and there are other provisions to which I need not now refer. Now I come to the final part of the more important portion of the Bill, that dealing with the clubs. From what I have already said I hope I have succeeded in making it clear that if this Bill becomes law, which I hope and believe it will, we may look for a considerable reduction in existing licenses and to no very quick growth of new licenses. As to the latter unless the predominant opinion in a licensing district favours the bestowal, none can issue. It will no doubt have been noticed also that we have not extended local option to clubs. It is possible that ultimately popular control will extend to these also, but so far as this Bill is concerned it does not, and whatever the future may have in store, I hope that the instalment of local option given by the Bill will be regarded as sufficient at any rate as a first step. It will enable the virtues and defects of local option to be tested by practical experiment, and that will be something substantial achieved. I quite see, however, the force of the objection that if we are going to restrict the issue of new licenses and provide for the reduction of existing ones, and at the same time allow clubs to increase and multiply without restriction, we will only be checking the drink evil in one direction in order to permit it to break out with equal vigour in another. I lay it down, therefore, as an axiom that no measure of temperance reform can be considered complete which does not deal effectively with clubs, with a view to preventing abuse of the privileges they enjoy. We have in Western Australia at the present time nearly 50 clubs that supply liquor, possessing a membership of little short of 7,000 persons. When it is remembered that each of these members is an adult male, one can realise the extent to which clubs act as a counter attraction to public houses in centres where they are numerous. In Perth we have some twenty clubs supplying liquor, in Fremantle eight, and in Kalgoorlie five. The remainder are to be found in the smaller towns at the outports, in the agricultural districts, and in the smaller towns of the goldfields. While the total number need not necessarily be regarded as alarming, it is sufficiently large to indicate the wisdom of providing safeguards against abuse, more particularly at a time when we are initiating legislation designed to restrict the drink traffic in other directions. We at first provide as is the law at present, that no club shall be allowed to sell or supply liquor on its premises unless such club has been, and is, duly registered. In order to obtain registration a variety of conditions must be complied with. The club must have a membership of not less than thirty persons; it must be a body of persons associated together for a lawful purpose; it must not be established for the purpose of making a profit among the members or any of them; the premises must be suitable; no one connected with the club in any capacity shall receive payment or part payment in the form of commission or allowance upon liquor sold. Furthermore the rules of the club must contain certain specific provisions, the more important of which are that the subscription must be at least 20s. per annum; that strangers shall not be supplied with liquor on the club premises except in the company of a member, and in a part of the club set apart for them; that no person shall be allowed to become an honorary member who lives within 15 miles of the club premises, and that no person can be made an honorary member more than once within three months, or if he is under the age of 21 years. Another important provision is that no person under the age of 18 years shall be allowed to serve in the bar of a club, or be served with liquor in the bar of a club. As regards strangers, the club is to be closed to them between the hours of midnight and nine in the morning. Provision is also made as to the hearing of objections against club certificates, and if the licensing court is satisfied that the membership has fallen below 30 or that the club is used mainly for the supply of liquor—in other words, that it is merely a drinking place—or

that illegal sales of liquor have taken place on the premises; or that the rules of the club are habitually broken, the renewal of a certificate may be refused.

Mr. Walker: How many clubs will that close?

The ATTORNEY GENERAL: If the clubs observe the law it need not close any.

Mr. Scaddan: Who is going to see that they are observing the law? You cannot get to them as you can a public house you know.

The ATTORNEY GENERAL: Stringent penalties are provided in the event of unlawful sale of liquor, and provision is made for the inspection of the club premises if the chairman of the licensing court, or any other magistrate is satisfied by complaint on oath that there is reasonable ground for supposing that a club is not being conducted in accordance with the provisions of the Bill. And if a club becomes notorious or commits a breach of the law it is open for anyone to go before a magistrate and make a complaint and that club will be subjected to rigid inspection.

Mr. Gill: Will the bench have the power to refuse a license to a club?

The ATTORNEY GENERAL: Undoubtedly, if the prescribed conditions are not complied with. Finally, and this is not the least important portion of this part of the Bill, we provide that clubs shall pay a license fee annually of 2½ per cent. upon the gross amount of the liquor purchased by them, with a minimum fee of £5, a provision somewhat similar to that in force in Victoria. This proposal has, I contend, several advantages. In the first place it will bring in some much needed revenue to the Treasury, though not probably a very large amount. Moreover it will not press hardly on those clubs where the liquor consumption is a minor consideration. But the strongest reason in its favour to my mind is that it will do something to equalise the competition to which public houses are exposed by reason of the existence of clubs. That this competition is already by no means insignificant is established, I venture to think, by the figures I have quoted as to the number of clubs already in existence in the State, and the large membership for which they cater. When an attempt is made to subject clubs to statutory regulations, the objection is sometimes advanced that a club is quite as much a citizen's castle as is his home, and that State interference should cease outside its doors. The argument, if argument it can be called, is I venture to think more specious than convincing. Whatever the ordinary club may be in theory we all know that in fact it is a species of co-operative public house, a superior, even a model public house if you will, and not established for the purpose of earning pecuniary profit for its members, but none the less for giving them all the advantages of a public house without the usual disadvantages. If it does not come within that description, if it is not a place where a selected number of persons can meet for the purpose of enjoying a social glass, then it does not come within the purview of the Bill. But if it be a place where liquor is bought and consumed, then I contend it should pay for the privilege of supplying liquor to its customers, the members, as do hotels and public houses. If I am told that, unlike a public house it does not supply liquor to all and sundry, then I reply that neither is it asked to pay for that privilege; it only pays in proportion to the liquor actually consumed. I have now come to the conclusion of my task. There are of course many clauses of the Bill to which I have not referred. Where I have gone into detail it has been with the object of explaining the scope of the measure, and of giving such an outline of its provisions as will enable any one who is interested in the subject to obtain a fair idea of what we propose, how far we wish to go, where we wish to stop short. I do not contend for a moment that the Bill is without spot or blemish, that it is perfect in every particular, or that, possibly, it may not in some respects be with advantage amended in Committee. But I do claim for it that it represents an honest and well-considered attempt to deal with the difficult and complex problem of the liquor traffic and liquor law reform, in a wise and broad-minded

spirit. While proposing what we conceive to be far-reaching and beneficial changes in the existing law we have endeavoured to avoid bringing forward proposals which, while they might meet with acceptance from a small section of the community, would be in advance of the general wishes of the people, and would not, therefore, have as their foundation the enduring sanction of the popular will. Nor again has the measure been conceived in a party spirit, and we have no desire that it shall be received or considered from the party point of view. We welcome suggestions from whatever part of the House they may come as much from our friends opposite as from those who sit beside us. I do not say that everything that may be suggested we are prepared to accept. In a subject which presents so much room for diversity of opinion that would be to evolve a Bill which would be an amazing mass of contradictions, logical only in its absence of logic, harmonising only in its want of harmony. But to every suggestion we are prepared to give full and fair consideration, and if the Bill is received, as I am sanguine enough to believe it will be, by hon. members in the spirit in which it is offered, the House will, I am convinced, be able to congratulate itself on having passed a measure of reform which, if not the final word, represents at least a distinct advance towards a sane and practicable ideal. That at any rate will be something accomplished, something won, and we shall all of us have our reward in having been instrumental in placing on the statute book a measure which will not be merely a pious expression of opinion, but will make for the wellbeing of Western Australia, for the prosperity of her people, and for the strengthening of those forces by which a nation is exalted, its vigour maintained and its progress assured. More we cannot expect; less should not content us. I move—

That the Bill be now read a second time.

On motion by Mr. Bath, debate adjourned.

House adjourned at 9.45 p.m.

Legislative Assembly,

Wednesday, 8th September, 1909.

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

QUESTIONS (2) — COAL MINES ACCIDENT FUND.

Case of G. A. McGowan.

Mr. A. A. WILSON asked the Minister for Mines: 1, Did the secretary (A. A. Wilson) of the Coal Mines Accident Relief Fund Committee apply by letter to the inspector of mines, Collie, for an inquiry to be held into the case of Geo. A. McGowan, in relation to his claim for accident relief pay, previous to September, 1908? 2, What was the date of the letter received by the inspector of mines, Collie.

The MINISTER FOR MINES replied: 1, No; 2, Answered by 1.

Mr. A. A. WILSON also asked the Minister for Mines: 1, Did the secretary (A. A. Wilson) of the Coal Mines Accident Relief Fund Committee apply by letter or by deputation to the Minister for an inquiry to be held into the case of Geo. A. McGowan, in relation to his claim for accident relief pay, previous to September, 1908? 2, What was the date of the letter received by the Minister? 3, What was the date the Minister received the deputation?

The MINISTER FOR MINES replied: 1 and 2, No record of any application previous to September, 1908; 3, There is a record that Mr. A. A. Wilson