nity, and the evil effects of horse-racing in this State are beginning to stamp themselves on the characters of the people. I noticed only the last week or two where there was a case in Kalgoorlie. It was a sudden reversal of form; I think they call it "doping." Where there is any doping or immorality on the racecourse invariably it is the general public that suffer; and so I maintain that it is a State matter. We give almost unlimited powers to the W.A. Turf Club, and it is time to step in and do something to minimise the evils that exist. It is the best thing that can be done to remedy it. I also notice that the Minister for Works is likely to establish a freezing-works. He said that the idea of the Government was to contribute £35,000 towards freezing-works in the North-West, but who is to receive the benefit of the millions of acres of leasehold land? It seems seems to me that the time has not arrived when the Government should place £35,000 out of the State funds at the disposal of anybody to establish freezing works, perhaps more so now than 12 months ago, because we have established a route which is supposed to supply the goldfields with stock. It is only a matter of bringing the stock from the terminus of the goldfields railway to Perth. For eight months of the year the meat can be slaughtered there and brought to Perth. Tick infested cattle can be brought down to the Eastern goldfields, and the people of Perth will thus secure a supply of cheap meat; and if we had cheap meat and plenty of it in Perth, it would reduce the amount sent away from this State by way of payment for butter, bacon, cheese and other commodities. I notice that the Premier in his Bunbury speech said they were now round the corner; the Attorney General said in his speech this evening that he hoped to be round the corner; since Parliament met this session I have got round the corner; so you will notice that this is a "three-cornered go." I think that I am much happier here and in my proper place. It is marvellous where a man's political convictions will land him sometimes, and I am sure that the member for Subiaco, if he were here, would quite agree with me on this subject. I am here to support the policy that I was elected upon, and if there is any deviation from that policy which I do not think will be for the benefit of the State, I will reserve to myself the right to criticise and vote against it.

Question put and passed, the Address adopted.

ADJOURNMENT.

The House adjourned at three minutes past 9 o'clock, until the next Tuesday.

Legislative Council,

Tuesday, 30th July, 1907.

The PRESIDENT took the Chair at 4.30 o'clock p.m.

Prayers.

ASSENT TO SUPPLY BILL.

Message from the Governor received and read, assenting to Supply Bill.

PAPERS PRESENTED.

By *the Colonial Secretary*: Government Railways Act, 1904: Reports and returns in accordance with Clauses 54 and 83, quarter ended 30th June, 1907. Port Hedland-Marble Bar Proposed Railway: Map showing centre line with limits of deviation.

QUESTION—DRAINAGE AND SEWERAGE.

Hon. M. L. MOSS: Can the Colonial Secretary give any idea when the return moved for in connection with the Sewerage Works of Perth and Fremantle will be ready?

The COLONIAL SECRETARY: I have not received the return from the Works Department, but will make inquiry.

QUESTION—PUBLIC SERVICE, PROFESSIONAL CLASSIFICATION.

Hon. M. L. MOSS asked the Colonial Secretary: 1, Has the Public Service Commissioner made any report or recommendation as to the professional division of the Public Service, particularly with reference to the stipendiary magistracy? 2, Has such report or recommendation been considered by the Government; and if so, is any action intended to be taken thereon? 3, Will the Government lay any such report or recommendation on the table of the House for the information of honourable members?

The COLONIAL SECRETARY replied: The Public Service Commissioner states that his proposals relating to the classification of the Professional Division are now being printed. The Stipendiary Magistracy has been the subject of correspondence between the Government and the Commissioner for some time past. Their classification forms part of the proposals shortly to be published.

RETURN—CONDITIONAL PURCHASE LANDS.

Debate resumed from the 24th July, on the motion by the Hon. C. A. Piesse for a detailed return showing the amounts due to the State by holders of Conditional Purchase Lands.

The COLONIAL SECRETARY (Hon. J. D. Connolly): The hon. member had not put forth a sufficiently strong case to justify the large expenditure which would be necessary in preparing the return asked for. The books in the Lands Department containing the 20,000 accounts that would have to be gone through, could not possibly be spared during the ordinary office hours; so that in order to have the return prepared it would be necessary to put on a special staff of clerks, or pay the ordinary clerks overtime. The work would take at the least 10 weeks, and was estimated to cost at least £240. In the circumstances, the Government were justified in asking the House not to support the hon. member in this motion. Mr. Piesse had contended that the information was only to show the amount of money owing to the State by the holders of conditional purchase land so that it could be put forward as an asset in the Financial Statement, and the hon. member claimed that the amount owing was something like £2,000,000. The estimate might be correct, but how could it be put down as an asset? Probably a large proportion of the amount would be needed to collect it, both directly and indirectly. The hon. member should defer the motion till later in the session. By a new system of bookkeeping which was now being adopted in the Lands Department, namely the card system, the department would later on be enabled to get out such a return very much sooner, but until that system was wholly adopted it would be too expensive to get the return out. Mr. Drew no doubt would be able to confirm these remarks, and, owing to his experience of the Lands Department, would know of the vast number of accounts, and would realise what preparing this return would cost. The Government had no desire to withhold any information, but members must realise that it was as much their duty as it was the duty of the Government to administer the affairs of the country economically, and the Government asked the assistance of Parliament to help them in economical administration. It would not be economical to procure at such a cost, a return which would not be of very great public interest. No doubt it would be nice to have the information asked for, but members must realise that the House would not be warranted in agreeing to the expenditure

of £240 to supply it. Seeing the amount of work it would entail and the expense that would be incurred, the hon. member, whose desire it was to help the Government to save money, should withdraw the motion. The money would be better spent in developing the lands of the State which the hon. member desired to serve.

Hon. J. M. DREW (Central): One could realise the argument of the Colonial Secretary if the accountancy of the Lands Department was in the same condition as when he (Mr. Drew) was Minister. There were no proper books kept; men taking up land were not debited with the cost of the land as would be the case in an ordinary business, and when it was necessary to get out the half-yearly rent list some officials of the department had to be paid something like £25 to get it out, working overtime to do it. The return asked for by Mr. Piesse would surely involve the department in a considerable amount of labour unless the books were properly kept. It was thought that the accountant appointed when he (Mr. Drew) was Minister would introduce a proper system of accountancy. On one occasion when a statement was asked for as to the cost of free passes extending over one month, it took three weeks to furnish the information, and it involved a considerable amount of labour. [*Hon. J. W. Wright*: Did not the hon. member alter all that?] Steps were taken by him to alter it by the appointment of an accountant; a new accountant was appointed through the Public Service Commissioner, with what success he (Mr. Drew) did not know. However, one could well understand that the securing of this return would involve a fairly large expendi-

Hon. J. W. LANGSFORD (Metropolitan-Suburban): It was time some new system was introduced in the Lands Department. To take ten weeks to know the indebtedness to the State in regard to land sold under conditional purchase was something extraordinary. [*Hon. G. Randell*: Probably it was known in the lump.] That should satisfy Mr. Piesse. The department should know it in the lump sum. Surely they had a balance account wherein the 20,000 accounts were brought into account at least once a year. It was certainly time a new system was introduced, and one felt inclined to support the motion so as to hurry on the introduction of the new system, since it was work that it was necessary to do.

Hon. W. Patrick: Had the new system been started?

The Colonial Secretary: Yes.

Hon. J. W. Wright: If the department could not promptly give these details, how could they know whether a selector had paid his rent?

Hon. J. M. Drew: From the files.

Hon. J. W. Wright: Then when a selector ceased to pay, they must refer to the files to ascertain the fact. That was funny.

Hon. C. A. PIESSE (in reply as mover): The motion would not be withdrawn. If the return cost even £250, that sum could not be better spent. This was not the first time the matter was before the Chamber, for he mentioned it last year. Why should there be difficulty in obtaining the information? Whenever he asked at the department how much rent a selector had paid, an officer turned up a book and furnished the particulars. It was impossible that the return should take ten weeks to prepare, unless he in his inquiries was particularly fortunate in striking accounts that were in order. That the information should come out was only fair, as the department did not get credit for its labours. The balance due was a State asset, notwithstanding what the Minister said to the contrary. Moreover, the return would show the tremendous responsibility carried by conditional-purchase selectors, who within the last four years had taken up about three million acres, involving 1½ million pounds for purchase, and perhaps twice that sum so that the lands might by improvement become payable. He wished to use the information as a strong argument against a land tax. The cost of the return was no excuse for not preparing it. What were twenty thousand accounts? Many business concerns would know the state of such accounts not only every month but every night. To avoid

complicated work he would accept a statement of the total sum due. In one day a clerk could ascertain the balances of a thousand accounts. After tabling this motion he was informed by an officer that it would receive direct opposition from the clerical staff.

Hon. C. SOMMERS (Metropolitan) rose to speak.

The President : It was usual that the mover's reply should close the debate. The hon. member would be in order if he moved an amendment.

Hon. C. SOMMERS moved an amendment—

That the word "various" in line 7, all words from "such" in line 8 to "acquired" in line 10, and the words "in each case" in line 11, be struck out.

This would obviate the necessity for detail.

Hon. C. A. PIESSE accepted the amendment.

Hon. R. W. Pennefather: Would the amendment reduce the expense of preparing the return?

The COLONIAL SECRETARY : Probably the expense would not be materially reduced. The return would involve overtime, or the engagement of temporary clerks. The mover should be satisfied if the information were provided later, possibly before the end of the year, after the adoption of the new system of book-keeping. Each of the twenty thousand accounts must be examined.

Hon. J. M. DREW confirmed the Minister's statement. Though the particulars were not insisted on, the work must be done at night.

Hon. C. A. PIESSE : The amendment, by eliminating details, would surely make a great difference in expense, nothing being now required but the aggregate balance.

Question (motion as amended) put, and a division taken with the following result :—

Ayes	.. .. ..	13
Noes	.. .. ..	5
Majority for	.. ..	8

Ayes.	Noes.
Hon. G. Bellingham	Hon. J. D. Connolly
Hon. W. Kingsmill	Hon. J. T. Glowrey
Hon. Z. Lane	Hon. M. L. Moss
Hon. J. W. Langsford	Hon. R. W. Pennefather
Hon. W. Maley	Hon. J. M. Drew (*Teller*).
Hon. W. Oats	
Hon. W. Patrick	
Hon. C. A. Piesse	
Hon. G. Randell	
Hon. R. F. Sholl	
Hon. C. Sommers	
Hon. J. W. Wright	
Hon. V. Hamersley (*Teller*).	

Question thus passed.

BILL—CONCILIATION AND ARBITRATION AMENDMENT.

Second Reading.

Debate resumed from the previous Thursday.

Hon. J. W. LANGSFORD (Metropolitan-Suburban) : The measure now before us is another attempt by the Government to reconcile the at times conflicting interests of employer and employee. The old methods of strikes and lock-outs do not find very much favour at any rate in Australia, and Parliament in its wisdom has endeavoured to discover a means of settling these disputes by arbitration. I believe Australia is in advance on these matters, for in England and America the trades unions have declined to follow the lead of the trades unions in Australia and are opposed to a system of compulsory arbitration. There are some who tell us that there will always be a see-saw arrangement between capital and labour, that when capital is up labour is down and *vice versa;* but I think that in the age in which we live we ought to be able to adopt a satisfactory system, and I believe there is a law, if we search for it, of natural profits and natural wages, and to ascertain that law and get it effectively working should be the aim of those who desire the welfare of their country. I do not think we ought to expect too much from the working of an Arbitration Act. Constituted as we are, and our social and industrial conditions having gone on for so many years, we may have been led to expect too much by the force of law in the way of settling disputes, but our experience is contrary to the general expectation. It would have been most in-

teresting if the Minister introducing this measure had given us some idea of what success our own Arbitration Act had achieved during the time it has been in operation. We hear a lot about the inefficient working of the Act and the administration of it, but surely there is something to its credit, and if the number of disputes which have been settled by the Court of Arbitration had been given to us such particulars would have been of an interesting character if provided. The present Act under which we are working was almost the first one. The first measure I think was passed by the Government when Sir John Forrest was Premier. Then we had a small amending Act afterwards. It could not be supposed in complicated matters of this kind that we could pass an Act that would be smooth in its working and capable of meeting all the necessities of the case. I notice from some interviews in the daily Press that the Government are charged with an attempt to make a party victory out of the introduction of this measure. I do not think for one moment that the present Government, and I should be sorry to think that any Government would endeavour to prostitute their position, and I am certain that this House would never lend itself to anything of that character, the bringing forward of legislation which we believe is solely in the interests of only one section or party. This Chamber would not be a party to such a course, and it is the wrong chamber at any rate in which to introduce a measure which we are told distinctly shows party bias, and which we are farther told is being used to crush one of the political parties in existence at the present time. Whatever may be our opinions as to warfare that should be carried on outside the walls of this Chamber we cannot allow anything of that nature to come in here, and I think we have a right to resent a statement of that nature. For myself I do not believe it for a single moment. There are two forces at work which have operated to make arbitration a necessity. One of these is the institution and establishment of trades unions and the other is our system of free and compulsory education. I believe that every hundred pounds we spend in our system of education and every hundred pounds that we spend in our public libraries has a tendency to make people dissatisfied with their present conditions, and I believe this dissatisfaction is only a step towards higher satisfaction and a better state of things, so that we have created a need for some system of arbitration by the encouragement we have given to the establishment of trades unions and other organisations of that character and by our splendid system of free and compulsory education. I say we are passing through what I think is a period of discontent, and our Arbitration Act is intended to help us through that period to a period of rest and future contentment; but while we spend so much on general education, and I do not for a moment wish to interfere with that, we must expect that these periods of dissatisfaction will arise. How to reconcile these at times conflicting interests is a work which Parliament I think can very worthily address itself to. I regret that in this measure greater provision has not been made for dealing with boards of conciliation—just one page only containing a few clauses.

Hon. M. L. Moss: They have been a dead failure from the jump.

Hon. J. W. LANGSFORD: I know what the member has said, the boards of conciliation have not been used to any extent since the time they were placed in the statute.

Hon. G. Randell: They were used at the beginning.

Hon. J. W. LANGSFORD: They were used at the beginning. I think, apart from the machinery of the Arbitration Act, the fact that the gentleman who has to preside over the board of conciliation is elected by the other persons representing the two interests has very much to commend it, and I hope the system of conciliation will be adopted more than it has been in the past. There is no provision in the Bill as to how the conciliation boards are to be brought into operation. It says the Governor may direct special boards of conciliation to be constituted (Clause 84); but

it does not say on whose application, whether the application of one party or both parties is necessary to bring about the institution of these boards of conciliation. A very great change I think, or a change at any rate, has taken place in the constitution of the Arbitration Court. It was a matter of daily comment that those who constituted the court previously had not that detailed knowledge of the industries which they had to consider and which was necessary to a proper understanding of a dispute. To remedy that assessors are to be appointed to act with the court, the President of which is to be a Judge of the Supreme Court. I think we may hope for much from the appointment of assessors, men who understand every detail very much more so than can be understood by a man not having the technical knowledge. We have very much more to hope in the future for a proper and I think a fairer settlement to both parties. That is if these assessors approach their duties in the manner in which I think this Bill intends that they should. If of course they come as strong partisans of the persons by whom they are elected, then I have my doubts whether the principle of arbitration will have fair scope. Clause 46 provides for the assessors taking an oath that they will faithfully and impartially perform the duties of their offices, and I think we have a right to expect that these assessors will faithfully and impartially perform their duties—and I take it that that means with due regard to the consideration of the opposite side—and we have no more right to expect that these assessors will violate their oath of allegiance to faithfully work, than we have to expect that members of this House will violate their oaths in carrying out the duties they have to perform in this House.

Hon. M. L. Moss: It is involuntary bias. It is all right, but it does not work out in practice.

Hon. J. W. LANGSFORD: There seems to be a conflict between Subclause (1) of Clause 38, which reads:—

> "For the hearing and determination of industrial disputes the Court shall sit with two assessors appointed in the prescribed manner by the parties to each industrial dispute referred to the Court."

And Subclause (1) of Clause 40, which says:—

> "Provided that the President may, if he thinks fit, direct assessors to be appointed for the hearing and determination of any application to the Court."

That clause may have a meaning which is not quite apparent on the surface, and it may be that the issue involved is so simple that it will be unnecessary to appoint assessors. But the latter clause at first sight certainly seems to conflict with the first clause which I read. If it is intended that the assessors shall sit on every occasion with the President it should be inserted in this Bill. [*Hon. M. L. Moss*: Under Section 40 the President can sit alone for certain purposes to hear all applications except industrial disputes, in which case he shall appoint assessors.] I know that that is so. A farther amendment is the introduction of an industrial combination under Clauses 24-28. The Leader of the House when speaking on this told us, I think, that it was to help those who had no unions and who were not organised like those skilled workmen who belonged to strong unions. If it is intended to help them in that direction, to assist these helpless workers, why has the number 25 been fixed, and why has it not been set down at 15, as is the case in connection with the registration of an industrial union? These workers cannot help themselves, this Bill is intended to help them; why necessitate their having 25 members instead of 15, before they can bring into operation the provisions of the Bill? It seems to me that this clause will have the effect of increasing the number of trades unions in this State. I do not know whether that is intended, I do not know that it would be harmful, but these combinations are not going to the trouble of carrying out all the provisions of this Act and have an award made for three years and then only exist for a term. When they have taken the trouble to register and go through the necessary formula to bring their case before

the Court and secure an award, then, in all probability, they will continue to exist as an organisation. One of the other clauses provides that no union shall be registered which spends its funds for political purposes. If the rules of the union provide for a case of this kind, I do not think Parliament can introduce a clause which will have the effect of barring unions from political action and views. I should like to hear from some hon. member where industrial interests cease and political interests begin. Members will admit that the expenditure of the funds of the union for the purposes of carrying out this Bill, for the paying of assessors, and of registration fees is justifiable, they being purely industrial matters. If an alteration of the Act were required and a union saw fit to elect members to Parliament, why should that be called a political matter? [*Hon. M. L. Moss*: What else can you call it.] I would like to know where one is an industrial matter and the other a political. I take politics to mean the steps by which we arrive at a certain position in regard to some industries; and I cannot see clearly why one of these steps should be termed industrial and the other political, especially in a case such as that in connection with the Bill we are now discussing. The fact that this clause is contained in the Bill has produced a certain amount of criticism, but I think that there would have been room for grave criticism had the clauses not appeared in the Bill. This matter has been before the committee one way or another for some time, and if this House had not been given an opportunity of discussing fully a provision of this kind, it would have been a great mistake. Now we can discuss it. It cannot be said, however, that action is being taken by some backdoor means, and that without full discussion the unions are to be penalised for spending money for political purposes. Parliament will take the opportunity now in broad daylight of giving its views and vote upon the question. If the rules of the unions state specifically that money can be spent for political purposes, those who join the unions do so with their eyes open. [*Hon. M. L. Moss*: You must always remember that a very large minority, and perhaps in some cases a majority, may object to these rules and therefore refuse to join the unions.] Clauses 76 and 94 provide for punishment, and these two clauses are the most difficult ones in the measure. By an interjection which I made when the Leader of the House was speaking, I asked whether these penalties were to apply to the wives and children of those who were on strike, and he unhesitatingly said "no." I think that he replied justly. We must rely more I think upon an enlightened public opinion to express itself, than upon the application of force and imprisonment for offences against the awards of the court, although I am of the opinion that those who wilfully disobey the award of the court, and lead others to disobey also, should be punished by some means. As far as the general body are concerned, whether it consists of employers or workmen, the pressure of public opinion in one direction or another is the punishment which must be inflicted upon them. [*Hon. M. L. Moss*: That shows you the futility of this legislation.] The public have as much interest, perhaps more interest in the aggregate, than those immediately concerned in matters of this kind. Although at times the sympathies of the public may be wrong, yet in the generality of cases an enlightened public opinion is to be relied upon to say what justice should be meted out in cases of this kind. I will not take up the time of the House farther in dealing with this Bill, but I think the Government are to be congratulated upon making a farther endeavour to make easy the relations between the employer and the employed. I support the second reading of the measure.

Hon. J. M. DREW (Central): The term "arbitration" used to designate the objects of this Bill, implies the provision of such machinery for the settlement of industrial disputes as is calculated to prove satisfactory to both parties to the trouble. If this Bill contains such a

provision it is, at any rate to some extent, likely to achieve its aim, but if not it must fail in its purpose and become only so much waste paper. The reason for this is that it will be regarded with distrust and suspicion by one of the parties which it is intended to serve, and that distrust must beget contempt and repudiation. I am much afraid that this measure will prove most unsatisfactory to at least one of the parties immediately concerned. Mr. Moss, in the course of his speech, stated, according to the newspaper reports, that the effect would be to strike a deadly blow at unionism. There is no doubt that would be the effect if the Bill were availed of by unionists, but I feel confident that with the existence of some of the clauses which appear in this Bill, there is no prospect of the unionists of Western Australia coming in under it. There are two features which have a marked tendency to bring about this result. The first is the refusal to register any union which employs any portion of its funds for political purposes. The consequence of this will be inevitably that no unions will register under the Bill, and that those unions already registered will seek a cancellation. There are two objects which every industrial union have in view; the first is to secure a fair rate of wages, and the second, and by no means the less important, is that there should be parliamentary representation from their own point of view. It is intended by this Bill to divorce these objects, and that if the unions wish to employ any portion of their funds for political purposes, they must form a separate combination. That will entail so much trouble and inconvenience and complication that it is improbable that any unions will register if the Bill becomes law. The necessity for securing proper parliamentary representation by the workers of this State is regarded as equal in importance to the necessity for securing a fair rate of wage. There have been many reforms sanctioned by the Legislature during the last few years in the interests of the workers, and that legislation has been the direct result of combination, of the assistance of unions working towards political ends. And now it is intended by this measure, as Mr. Moss candidly admitted, to deal a death-blow at unionism. But there will yet remain an opportunity, even if this Bill becomes law, for the unions themselves to have a strong voice in the matter. There is another point in this connection. What business is it of Parliament to consider or decide whether these unions should spend their money in connection with political matters or not?

Hon. M. L. Moss: Why do we say that electioneering expenses shall be limited to £100?

Hon. J. M. DREW: I am quite prepared to meet that interjection. I do not believe in that legislation, because I am of opinion that it is evaded in three cases out of four. Although the unions may spend a large amount of money in assisting the candidature of those whom they wish to see in Parliament, it must be remembered there is another organisation, in opposition to the workers, that also spends a large amount of money in securing the return of those whom it favours—the National Political League; and although a candidate for a seat in the Legislative Assembly may be limited to an expenditure of £100, the National Political League can come forward with impunity and in defiance of the law—in fact there is no law against it—spend £1,000.

Hon. M. L. Moss: But they don't.

Hon. J. M. DREW: I do not know whether they do or not; but they spend some money. At any rate, I can say that the league spend a certain amount of money; and there is no limit to the sum they may legally spend. It has been said that the Friendly Societies Act is a bar, because under that Act no society may be registered which uses its funds for political purposes. I do not know whether that is the case, but it has been stated to be so. A short clause in this Bill would, however, get over that difficulty and make it legal for the Registrar to accept the resignation of unions even though it be provided in their rules that they may spend money with political objects in view. Clause 24 is a re-

cognition of non-unionism. I think it will be admitted that the present Arbitration Act is a compromise between employers and unionists, between the employers in the community and the members of the unions existing in Western Australia. But this Bill introduces altogether a new element, introduces non-unionism. The result will be—members may say it should not be—that the workers in the unions will refuse to recognise the Act and refuse to avail themselves of it. Under the Bill any combination of 25 persons in any particular locality who find it inconvenient to join a union may obtain registration, and appeal to the court to decide the standard rate of wages in that locality. They may be what labour people call "blacklegs"; and by having recourse to this particular clause, they can obtain a decision that will affect perhaps the whole of the district in which they live. There is, it is true, a proviso to the effect that there must not be within the industrial district an industrial union to which the members of the combination could conveniently belong. But what does "conveniently belong" mean? It might be very inconvenient for them to join a union for reasons which the members of that union could put forward, and which would be very good reasons from their standpoint; but they could secure registration, and having obtained that they could obtain an award which might be objectionable to the labour unions in the same district. There is another clause, which debars members of Parliament from acting for either party in the Arbitration Court.

Hon. M. L. Moss: A very good clause, too.

Hon. J. M. DREW: It may be; but so far there has been no good reason given for its proposed introduction. So far as I know, there have been members of Parliament representing both sides in the Arbitration Court, and I know of no evil resulting therefrom. It may be that members obtain a certain amount of kudos from representing their side, which helps them at election time; but there are many other vocations in life which members follow that conduce also to their gaining kudos such as helps them when meeting their constituents. There is another feature of the present Act to which, after giving the matter calm and I hope impartial consideration, I strongly object; that is, while we appoint a Judge of the Supreme Court and two other persons to decide an industrial dispute, the great question of determining what is a strike or a lockout is left merely to a court of summary jurisdiction.

Hon. M. L. Moss: There is the right of appeal.

Hon. J. M. DREW: The right of appeal does not matter; the determination in the first instance is left to a court of summary jurisdiction. I think it will not be denied that one justice of the peace constitutes sufficient to form a court of summary jurisdiction—one justice who may be illiterate, incompetent to weigh the evidence, and totally incompetent to deal with the question under review. Yet that one justice of the peace may decide that which it is not within the power of a Judge of the Supreme Court to decide. Of course there is the right of appeal; but we have had ample experience of the probable cost of an appeal recently. Everyone knows that it means £200 or £300 to the appellant, whether successful or not. It will be a great blot, not only on the present Act but on the present session, if the law be allowed to remain that a court of summary jurisdiction, consisting of one justice of the peace—and I would not care if twenty justices were provided for—shall decide the great question whether the dispute constitutes a strike or a lockout. It follows that when this justice of the peace has given a decision the Supreme Court acts upon it. We had that experience a few weeks ago. The police magistrate of Perth—and I admit that gentleman is very much above the ordinary run of police magistrates, being himself a lawyer—gave a decision, and the Supreme Court accepted that decision without farther consideration as a fair and just one.

Hon. M. L. Moss: No; the Supreme Court had all the evidence before it.

Hon. J. M. DREW: I was not aware of that. I was under the impression that the injunction was granted simply on the decision of the police magistrate. Anyhow, it follows that not only are the persons tried by the police magistrate liable to a penalty of £50 if he decides that the dispute constitutes a strike, but every person who assists, aids, or abets the thing which has been declared to be a strike is also liable to a similar penalty. Finally, I think this is a measure that ought not to have been introduced in the Legislative Council. Constitutionally we are merely exercising our right; but from the point of view of doplomacy I think it a great mistake. This House, to a certain extent, is a property Chamber, members being sent here to represent the interests of one particular section of the community. [*Several Members*: No.] I have heard it stated so repeatedly. At any rate, this House is elected on a property franchise and represents only a limited number of people in this State; and a measure of this kind, a controversial measure affecting two important classes in Western Australia, is introduced here. My contention is that it should have been submitted in another place, where there are representatives of both parties in this State—the Opposition party which probably takes a great deal of interest in this question, and the representatives of other classes on the Government side. If that measure had first been introduced in another place, it would receive much better consideration than I for one am prepared to give it in this Chamber. I do not feel qualified to deal with a measure of this description. If first dealt with in another place, it would be moulded in such a way as would tend to make it more satisfactory to both parties likely to avail themselves of it if it became law. There are several other objectionable features in the Bill, but it would serve little purpose to debate them at the present time. The Bill will certainly receive severe criticism in another place, and there is no doubt that many amendments will be made to it. At any rate, as it is, it is simply a satire on the principle of arbitration, and I shall oppose it.

On motion by the *Hon. W. Patrick*, debate adjourned.

BILL—MARINE INSURANCE.

In Committee.

Clauses 1 to 77—agreed to.

Clause 78—Successive losses:

Hon. J. W. LANGSFORD: Were the insurance companies seized of the fact that by this clause it was provided that, unless the policy otherwise provided, the insurer was liable for successive losses even though the total amount of such losses might exceed the sum insured.

The COLONIAL SECRETARY: This Bill was an exact copy of the Act which, after careful consideration and at the unanimous request of the mercantile community of Great Britain, was passed by the Imperial Parliament. He (the Colonial Secretary) did not pretend to know the law of marine insurance and if correctly informed, he believed that few legal practitioners made a study of this branch of the law, so that members should accept in good faith the whole of the clauses as they stood. It would be taking an undue risk to interfere with the Bill at all.

Hon. M. L. MOSS: The Hon. Mr. Langsford need have no fear, because the underwriters of Great Britain were represented on the various commissions that sat in connection with the British measure, and most of the companies carrying on business in Western Australia were British. The clause itself was no new reading of the law, being simple declaratory of the existing law. As a matter of fact the principal companies in Western Australia had perused copies of the Bill and were satisfied. [*Hon. J. W. Langsford*: To a layman the clause seemed peculiar.] It would seem peculiar if we were dealing with fire insurance; but in marine insurance one of the companies might have a number of lines covering different interests, and all the losses might exceed the amount of property destroyed by a peril of the sea. In such cases of course the insurance company would know exactly how many lines it was taking, and it

would not be a contract of indemnity as in fire insurance. An indemnity was given on each particular loss, though in the aggregate the losses might exceed the amount of property lost.

Question passed.

Clauses 79 to end—agreed to.

The COLONIAL SECRETARY: Progress should be reported in order to consider the necessity for adding a new clause, brought about by the recent wreck of the "Mildura" on the North-West coast, where certain cattle on the wreck had to starve to death, else there would be interference with the insurance.

Progress reported, and leave given to sit again.

BILL—POLICE OFFENCES (CONSOLIDATION).

Second reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: In explaining this measure to the House, hon. members will probably recognise that it is similar to a Bill which was introduced in another place last session. Having passed the second reading there, it was referred to a select committee, by whom it was carefully considered, and the recommendations of that committee are, to a great extent if not wholly, embodied in this Bill. Hon. members may have observed that there is another measure on the Notice Paper having a similar title, the Police Bill. At the present time the Police Regulation Act and the Police Offences Act are one and the same statute; that is to say, the machinery provided for the governing of the police force is contained in the two divisions of the Act I have mentioned. In the present consolidating Bill, it is proposed to take out of the existing Act the portion relating to police offences and place them in a separate enactment. The Bill now before the House consolidates the statutory offences which are punishable by summary conviction; and some amendments in the existing law are made in it, to which I will draw attention. This is purely a machinery measure dealing with police court offences; and there are sundry provisions in it, principally those recommended by the select committee of another place which dealt with the Bill last session, I will touch on briefly as I come to the different parts of the Bill; and if hon. members require any farther information, I shall be glad to give it in Committee. Of course this is not a measure requiring much to be said on the second reading, because there are no new principles to be explained or defined. Part I. deals with preliminary matters, and repeals a number of existing Acts. I may say here that this is a farther step in the necessary and useful work of consolidating the statutes which has recently been going on by this and the former Governments; 42 Acts having been taken off the statute-book last session and consolidated in five Acts. Clause 4 of Part I. deals with the discretion of justices as to punishment, the penalities for offences being stated throughout the Bill at the maximum in the Bill as in the Criminal Code. In subclause 7 of Clause 4 there is a new and important provision by which any person convicted of an offence, instead of being sentenced to any punishment to which he is liable, may be discharged upon his entering into his own recognisance to keep the peace and be of good behaviour for a term not exceeding one year. Hon. members will recognise that this is a very useful and good provision, so that any person convicted of an offence may be handed over to those in charge of a charitable institution rather than be sent to gaol and treated as a criminal. If the country can by legislation save a man from being a criminal, that is a good work, and an endeavour will be made under this provision to reclaim rather than make criminals of persons who have committed offences. Part II. of the Bill deals with offences generally, and the important provisions of the Bill are contained in this part. Division 1 (commencing at Clause 8) deals with common assaults. The penalty is increased from £10 under the existing Act to £20 as proposed in the Bill, this being the maximum for ag-

gravated assault. The offence of aggravated assault is not preserved as a separate offence in the Bill, the only distinction under the existing law being that the fine for common assault is £10 and for aggravated assault £20. Clause 10, dealing with the offence of resisting bailiffs, is new and was not provided for in the existing Act. In Division 2, new provisions are inserted as to drunkards, enabling the accused to be remanded to a hospital for treatment, and prohibiting the sale of liquor to habitual drunkards; these provisions being taken partly from the New Zealand Act and partly from the Imperial Act of 1902. It is made a special offence to be drunk when in charge of a child, or to supply drink to a drunken person, both provisions being taken from the Imperial Act of 1902. I may here state that when the new Hospital for the Insane is completed at Claremont, there will be provision for dealing with habitual drunkards in separate wards to be provided for the purpose. In Division 3, the vagrancy clauses are mainly the existing law; but the provisions of Clause 21, as to idle and disorderly persons, have been redrawn so as to meet a recent decision in Victoria, in which it was held that no offence is committed for which a person can be charged as an idle and disorderly person under the existing law, until he has been required by a justice to give an account of his means and has failed to do so. Legal members of this House will probably remember the decision I refer to, and will recognise why this provision is inserted in the Bill. I believe a similar amendment has been introduced in the Victorian Parliament consequent on that decision. The provisions of the existing Police Act, creating a third class of offender termed "incorrigible rogues," do not appear separately in the Bill, but are incorporated with the subclauses dealing with rogues and vagabonds, as it is deemed unnecessary to give justices power to inflict a heavier sentence than 12 months' imprisonment with hard labour for any summary offence of vagrancy. The penalty under the existing Act for incorrigible rogues is 18 months' imprisonment with hard labour. The provisions contained in Clauses 23 and 24 as to the proof of no visible means and intent, in charges of vagrancy, are new but have already been adopted in the Eastern States, and I suppose that will be recommendation to hon. members in dealing with the Bill. The offence of cheating as defined in Clause 29 is new, and is adopted from the South Australian Police Act of 1898. The remaining clauses of this division are the existing law. Division 4 deals with offences analogous to stealing, and contains the provisions of the Police Amendment Act 1902 relating to gold stealing; those provisions being extended also to pearls, as proposed in the Bill. The other provisions in this division are transferred from the Criminal Code, as it is deemed desirable that its provisions should be confined to indictable offences. Division 5 contains the existing law relating to gaming and betting, so far as these offences are punishable summarily. This division extends the liability of the owner or occupier of premises who knowingly permits them to be used as gaming or betting houses, so as to apply also to the agent of the owner. In dealing with lotteries, Clause 60 prohibits the sale of tickets in lotteries, to obviate the difficulty in the proof that a lottery was actually drawn. As to betting houses, Clause 62, which is adopted from the New South Wales Act of 1902, enables search warrants to be issued. [*Hon. M. L. Moss*: That is entirely new.] The clause dealing with street betting (75) is new, the offence being at present dealt with under municipal by-laws. A great deal of difficulty has been experienced in the carrying out of these by-laws, and the new clauses are intended to overcome the difficulty somewhat. The remaining provisions of this division are mainly the existing law, and there are some slight alterations which I need not touch on now. Division 6 deals with obscene and indecent publications, and is an expansion of the provisions of the Police Amendment Act of 1902, and adopts provisions already in force in the Eastern States. Division 7, dealing with cruelty to animals, reenacts the law now

contained in one section of the Police Act of 1902, namely Section 79, with some additions enabling suffering animals to be killed, and for the prevention of cruelty to captive animals, also enabling special constables to be appointed by the Society for the Prevention of Cruelty to Animals. This additional machinery will no doubt be welcomed by those who feel a special interest in the operations of that society.

At 6.15, *the President* left the Chair.
At 7.30, Chair resumed.

The COLONIAL SECRETARY (continuing): When we adjourned, I had arrived at Division 8 of the Bill. This division deals with miscellaneous offences, all of which are subject to existing legislation so there is no material change in that division. It is practically the existing legislation. Part 3 contains provisions of local application, which only take effect so far as the matters are not provided for by municipal or other local by-laws. This part does not call for any comment on the second reading, but if there are any points which members wish explained in Committee I will give them explanations. Part 4 deals with supplemental matters and makes provision for the apprehension of offenders and re-enacts the miscellaneous section of the Police Act of 1892 and its amendments. Briefly these are the features of the Bill and as I said at the beginning it is a consolidating Bill and to a great extent re-enacts the legislation already contained in existing statutes. It consolidates five Acts and is also the means of putting another Act on the statute book under the name of the Police Act. I do not think it is necessary for me to touch on the measure farther. I beg formerly to move the second reading of the Bill.

On motion by the *Hon. C. Sommers*, debate adjourned.

BILL—STATISTICS.

In Committee.

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

ADJOURNMENT.

The House adjourned at 7.42 o'clock until the next day.

Legislative Assembly,

Tuesday, 30th July, 1907.

The SPEAKER took the Chair at 4.30 o'clock p.m.

Prayers.

ASSENT TO BILL.

Message from the Governor received and read assenting to the Supply Bill, £629,303.

PAPERS PRESENTED.

By *the Minister for Mines*: Reports and Returns in accordance with Sections 54 and 83 of the Government Railways Act, 1904.

BILLS (5)—FIRST READING.

1, District Fire Brigades; 2, Electoral; 3, Bankers' Cheques; introduced by *the Attorney General.*

4, Port Hedland-Marble Bar Railway; 5, Permanent Reserve Revestment; introduced by *the Premier.*