soil, a sure means of living for himself and his family.

The ATTORNEY GENERAL (Hon. T. Walker): I second the motion.

Hon. Frank Wilson: It will not last five years if you pass it.

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

House adjourned at 9.40 p.m.

Legislative Council,

Tuesday, 29th October, 1912.

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

QUESTION — POWELLISED SLEEPERS, COST.

Hon. H. P. COLEBATCH asked the Colonial Secretary: 1, Has the attention of the Government been drawn to a statement made by the Minister for Home Affairs (Mr. King O'Malley) in the House of Representatives on Wednesday last, to the effect that the Commonwealth Government is not concerned with the cost of powellising karri sleepers for the Trans-Australian Railway, this being purely a matter for the successful tenderer—the Western Australian Government? 2, Is this statement correct? 3, If so, has an agreement been made between the Western Australian Government and the powellising company in regard to royalty and other charges? 4, What royalty is to be paid? 5, On what basis is such royalty to be paid? 6, What other charges, if any, are to be made by the powellising company?

The COLONIAL SECRETARY replied: 1, 2, and 3, Yes. 4, 1s. 3d. per 100 superficial feet. 5, See No. 4. 6, None.

QUESTION—OBSERVATORY SITE.

Hon. J. D. CONNOLLY asked the Colonial Secretary: As the Government have requested the Federal Government to take over the Observatory as from January next,—1, Is it the intention of the Government to transfer therewith the whole of the lands known as the Observatory reserve? 2, Will the Government consider the desirability of preserving this reserve to the State by shifting the Observatory to a smaller and less valuable site before transferring it to the Commonwealth Government?

The COLONIAL SECRETARY replied: 1 and 2, No definite reply has been received by the Government to the request that the Commonwealth Government should take over the work of the Observatory. When a reply has been received the matters contained in the questions will be taken into consideration.

PAPER PRESENTED.

Reports and returns under the Government Railways Act, 1904, for the quarter ended 30th September.

BILL—NATIVE FLORA PROTECTION.

Read a third time and transmitted to the Legislative Assembly.

BILL—PEARLING.

In Committee.

Resumed from the 24th October: Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Third Schedule:

The CHAIRMAN: Progress had been reported on the Third Schedule and an amendment had been moved by the Colonial Secretary that in line 1 "£5" be struck out for the purpose of inserting other figures.

Hon. Sir E. H. WITTENOOM: It was recognised that the Government had met the desire of the pearlers to some extent in not insisting on the royalty and increasing the license fee. He could not help thinking, and others shared the opinion, that the amount of license fee if fixed at £10 would be rather excessive. At the present time the license fee was £1. The Bill originally proposed that it should be raised to £5 with a royalty of £5 on each ton of pearl shell raised. That would make the cost very high to the pearler, and, therefore, a compromise might be arrived at by fixing the fee at £7 10s. Already the pearlers were under considerable expense.

Hon. J. W. Kirwan: What difference will it make in the revenue?

Hon. Sir E. H. WITTENOOM: No doubt the Colonial Secretary would be able to answer that question, but so far as the pearlers were concerned it would mean a good deal to them.

Amendment put and passed.

The COLONIAL SECRETARY moved a further amendment—

That "£10" be inserted.

Hon. Sir E. H. WITTENOOM moved an amendment on the amendment—

That "£7 10s." be inserted.

The COLONIAL SECRETARY: When speaking on the second reading Sir Edward Wittenoom stated that if the Government wanted more revenue it would be wiser to increase the license fee. Everyone then came to the conclusion that the hon. member would be prepared to support an amendment to increase the license fee to produce an amount equivalent to the amount which would have been paid in royalty. The Government had hoped to realise by way of royalty £2,000 per annum. Under the amendment which increased the license fee from £5 to £10 the Government could only hope to get an extra £1,800. There were 363 ships in the trade, so that even by increasing the fee to £10 the Government would lose. The industry was practically run by black labour, the percentage of Asiatics engaged in it being 90, and unless it contributed more revenue there would be sure to be an outcry against it.

Hon. V. HAMERSLEY: There did not appear to be such an extraordinary difference between £7 10s. and £10. Originally the pearler paid £1 per boat, and in the proposed amendment in the Bill the increase would have amounted to £1,850, and it was now suggested that the fee should be £10, which would bring the total revenue to be derived from fees up to £3,630. Of course the expenses of collecting that amount would be the same whether the fee was £1 or £10. The Committee had also to look after the interests of the individual who might be charged an extortionate amount. The Government proposed an extraordinary jump from £363 to over £3,000 a year.

Hon. Sir E. H. WITTENOOM: The royalty which the Government had proposed was a high one and would have been difficult to collect, and he had suggested that it would be better to obtain the extra revenue by way of increased fees. The expense of collecting the royalty would have meant the expenditure of a good deal of the revenue which the Government expected to obtain in that way. If the fee was raised to £7 10s. that would be a fair thing to begin with. The Colonial Secretary had suggested that because those employed in the industry were mainly Asiatics the industry itself was worth little to the State. As a matter of fact the pearling industry brought a good deal of trade to the country. The fee which he suggested would be more satisfactory to those concerned, and if it was found to be too small it could be increased at a later date. In attempting to collect a royalty the Government could be cheated very easily, but a license fee would be paid straight out and there would be no cost of collection whatever. In those circumstances the Colonial Secretary might well be content with raising the fee to £7 10s.

Hon. C. SOMMERS: For the reasons indicated by Sir Edward Wittenoom he had been opposed to the royalty, but as the State received very little from the pearling industry, the extra fee proposed by the Government was only reasonable.

Hon. H. P. COLEBATCH: From the figures quoted by the Colonial Secretary it appeared that there were 363 boats licensed and that they were charged £1 each last year, making a total revenue of £363. This year the Government had proposed to increase the license fee to £5 and also to impose a royalty, which, together, would have given to the State £3,800. The proposal now before the Committee was to make the fee £10 which would represent an annual revenue of £3,630. Sir Edward Wittenoom's proposal to make the fee £7 10s. would bring in £2,722. Surely a jump in one year from £363 to £2,722 was quite sufficient. He would support the amendment.

The COLONIAL SECRETARY: The fact that the industry had only contributed £363 last year was no argument why that state of affairs should continue. Under the provisions of the Bill the income would be only £2,178 from an industry, the annual value of which was over £300,000. Considering that the present price of shell ranged from £13 to £20 per cwt., the industry was surely in a position to contribute a little more to the revenue than it was contributing to-day. The upkeep of public administration in that portion of the State entailed considerable expenditure in the provision of magistrates, police, and gaol. Towards that cost the State was receiving to-day only £363, and under the Bill the Government would receive directly only £2,178, which would include the cost of collection. He asked the Committee to seriously consider whether the industry was not in a position to pay a little more to the State than in the past.

Hon. V. HAMERSLEY: It was unfair of the Colonial Secretary to say that the magistrates and police were provided in the North for this one industry, and that the £363 received in fees was the only contribution towards the cost of upkeep. He took it that persons brought before the court were made to pay a penalty sufficient to at least cover the expenses of the cases. The pearling industry had been a considerable help to the settling of the land in the North, and even if the industry were to cease to exist there must still be police and magistrates there for the benefit of the settlers.

Hon. J. E. DODD (Honorary Minister): For all that the Government got out of the industry in licenses the State would be better without the pearling. The cost of holding quarter sessions in the North ran into £500 or £600, and that was mainly to deal with crimes perpetrated by aliens engaged in the pearling industry.

Hon. Sir E. H. Wittenoom: You would have to send a judge up there for other cases.

Hon. J. E. DODD (Honorary Minister): A judge would not have to go there so often if it was not for the pearling industry. The recent trial of the murderer of Constable Fletcher had cost the Crown considerably more than the annual amount received in license fees.

Hon. W. PATRICK: The proposal of the Government was a fair one, and he would support it.

Hon. R. D. McKENZIE: It was the duty of members on this occasion to support the Government. Mention had been made of the cost of administering the law in the North. Only quite recently the Government had to engage a barrister in Perth and send him north under a special commission to act as a Supreme Court judge, and that must have cost the State a good deal of money. In the circumstances the pearlers should contribute something more towards the high cost of administration, and the fee of £10 would not be an unbearable burden.

Amendment (to insert "£10") put and a division taken with the following result:—

Ayes	17
Noes	5
Majority for ..	12

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

Noes.	
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. A. Sanderson	Hon. H. P. Colebatch
Hon. T. H. Wilding	(*Teller*).

Amendment thus passed; Schedule as amended agreed to.

Fourth, Fifth, Sixth schedules, and Title—agreed to.

Bill reported with amendments.

BILL—STATUTES COMPILATION ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This Bill introduces a few formal amendments to the Statutes Compilation Act of 1905 which have been found necessary during the practical operation of the measure. It is provided in the principal Act that when a motion is carried for the compilation of a statute and its amendments the Attorney General must prepare the compilation as soon as possible after the end of the session, and that the compilation shall be laid on the Table of each House at the commencement of the next session, that is on the very first day of the session. Both these provisions are very inconvenient. It is surely sufficient if the compilation is prepared at any time pursuant to the motion and laid on the Table of the House. It is hard to understand what particular virtue there is in having the compilation laid on the Table of the House on the very first day of the session.

Hon. J. D. Connolly: There should be some limit.

The COLONIAL SECRETARY: The Bill makes provision in that respect. These precise provisions to which I have referred are abolished by this Bill. The compilation of the Criminal Code was not ready at the commencement of this session, and it will be impossible to have this compilation put through pursuant to the motion passed last session unless this amending Bill is passed. If the Bill is carried it is proposed to bring in the compilation of the Criminal Code during the 1913 session. The Bill further proposes to make provision for the insertion in the compilation of amendments made otherwise than by direct alteration of or addition to the text of an Act. This will provide for the insertion of such amendments as Sections 5 and 6 of the Divorce Amendment Act, 1911, and Section 2 of the Licensing Amendment Act, 1911, which, though amending the law dealt with in the principal Acts, do not directly alter the text thereof. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

BILL—UNIVERSITY LANDS.

Second Reading.

Hon. J. E. DODD (Honorary Minister) in moving the second reading said: This is a Bill to allow the Government to complete an agreement entered into with the University Senate with regard to the exchange of certain lands. I take it members are fairly conversant with the objects of the Bill and also with the lands to be exchanged; but in the event of members not being so conversant they will see in the first schedule to the Bill the lands that are to be exchanged by the University Endowment Trustees, and also in the second schedule the lands proposed to be exchanged by the Government. The lands to be exchanged by the University are situated at West Subiaco, Claremont, North Fremantle, and Karrakatta, the total area being something like 361 acres. The Government valuers estimate these lands at a value of £24,861; but the valuations made by the University representatives do not amount to as much as that, one fixing it at £22,050 and another at £20,282. The area of land to be given to the Senate is part of the Craw-

ley Estate, consisting of 104 acres, and a piece of land abutting along the Nedlands tramway line, and also some land which is to be secured along the Fremantle to Perth road, the value of which will be assessed as at the 1st June, 1912. Part of the Crawley land is to be reserved and proclaimed a class A reserve for the benefit of the people, in order that the foreshore may always be retained for camping purposes and for a pleasure resort. The Government have agreed to construct a road around the western, southern, and eastern boundaries of the University grounds and also to extend the tramway system to the University grounds. The river frontage and the area to be reserved is something like 40 acres, so members will see the Government have been desirous of securing to the people for recreation purposes some of the Crawley reserve. Some of the land exchanged by the University at West Subiaco and Karrakatta and other places will be utilised on behalf of the Workers' Homes Board, and the cost of the same will be charged up to that board. I do not know that I can give members very much more information than they have already seen from what is to be obtained from the map. The total area to be exchanged by the Government to the University is 165 acres. I am not going to express any opinion with regard to the suitability of Crawley as a university site; that matter has already been dealt with by the University Senate, and it has been discussed fully in this House.

Hon. J. F. Cullen: That debate is not yet finished; it is a pity you did not let it be finished.

Hon. J. E. DODD (Honorary Minister): An opportunity may be given to finish that debate; but the object of the Bill is fully set out; it is a very short Bill, and its schedules are clear. The object for which the agreement is being made is simply to allow the University Senate to retain part of Crawley and the various other lands the Government have been seeking to give them so that the Government may secure the University endowment lands for the purpose of erecting workers' homes. I move—

That the Bill be now read a second time.

On motion by the Hon. W. Kingsmill debate adjourned.

BILL—INEBRIATES.

In Committee.

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

Clauses 1 and 2—agreed to.

Clause 3—Institutions for Inebriates:

Hon. J. D. CONNOLLY: What institutions was it intended to establish?

The COLONIAL SECRETARY: The idea was to establish institutions if the Bill was passed, but the Government had not yet decided where the buildings would be, though there certainly would be one close to Perth. The Government were awaiting the fate of the Bill before taking action.

Hon. Sir E. H. Wittenoom: What will be the cost?

The COLONIAL SECRETARY: That information could not be furnished. It was useless to get plans drawn and estimates made until the consent of Parliament was given.

Hon. J. F. Cullen: Will not Parliament's consent depend on the largeness of the Government's ideas?

The COLONIAL SECRETARY: Parliament would have the opportunity of discussing the matter later on. There was nothing on the Estimates this year for the purpose, so far as he knew. When it was decided to expend money in this direction the Government must have the authority of Parliament. An institution would probably be under the control of the Inspector General of the Insane, but there was nothing decided so far.

Hon. J. F. CULLEN: It would be well for the Government to go into the matter a little more fully and to have some plan worked out. The humanitarian idea of the Bill commended itself to everybody, but there would be a great difference of opinion as to whether a Government would be justified in launching out too largely

in experiments. The Legislative Council should impress on the Government that, while it approved of the general principle of the Bill by carrying the second reading, it would like the Government to move very carefully and experimentally in connection with this matter. It was a movement almost in the dark. Humanitarians everywhere had been talking about this method of dealing with inebriation, but practically very little had been done in the way of experiment. He would caution the Government not to launch out into unknown country and untried grounds with very large ideas of expenditure. All that would be required to start with would be a simple institution in Perth under a medical officer, with a matron and a small staff. It would be well to move slowly and carefully on the new ground.

Hon. J. CORNELL: The House had affirmed the desirability of the Government caring for inebriates, but now in Committee Mr. Cullen declared that we should proceed only in a very small way. It was admitted that the curse of drink was curable, and therefore the very beginning should be equal to the demand. If there were one hundred inebriates in the State the Government should immediately take steps to cure them all. To be content with treating them one at a time would mean that the majority of them would die without curative treatment.

Hon. Sir E. H. WITTENOOM: Although entirely in accord with the Bill, he thought caution was necessary. The Bill was not without precedent, for similar legislation existed in the other States and in England. We should have information as to the extent the Government proposed to spend money on the establishment of these institutions. He was hopeful that it would not require very much money after all, for the reason that there would not be many patients to put into the institution. Still we ought to know whether the Government intended to spend £3,000, £10,000 or £30,000 on the project.

The COLONIAL SECRETARY: Hon. members seemed to have lost sight of the fact that any expenditure under the Bill would require the authority of Parliament.

Hon. J. F. Cullen: The Government do not always observe that rule.

Hon. Sir E. H. Wittenoom: We have no say in it once the Bill passes.

The COLONIAL SECRETARY: All it was intended to do at the present time was to establish an institution close to Perth. Whitby Falls was the place the Government had in mind, an institution formerly used for the purpose of a hospital for the insane. The Government had no wish to set up any great expenditure in the near future.

Hon. J. F. Cullen: I am alarmed by the proposal to create an Inspector General of Institutions.

The COLONIAL SECRETARY: Nothing of the kind was contemplated. It was not intended to launch out on the scheme on any large scale. The experiment had been already tried in the Eastern States and in England, and the Government would proceed very cautiously in connection with the measure.

Hon. Sir E. H. WITTENOOM: The locality of the institution would require to be a very isolated one. Garden Island was not a very productive piece of ground, and would make an admirable place for such an institution.

Clause put and passed.

Clause 4—Inspector General and Officers:

Hon. J. D. CONNOLLY: The clause provided for a multiplicity of officers. Exactly the same provision was contained in Part IV. of the Lunacy Act, which was to be repealed by the Bill. Was it intended to appoint a separate Inspector General, or to leave the control of this institution in the hands of the Inspector General of Insane?

The Colonial Secretary: At present it is intended to leave it with the Inspector General of Insane.

Hon. J. F. CULLEN: Clauses 4 and 5 ought to be re-cast with a view to providing merely that the Governor should appoint the necessary officials. This formidable array of costly appointments, Inspector General, Superinten-

dent, and other officers might tempt the Government to try to live up to the imposing legislation. For the present, all that was required would be a medical superintendent.

The Colonial Secretary: We do not propose to appoint a special Inspector General. Dr. Montgomery will look after the work.

Clause put and passed.

Clause 5—agreed to.

Clause 6—Power of Judge or Magistrate to make order as to control of inebriate:

The COLONIAL SECRETARY moved an amendment—

That in line 18 the words "provided that" be struck out and "but subject as hereinafter provided" inserted in lieu.

Amendment passed.

The COLONIAL SECRETARY moved a further amendment—

That in line 3 of paragraph 2 of Subclause 1, the following words be added:—"provided that the judge or magistrate may in his discretion dispense with the certificate and corroborative evidence required under paragraph 1 of this Subsection."

Under the Bill as it stood, if a man wished to give himself up for treatment as an inebriate, he could not be admitted to the institution until he had gone before a judge and brought evidence corroborative of his own statement. The amendment had been suggested and drafted by the Chief Justice.

Hon. H. P. COLEBATCH: It would be dangerous to admit a man at his own request without a doctor's certificate. There were all sorts of cranks wandering about the country. The danger was that a magistrate might commit a man on the application of some other person against the wish of the individual himself and without a medical certificate. Nobody could be put into a lunatic asylum without the certificate of two doctors acting separately. It would be a mistake to allow the medical certificate to be dispensed with.

The COLONIAL SECRETARY: The parallel drawn by Mr. Colebatch was not a happy one. If a man got into a lunatic asylum it was difficult to get out and the public could not form any conclusion as to his sanity. Every person living in the neighbourhood of an inebriate would be in a position to judge and if the public arrived at the conclusion from their own observation that a man had been unjustly incarcerated, there would soon be an outcry. If the amendment was not carried it would be impossible for a man of his own will to get into the institution unless he had a medical certificate and furnished corroborative evidence. If a man expressed a wish to be cured the magistrate would investigate his case and if he was sent to the institution no harm would be done.

Hon. D. G. Gawler: Supposing someone else tries to get him in without a certificate?

The COLONIAL SECRETARY: The magistrate would exercise considerable care if another party made the application. He could insist on a medical certificate and corroborative evidence.

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

Clause 7—agreed to.

Clause 8—Treatment of persons arrested for drunkenness:

Hon. H. P. COLEBATCH: The first four subclauses involved extraordinary principles. Sometimes it would be quite impossible to carry out the provisions, especially in outlying parts of the State, and the clause was a reflection on the humanity of the police. It suggested that they did not at present treat inebriates with ordinary humanity. The clause provided that any person arrested for drunkenness should be kept under supervision but a constable might have a dozen prisoners and other duties to attend to. He could not understand the object of providing that imprisonment should be without hard labour. Usually a convicted inebriate was employed about the police station tidying the garden or chopping wood. Was it intended that he should lie down and read books? The best way to get him off the drink was to put him to work within reason. Having had considerable experience as an honorary justice in dealing with casual drunks, he believed the police looked after them really well and did the best under the

circumstances. Hard labour was only such as a man was able to perform and was more likely to restore him to a normal condition than lolling about idle. If Subclause 5 alone was allowed to remain the bench could consider whether the individual was a fit subject to send to an institution. If he was only a casual drunk whom the bench would at present award a week's imprisonment, perhaps after having let him off with a caution previously, it would be a folly to send him to one of these institutions. Prisoners were at present supplied with adequate warmth and nourishment and given necessary medical attendance. Occasionally a casual drunk required special treatment, especially if he was in a condition verging on delirium tremens. In a certain town a medical officer backed up by justices had requested that a special cell should be provided in which such prisoners could do themselves no injury. An elaborate place had been erected in the grounds of the local hospital. If a drunk was arrested under this law there would be no one to look after the hospital and he could not be dealt with any better than before. The place had not been used and could not be used because it was impossible to maintain a staff for it. Nurses could not be asked to look after such persons, and a constable could not always leave other prisoners to do so. He moved an amendment—

That Subclauses 1 to 4 be struck out.

Hon. D. G. GAWLER: The effect of Subclause 5 was practically covered by Clause 6. He agreed with Mr. Colebatch that we were not dealing with the casual drunk, but with the man who was not master of himself and who required to be protected against himself. This was grandmotherly legislation which would add considerably to the expense of the machinery of the Bill. Whereas at present a drunk was dealt with under the police law, he would under this clause have to be provided with medical attendance and nourishment and all sorts of things, and if there was an institution he would be sent there instead of to the police cell. That would mean filling these institutions with ordinary drunks, and such men were generally wasters who would not work, but who got intoxicated for the love of a spree. If they were drunkards they could be dealt with under Clause 6. He suggested that the whole clause should be negatived.

Hon. H. P. COLEBATCH: The explanation of Mr. Gawler showed that Subclause 5 was unnecessary, and he asked leave to withdraw his amendment with a view to voting against the whole clause.

Amendment by leave withdrawn.

The COLONIAL SECRETARY: The Bill endeavoured to establish the principle that drunkenness was a disease and not a crime. Any person arrested for drunkenness should be kept under supervision and supplied with adequate warmth. Deaths had occurred on account of constables and those in the lockups not recognising the degree of warmth essential in such cases. It was necessary to have a Bill like this on the statute-book in order that people might be educated up to it. Then, again, Subclause 2 provided that if any person was arrested for drunkenness and convicted and sentenced, the sentence should be without hard labour. The hon. member (Mr. Gawler) said that the sentence should be with hard labour; he would place a man sentenced for drunkenness in the same category as the forger and the thief. Under the Bill a man convicted of drunkenness could be put to do any kind of labour. Then Subclause 3 provided that if there was an institution to which such person could be committed, the person should not be committed to a prison. He could not see anything objectionable in that provision. Subclause 4 provided that if the person was committed to a prison or gaol he should be kept under supervision and supplied with adequate warmth and nourishment, and any necessary medical attendance, and Subclause 5 said that if such a person, in the opinion of the court, was an inebriate he might be remanded to be dealt with under the provisions of Clause 6. That made provision that in the case of an habitual drunkard, if he came before the court on a charge of drunkenness, there was power to remand him so as to be dealt with as an habitual drunkard. If the subclauses were struck

out it would be a blow at the underlying principles of the measure.

Hon. V. HAMERSLEY: The clause went too far and it appeared to be ridiculous. There were men who had their drinking bout once a year. He knew of many men who looked forward months ahead to the time when they would have their next good spree. They came to town and got gloriously drunk and the very first thing such men would demand if they were taken before a police magistrate and sentenced would be to be placed in one of these institutions and supplied with liquor where they could drink it in comfort. The clause was not necessary in the Bill at all. If a man was convicted of drunkenness he would demand to be taken to an inebriates' institution and he would get his friends to back him up in his demand. To make provision for such men was impossible and it was almost impossible to stop the cravings that came on this class of men at particular times.

Hon. R. G. ARDAGH: It would not be necessary to establish these institutions in every part of Western Australia. He hoped that only one such institution would be necessary in Western Australia. His reading of the provisions of the clause was that when a man was sentenced for drunkenness, or found incurable, he could be sent to one of these homes.

Hon. H. P. COLEBATCH: The Minister had said that it was the intention of the Government to establish one of these institutions in Perth. If Clause 8 remained in the Bill any person arrested for drunkenness and brought before the Perth police court must be sent to this institution. The principle was absurd. He entered his protest against the statement that drunkenness was a disease. There might be persons who, through long drinking habits, had become diseased, but to say that drunkenness was always a disease and never an offence was ridiculous. The logical thing was to say that any crime committed under the influence of drunkenness was no crime at all, and that if you punished such an individual you punished him for his disease and not for the crime.

Hon. J. CORNELL: If it was only to do away with giving the casual drunk hard labour he would support the clause.

Hon. J. F. Cullen: Will that be a kindness?

Hon. J. CORNELL: Yes, it would. Men were granted licenses in this country to sell liquor and these persons were allowed to sell sufficient liquor to make a man drunk and incapable. A policeman came along, ran the man in and he was given hard labour. At present the casual drunk could be given hard labour whether he was continually on the drink or only drunk at periods, but under the clause the magistrate could not award such a man hard labour. His opinion was that drink was a disease and as the liquor laws allowed a man to get drunk and then sentenced him to hard labour, it was an injustice. What harm did a drunk do? Very often he smashed a window, then the magistrate could give him a sentence for smashing the window, but when a man who had done no harm, but had simply got drunk was brought before a magistrate it was a reflection on any community to give that man hard labour. He desired to see the clause so fixed that the magistrate could not give the man hard labour. It had been pointed out by Mr. Colebatch that a man committed for drunkenness would have to be sent to one of these institutions. The clause provided nothing of the kind. If a man was charged with drunkenness at Whim Creek how could he be committed to one of these institutions?

Hon. H. P. Colebatch: I said in Perth.

Hon. J. CORNELL: The clause only provided that where there was an institution to which a person could be conveniently committed he should not be committed to a prison. The police were in sympathy with the drunks and recognised that in the morning they needed treatment, and there was no provision made whereby that treatment might be given.

Hon. E. M. CLARKE: It was his intention to vote against the clause because he had yet to learn that it would be possible to make an individual sober by Act of Parliament. We were on the wrong

track, and were introducing class legislation. Take a respectable man who perhaps moved in good society, and he contracted this habit; would we put the hand of the law upon him and have him brought before the bench and perhaps to a place such as that provided in the clause. He had known of instances where men after having got drunk for the first time had gone straight away and destroyed themselves, men who thought they had been degraded. Once we allowed the hands of the law to reach a man, that man became degraded. There were greater men than ourselves who had tried to solve this problem, and had given it up as a bad job. This was nothing more nor less than grandmotherly legislation and he would oppose it.

Hon. J. E. DODD (Honorary Minister): Having occupied a seat on the bench on more than one occasion and having dealt with habitual drunkards, he knew that if there was any effort that could be made in order to help the habitual drunkard, that effort should be made. He was not of the opinion that every man who got drunk for the first time should be committed to a place such as that proposed in the clause.

Hon. H. P. Colebatch: That is what the clause provides.

The Colonial Secretary: That is not what is intended.

Hon. J. E. DODD (Honorary Minister): Anything that we could do to assist the habitual drunkard and not treat him as a criminial would be for the good of the country.

Hon. W. PATRICK: The Colonial Secretary in speaking on the second reading said that there were 4,550 arrests for drunkenness during a single year. It was sufficient to make that statement to show the absurdity of keeping that number of men in cotton wool, because they happened to get drunk on a single occasion. There was no doubt we could do a great deal of good by trying to cure people with whom drink was undoubtedly a disease. We should remember that every civilised country had been doing its best during past centuries to cure drunkenness, and they had failed. The most we could do was to minimise the evil, and that was in the direction of trying to cure those guilty of drunkenness in the habitual form. As the clause stood it was simply against drinking.

The COLONIAL SECRETARY: If the clause carried the construction hon. members put upon it, it would, he admitted, be ridiculous. He however did not place that interpretation on it, and neither did the Parliamentary draftsman. If hon. members did not think it meant what was claimed for it, he would be very glad to receive an amendment. It was not, however, intended to send a casual drunkard to a retreat. What it was proposed to do was to establish a place of detention where the casual drunkard would be detained, then brought before the police court and perhaps get a fortnight's imprisonment.

Hon. M. L. Moss: Is it intended that the clause shall be applied to a person arrested more than once?

The COLONIAL SECRETARY: It would apply to anyone who was sentenced for drunkenness. When sentenced the individual would not be ordered to hard labour and would not be treated like a criminal and he would have to be detained at some place which would not be called a prison.

Hon. C. SOMMERS: What happened to a man who got the worse for liquor on Friday or Saturday night after he had drawn his money? That man who became a nuisance to the public, should certainly be punished, because he was not an inebriate in the sense that the Bill meant.

Hon. B. C. O'BRIEN: It would be much better to leave the clause in the Bill. The second subclause provided that the sentence should not carry hard labour. The question arose as to whether or not for the offence of drunkenness a person should be compelled to undergo hard labour. Any man convicted ought in his own interests, be ordered some kind of light labour.

Sitting suspended from 6.15 to 7.30 p.m.

On motion by the COLONIAL SECRETARY, further consideration of the clause postponed until after Clause 20 had been dealt with.

Clauses 9, 10, 11—agreed to.

Clause 12—Release on License:

Hon. J. D. CONNOLLY: Was it the intention of the Government to build institutions for the purposes of this measure, or did they intend to send persons to private institutions? According to the definition clause, an institution meant a place "established by the Government for the reception, control, and treatment of inebriates." The Salvation Army had an institution for the care and treatment of inebriates. Would such an institution be an institution within the meaning of this measure?

The Colonial Secretary: There is no provision for the declaration of any private institution as a place for the reception of inebriates.

Hon. J. D. CONNOLLY: Would the Minister consider whether provision should be made whereby inebriates might be committed to privately controlled institutions? The friends of an habitual drunkard might want to detain him in a private institution. In the Lunacy Act there was a provision whereby licenses could be granted for private hospitals for the insane.

The COLONIAL SECRETARY: The suggestion was a very good one. In the Lunacy Act, there was provision for declaring any private institution a place to which inebriates might be committed. Before it had been decided to introduce this Bill, he had already made arrangements for transferring to the Salvation Army and the Home of the Good Shepherd any inebriates who had been sentenced in the courts to detention, and were willing to enter those private institutions. It seemed to him that there should be some such provision in this Bill.

Hon. H. P. Colebatch: You can extend the definition of institution.

The COLONIAL SECRETARY: Exactly. It was not proposed to put the Bill right through Committee until he had had an opportunity of looking at this matter.

Hon. M. L. MOSS: Clause 20 repealed Part IV. of the Lunacy Act. Part IV. dealt with habitual drunkards, and he had no doubt that the provisions of the Lunacy Act might be carried out equally as well in private institutions, licensed under the Act, as in the Government hospital for the insane at Claremont. By repealing Part IV., every person who was declared an inebriate under this measure, would be obliged to go into a public institution and, in many cases, that might be undesirable. The friends or relatives of an inebriate might be able to afford to put him in a private institution, and they should be able to do so. Provision to that effect should be inserted in the Bill. It might be possible to do that by extending the definition of institution, or it might be necessary to insert new clauses.

Progress reported.

BILL—DISTRICT FIRE BRIGADES ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading, said: This Bill is introduced with a twofold object; firstly, to give power to local authorities to levy special rates for fire brigade purposes, and secondly, to validate rates already struck for such purposes without the necessary authority. The District Fire Brigades Act, passed in 1909, cast upon the municipal councils and the roads boards the financial responsibility of contributing to the expenditure on fire brigades throughout the State. Funds for this purpose were, by the Act, ordered to be drawn from the revenue received from general rates, and the maximum general rate which might be levied by any local authority has been fixed at 1s. 6d. in the pound. When the Fire Brigades Act was passed, it was not contemplated that the amount required under the measure would be so large as has been since found necessary; consequently, a serious difficulty has been experienced by

some local bodies in the effort to discharge the obligations placed upon them. During the past two years, the strain upon the finances for fire brigade purposes has created a position which might be best described as acute. While the State as a whole has viewed with pride the steady progress and expansion of the municipal and roads boards areas, only those directly associated with the administration of local affairs have realised the consequent demands upon the resources of individual districts. Just as the development of the State necessitates the increase of public expenditure to meet the ever growing needs of the community, in a similar manner in its own sphere the local authority is faced with the same necessity, but there is this distinction, that, whereas the avenues of finance open to the State are wide, the local bodies find themselves tied down to well defined lines in the methods and also in the measure of taxation. I have already mentioned that a municipal council cannot levy a higher general rate than 1s. 6d. in the pound, unless a loan be approved by the ratepayers for any particular work. There has to be provided out of that general rate maintenance, construction works, administrative expenses, and the many other requirements of a well ordered life.

Hon. Sir J. W. Hackett: Is there no definite contribution?

The COLONIAL SECRETARY: The municipalities have to contribute three-eighths of the amount for fire brigade purposes. The average contribution from local bodies which has been found necessary to finance the fire brigades of the State works out at approximately 1¾d. in the pound. This, hon. members will admit, is a considerable earmarking of the 1s. 6d. that can be levied, having regard to the many other items of expenditure the general rate is intended to be applied to. When the Act was passed there were 50 districts in existence contributing to the revenue of the Fire Brigades Board, but in 18 of these the area from which revenue is derivable for fire brigade purposes is limited. The sum required to be found this year amounts to £30,000 for the whole of the State, and three-eighths of this has to be contributed by the municipality. I think members will realise that those in charge of civic affairs have a very serious financial problem to deal with. Members will doubtless be interested to have some figures showing the amounts contributed by local governing bodies in the past. In 1910 the local governing bodies contributed £9,339 to the Fire Brigades Board, and in 1911 the sum contributed was £8,506 10s. For this year they are called upon to find £11,250. The high figure which the board estimate as requisite for their purposes this year is due to the necessity for erecting buildings in many parts of the State. The primary object of the Bill is to provide for this special fire brigade arrangement, but hon. members will notice that there is a validating clause in the Bill, the reason for which is that a few municipalities—Guildford and Leederville, and last year also North Fremantle, under a misapprehension levied a fire brigade rate. There was no power in the Act for them to do so, but they were under the impression that they could levy a special rate. It is therefore proposed, if this Bill becomes law, that a fire brigades rate struck since the District Fire Brigades Act came into operation shall be deemed to have been lawfully struck. The last clause has a retrospective effect, and it may go further than was intended in the first instance, so that before reaching the Committee stage I intend to consult the Parliamentary Draftsman on this point. I endeavoured to do so to-day, but failed. It appears that a writ of injunction has been issued to restrain the municipality of Leederville from collecting a fire brigade rate, and as certain costs have been incurred by the plaintiff in that action, it will be very unfair to him in my opinion if this Bill prevented him recovering his costs.

Hon. M. L. Moss: It will do so.

Hon. D. G. Gawler: I intended to propose an amendment to that.

The COLONIAL SECRETARY: It seems to me the clause should be amended, and I intend to consult the Parliamentary

Draftsman on the point to-morrow. I move—

That the Bill be now read a second time.

Hon. R. D. McKENZIE (North-East): At the end of 1909 an Act was placed on the statute-book bringing all the fire brigades in the State of Western Australia under its provisions. This Act has been working now for nearly three years, and undoubtedly it has been found in some respects that it requires amending. During the last year or two the Colonial Secretary has received deputations from various parts of the State asking that certain amendments be made, and promises were made that an amending Bill would be brought down, and a Bill is presented to us to-day; but what do we find? We find that people from all parts of the country who have been asking for an amendment to the Act have asked for bread and a stone is tendered to them. The Bill says that increased power of taxation is required, but I think that is a power not desirable nor necessary for the local governing bodies. The local governing bodies on the Eastern Goldfields do not desire to have the power; they want the Act amended in certain directions, but they certainly do not wish to have the power to tax the people any further. The Minister has told us that the contribution from the whole of the local governing bodies of the State this year is estimated at £11,250. Included in the whole of these local governing bodies are not only the city of Perth but all the large suburbs, and Fremantle and all its large suburbs, and the large towns on the goldfields, and surely £11,250 is not a very large contribution for those local governing bodies to have to find. In Kalgoorlie before the Act was passed in 1909 it was costing the municipality something like £1,400 a year to run the fire brigade. Now, I understand the contribution of the municipality of Kalgoorlie is something like £600. I think the House will agree with me that it is absurd for the Government to bring a measure down asking us to give these local governing bodies power to strike a special rate in order that they may collect £11,250. As for the validating portion of it, a special measure may be brought in to validate what has already been done illegally by the various municipalities; but I want to point out, at the same time, that this has been deliberately done. The Act of 1909 makes provision that the expenditure shall be met out of the general rates of the municipality, the Act is very explicit, and these municipalities must have gone into it with their eyes open and struck rates which are illegal, and yet now they come to Parliament and ask Parliament to validate their actions.

The Colonial Secretary: It was done in ignorance.

Hon. R. D. McKENZIE: I do not know that I can accept the statement of the Colonial Secretary that this was done in ignorance. Town clerks and secretaries of roads boards ought to know the Act. I think to a layman it is quite patent how they were to raise the money. For the reasons that I have given I shall vote against the second reading of the Bill.

Hon. M. L. MOSS (West): I also intend to vote against this Bill going through its second reading. When we think of the burdens that are continually thrown on these local bodies and also that at every available opportunity the revenue of these local bodies is being filched from them, the alternative of course is additional taxation. We find the Fines Appropriation Act within the last three or four years depriving municipalities and roads boards throughout the State of a large portion of revenue they derived from fines that were imposed in police courts; and there is a Bill before Parliament to deprive them of all the revenue from the Cart and Carriage Licensing Act and from the licensing of vehicles; and there is a further reduction of the subsidies paid to these local bodies, while all the time their responsibilites are increased with the result that the people who are property owners are having burdens cast on them in every direction. There is to be an increased land tax. I am not absolutely certain as to these figures, because I got them from another member in the House in the last few minutes,

but the rate in the city of Perth is 4s. 3d. in the pound. It may be a little less, but it is about 4s. 3d., and to that has to be added the water and sewerage rates. Even supposing the water rate is in this 4s. 3d., the rate is very high; and what applies to Perth applies to Fremantle and elsewhere throughout the State. Anybody who read Section 45 of the Fire Brigades Act of 1909 should have no doubt as to exactly what the powers of these local bodies were. It is a piece of plain English. The amount of contribution payable by any local authority may be paid out of the annual general rate. There is no mistake what that means. The Colonial Secretary says that three municipalities acted ignorantly in striking a rate under Secton 45, but if the capacity of the executive officers of these municipalities is such that they read into this section the power to strike an additional rate, and if the principle is adopted in Parliament that when people act in ignorance in circumstances like this, we will be called upon to validate all kinds of illegal actions by these bodies. I am not prepared to vote for the validating portion, but if the House by a majority agrees to validate what has been done, which would be a very bad principle, then the proviso that Mr. Drew has referred to is necessary, namely, that the persons who have, in view of the condition of the law, taken proceedings and incurred expenses must certainly be indemnified for the expenditure they have undergone to set these local bodies right in regard to the action they have taken. We have frequently validated rates where local bodies have omitted to do something which the Act gave them power to do within the necessary times prescribed by the statute.

Hon. D. G. Gawler: It is usually to remedy an informality.

Hon. M. L. MOSS: Yes. I believe that in connection with the striking of a rate which the law empowered them to strike, had they gone about it lawfully, it is a very different position from that when we are asked to allow the action of these bodies who, according to the Colonial Secretary, act ignorantly, but who, I say, have acted with a total disregard to what the law lays down for them. That is one part of the Bill, validating these three local bodies, but what is the next principle? It is a provision enabling an additional rate to be struck without any limit to the amount. It may be such a rate as may be requisite to provide the amount or any portion of the amount of any contribution paid by the local authority under the Act. When a rate is struck in anticipation of the liability to be incurred what check is there on these local bodies that they will not strike five or six times the amount necessary to meet the obligation when the levy is made? And in any event, if the additional rate is struck when they are aware of the amount of the obligation contained in the levy by the Fire Brigades Board, then with the knowledge that the local bodies have the power to strike this rate it tends to a large expenditure and to great extravagance in the administration of the Fire Brigades Act. In my humble opinion property, and particularly unimproved property, cannot stand the burdens continually thrown upon it. It ceases to be property in many instances when people who are the registered owners of unimproved land have nothing else to do but shell out an annual sum of money which, like a snowball, is gathering in size all the time. The result is that the burden on property is becoming more than the property is able to withstand. When you come to property which is improved, anybody who has purchased property in the metropolitan area within the last five or six years and paid anything like its market value for it, must find that with all these burdens there is not a fair interest on the money embarked. And now to pass legislation with the idea of permitting these local bodies and the Fire Brigades Board to indulge in greater extravagances is, to my mind, unwise. I think the House should hesitate before putting extensive powers into the hands of these local bodies. There is no limit at all on the amount that may be struck under this special rate. The Colonial Secretary says these local bodies are tied down to well-defined lines; if that is

so, it is exactly where I want to keep them. They have power to strike this eighteenpenny rate; they may strike a sixpenny rate under the Health Act; they are bound to strike loan rates to provide interest and sinking fund, and, so far as I can see, if it is necessary for the purpose of administering the Fire Brigades Act that additional assistance should be given to the local bodies, the Government ought to give back to them the revenue filched from them under the Fines and Penalties Appropriation Act. The Government ought not to deprive them of the fees collected under the Cart and Carriage License Act, and the Government should consider the advisability of further increasing the subsidies to these local bodies. If they do that there will not be any necessity for the Bill. It is giving them another opportunity of indulging in extravagances which I think could be well done without.

Hon. W. KINGSMILL (Metropolitan): It is my intention to support the second reading. I arrive at that intention by a process of selection. When going through the Notice Paper, and seeing the Bills we have on it, it occurs to my mind that it would be wise to pass, at all events, some of the least objectionable of them. Mr. Moss, when he began speaking, adduced the hard circumstances to which certain municipalities had been reduced, and said the revenue by one means and another—I am quoting the hon. member's words—had been filched from them by the Fines and Penalties Appropriation Act, and would be still further reduced by the Traffic Bill, and several other Bills. When he used that argument I thought he was going to support the second reading, because it seems to me the arguments he used were a distinct incentive to one to support it. When the Fire Brigades Act was passed, a good many of us thought that the present state of affairs would come about: a great many of us thought the burden would be too heavy for the general ratepayer, more especially in view of the fact that call after call was already being made on the general rate. Mr. Moss has said there is no limit whatever to the rate which may be imposed under the Bill; I do not think he is quite fair in that.

Hon. M. L. Moss: It will have to pay the contribution.

Hon. W. KINGSMILL: Yes, in the first place, it has to pay the contribution, or part of the contribution, which it is proposed shall be levied. But there is another check, if I read the Fire Brigades Act rightly, as to the amount of that contribution, namely, that year after year the Fire Brigades Board have to submit their estimates to the Colonial Secretary, and those estimates must be approved by the Colonial Secretary before the Fire Brigades Act, so far as the collection of them goes, can be put into operation. If, therefore, that hon. gentleman is good enough to say that the demands of the Fire Brigades Board are not out of reason, then I submit that a limit is put on this very rate.

Hon. J. D. Connolly: Did you ever have to approve of their schedule?

Hon. W. KINGSMILL: When I was Colonial Secretary that was not one of my responsibilities: I think the provision was decided upon after my time.

Hon. C. Sommers: Let us hope you will have an opportunity some other time.

Hon. W. KINGSMILL: I do not desire it very much. Under these circumstances I maintain we would be right, not in destroying this Bill, but in going further and probably letting our censure fall upon a measure like the Traffic Bill which is to come before us, and which is a much more serious menace to local government than is the Bill now under consideration. The position is somewhat complicated by the explanation the Colonial Secretary has made with regard to a case pending against a certain municipality. But I do not feel inclined, because a case is pending against one municipality, to refuse to other municipalities which have erred in this direction, that privilege accorded to them year by year of validating certain acts which they have committed either through ignorance or misapprehension, of validating certain rates struck in mistake. I venture to say that the House will be wise to pass this comparatively inoffensive

Bill and reserve their censure for more important measures to be laid before them.

Hon. H. P. COLEBATCH (East): The last speaker has characterised this as one of the least objectionable Bills submitted or to be submitted to the House this session. From my point of view it is certainly one of the most disappointing Bills we are likely to have. The original Act was passed in 1909, and we are now in 1912, three years having elapsed since the Act passed. It had scarcely been committed to the statute-book when it was admitted on all hands that certain amendments were earnestly desirable; and I believe I am right in saying the members of the present Government recognised the necessity for those amendments. But, instead of those amendments, we have a Bill enabling local authorities to impose additional taxation.

The Colonial Secretary: The other Bill is being prepared now.

Hon. H. P. COLEBATCH: I am very glad to hear it. I claim to speak with some measure of authority in regard to the Bill, for the reason that I was for some time a member of the Fire Brigades Board, and was, and still am, an officer of one of these local institutions most seriously affected by the Bill. And in order that what I am going to say should not be misinterpreted I would like to remark in passing that it has been said in this House on two or three occasions that because a previous Government neglected to reappoint to certain offices certain persons who did not agree with them politically, it was clear that their failure to do so was based on political reasons. The fact that I was not re-appointed to the Fire Brigades Board was not, in my opinion, due to political reasons, and I am prepared to assume that the person the Government appointed in my stead seemed to them to be better fitted for the position than was I. The two amendments to the Act earnestly required are, first, an amendment giving the board additional borrowing powers in order that they may erect buildings and spread the cost over a certain period of years. I do not know whether that amendment is included in the Bill now being prepared. The present system is obviously unjust. The Colonial Secretary says the one reason for the extra imposition this year is the necessity for the board to erect a number of buildings. Obviously with but a limited amount to spend, those buildings can only be erected in one or two places, and to spread the capital cost of those buildings over the whole of the State must be unjust to the other contributing bodies. I say this in the belief that one of the places where they intend building is Northam, and I repeat that the system is absolutely unjust.

The Colonial Secretary: Do you blame the present Government for that state of affairs?

Hon. H. P. COLEBATCH: Oh no; the responsibility goes back to the framers of the Bill of 1909. Obviously it would be unjust to erect a fire brigade station in any one town and then spread the capital cost over all contributing authorities; whereas if the board were given reasonable borrowing powers so that they might erect all the necessary buildings, and then spread the cost over a period, the situation would be very different. Again, there should be some bookkeeping provision whereby each contributing authority would be only called upon to pay its proportion of the money required in its own district. Mr. McKenzie has told us that before this Bill came into force the local authorities at Kalgoorlie were paying £1,400 per annum, whereas they are now called upon to contribute only £600 per annum.

Hon. R. D. McKenzie: I said approximately.

Hon. H. P. COLEBATCH: When I tell the hon. member that the cost of maintaining fire brigades throughout the State has increased enormously since the Bill passed, it should serve to convince him that the reason why Kalgoorlie is paying less is that many other local authorities are called upon to pay a good deal more. To take the one case with which I am most familiar: In Northam we had been running a fire brigade for a number of years. It was a thoroughly efficient fire brigade and it cost not more than £100 per annum. We had to provide the whole of

the cost. When the new Act came into force, providing that the local authorities should contribute three-eighths, the insurance companies three-eighths, and the Government two-eighths, we naturally thought we were going to be on a fairly good wicket; we thought there would be £270 available, and that we should be able to get more for our money than hitherto. I admit we now have a better brigade than before; but our contribution has been increased to £260. When we maintained the fire brigade ourselves we did it for £100 per annum. Now that we have no voice in the expenditure the insurance companies provide three-eights and the Government two-eighths, and yet we are called upon to contribute £260 towards the upkeep of the brigade. One reason for it is that the Act says the contribution by local authorities shall be equal all over the State, and entirely ignores the fact, recognised by insurance companies, that the risk is altogether different in different localities. In one locality there are practically all stone buildings and ample water supplies, and fire risks are so much lower than in other places where there are wooden buildings, but the Act takes no notice of that but stipulates that the place which builds substantial structures as a protection against fire must pay a heavy cost to make up for those which do not. The amendment I urged upon the previous Government, and which I hoped would be carried before now was that there should be some bookkeeping principle under which no local authority would be called upon to contribute more than three-eights of the money required to be expended in its district. There may be some small margin required for administrative expenses of course. The main objection to the Bill is that the local authorities have taxation without representation. Local authorities have practically no representation on the Fire Brigades Board. The representation is in this form: there are three members representing the insurance companies, two members are nominated by the Government, one member is nominated by the volunteer fire brigades board, one is nominated by the city of Perth, one is nominated by the local governing authorities on the goldfields, and one is elected by all the other local authorities throughout the State; that is one member is supposed to represent the interests all over the country and in the suburbs. To my mind it amounts to taxation without representation. They have no voice in saying what the expenditure shall be or where the money shall be expended, and until that element is removed from the law it will never be acceptable. Reference has been made to the municipality of Leederville, and it is said that this Bill is required to validate something which that municipality did. I happen to know that in Leederville before this Act came into force there was a thoroughly efficient volunteer fire brigade which the Leederville people were prepared to maintain at their own expense, but after this Act came into force that brigade was suspended and they were compelled whether they liked it or not to have a permanent brigade with permanent men and their expenses was increased, which made it necessary to strike this rate which we now propose to validate. The tendency of the board from its inception has been to do away with the volunteers. I do not want to open this issue, but in many instances the volunteer brigades have been practically drummed out of existence with the result that the expenditure for maintaining brigades has increased enormously. While I have no particular objection to a validating measure of this kind so long as it operates without injustice, I would certainly oppose it if I thought there would be any delay in bringing down the promised amending Bill. If there is some promise that it will be brought down in the present session I shall not offer any objection to this measure.

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

BILL—INDUSTRIAL ARBITRATION.

In Committee.

Resumed from 24th October; Hon. W. Kingsmill in the Chair, the Honorary Minister (Hon. J. E. Dodd) in charge of the Bill.

Clause 77—Terms of award:

Hon. J. E. DODD moved an amendment—

That paragraph (b) be struck out.

Amendment passed, the clause as amended agreed to.

Clause 78—Court may limit operation of award to particular area:

Hon. D. G. GAWLER moved an amendment—

That the following proviso be added to Subclause 2:—"Provided that before acting under this subsection the court shall give all parties, likely in its opinion to be affected, notice, whether by advertisement or otherwise, of its intention to extend the operation of such award, and shall hear any parties desiring to be heard in opposition thereto."

The idea was to give the persons affected by the extension of the award an opportunity to be heard. It was left to the discretion of the court as to what notice should be given them. An important step like this should not be taken without those affected having an opportunity of being heard.

Hon. J. E. DODD: There was no objection to the amendment.

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

Clause 79—Award to be a common rule:

Hon. D. G. GAWLER moved an amendment—

That the following be inserted after "State" in line 5:—"or within such less area as may be prescribed by the court.

Hon. J. E. DODD: There was no necessity for the amendment as the proviso was worded in almost the same terms.

Hon. D. G. GAWLER: In that case he would ask leave to withdraw the amendment.

Amendment by leave withdrawn.

Hon. V. HAMERSLEY: The clause would have his opposition. Agricultural workers and domestic servants had been included under the measure. It was impossible for a common rule to be made with regard to agricultural workers. An award could be set for the individuals who resided in a township but in the case of those who worked ten or twenty miles out there was a considerable difference and the common rule could not apply. The agricultural worker who lived in the town had water rates and rent and higher prices to pay for living.

Hon. J. E. Dodd: What class of man do you refer to?

Hon. V. HAMERSLEY: The average man working on a farm. There was a man to whom he paid 6s. and who left to receive 8s., but in three months he was glad to return to his old job because he was better off at the lower rate. It paid some employers better to give 10s. a day, whereas others could not pay more than 7s. a day. The former could put on men for sufficient time to carry out a special piece of work, whereas another employer living some distance out could not get the same labour unless he gave employment for a whole week.

Hon. Sir J. W. Hackett: How would you deal with the Federal Act which gives them that power?

Hon. V. HAMERSLEY: They brought in a common rule which so far as we were concerned did not apply. If the common rule were applied to the agriculturists in the Eastern districts it would mean the solution of the whole trouble, that was that the last strike, which would be the strike of the employers, would take place.

Hon. J. E. DODD: The hon. member was not looking at the clause fairly. The common rule did not necessarily mean that every employee had to earn the same rate of wages. In the barmaids and barman's award it was provided that those who lived on the premises should receive a higher wage. The same thing applied to the hotel and restaurant employees' award, and also the Federal award in connection with shearers.

Hon. Sir E. H. WITTENOOM: The clause was superfluous, because in Clause 77 it was provided that it should specify on whom the award was binding. Therefore why did we want a common rule?

Hon. J. E. DODD: When a case came before the court it was not always possible for all the parties to appear before the court. Clause 77 only applied to the parties before the court. The common rule applied to all parties.

Hon. T. H. WILDING: The hope which he had already expressed was that the agricultural industry would be kept out of this measure, and so far as the clause under discussion was concerned he hoped to see it struck out. It seemed to him that the effect of the clause would be to kill the agricultural industry. The reason why it was difficult to keep men on a farm was that really good men could acquire money more quickly at farming than at any other class of work, because the conditions under which the men lived were such as to enable them to save. If the agriculturists had to pay 8s. or 9s. a day, it would mean that the men would be thrown out of employment, and instead of the lands being cultivated they would become sheep walks. The common rule might be all right, but not applied to the agricultural industry.

Hon. F. DAVIS: In connection with men working on farms and living in towns it would be possible for the court to fix an award irrespective of where they lived. If there was not a common rule a grave injustice would be cast on some of the employers.

Hon. V. HAMERSLEY: The objections he had raised applied not only to agriculturists but also to fruit growers. Some of them were situated in such a manner that to make sure of their hands to pick fruit they had to employ those hands for a good many weeks or months during the year. The court could not apply a common award to these men. He would instance what happened in New South Wales; the court was approached there and the station blacksmith was practically wiped out. The award there was made the common rule, and it was decided that the only way of overcoming the difficulty was to fix it so that they would receive a common wage. If a similar thing happened here our farm hands would probably be driven out, just as the station blacksmith had been driven out in New South Wales. It was almost impossible to arrange the wages of these individuals. Some of them were not boarded by the farmer, but in a number of instances they were provided with houses, water, wood, and meat at rates much below those which obtained in a town or city. He could not see how a common rule could possibly apply.

Hon. A. SANDERSON: One knowing the conditions of this country must fully sympathise with the views put forward by the representatives of the agricultural industry, just as one must sympathise with those who had put forward arguments in regard to the position of domestic servants, but those hon. members did not seem to worry themselves about the big industries of the State, such as timber and mining.

Hon. T. H. Wilding: What are they in comparison with pastoralism and farming throughout the Commonwealth?

Hon. A. SANDERSON: No member would attempt to belittle the mining industry. This system of industrial arbitration had undoubtedly injured the country, and until it was wiped off the statute-book it must do a serious injury to Western Australia, but this measure must be looked at from an impartial standpoint. Those who represented the agricultural and pastoral interests could not be said to be speaking for the workers as a whole in those industries. If the Committee listened to the representations of those who professed to speak for the farm labourers, the domestic servants, the clerks, and the warehouse employees they would be excluding from the measure the weakest sections of the community. The Committee had decided that all industries must come under the Act, and in those circumstances it was impossible to exclude the common rule. He hoped that members who had not definitely made up their minds would see that in fairness to the whole spirit of the Bill and in fairness to the country they must carry out the measure.

Hon. M. L. MOSS: Clause 79 was intended to be very drastic.

Hon. J. E. Dodd: It is almost the same as the section in the old Act.

Hon. M. L. MOSS: No, because under the Bill there were no industrial districts as there were under the present Act, and that omission made all the difference. He

would not be prepared to oppose the Government in making a common rule if the Bill ran on the lines of Section 84 of the present Act, because then instead of the award being made a common rule for the whole of the State, as the clause provided, the operation of an award would be made co-extensive with the boundaries of an industrial district. Suppose an award was made operative on all persons employed in the agricultural industry, what might be perfectly fair in close proximity to a town like Northam would be totally inapplicable to settlers forty or fifty miles from a big centre.

Hon. F. Davis: Would the court be likely to make a common rule when there were such varying conditions?

Hon. M. L. MOSS: The Committee could not take into consideration what the court would be likely to do. If there was a lay president we might get an award which would cripple those engaged in the agricultural industry a long way from the big centres. One could not help alluding to the extraordinary views held by Mr. Sanderson; because the hon. member could not get industrial arbitration wiped off the statute-book, he wanted to make the measure as poisonous as possible to all who came within its four corners. He (Mr. Moss) wanted to make the Bill as little harmful as possible. If there were industrial districts as under Section 84 of the Act, he would agree to a common rule.

Hon. J. E. DODD (Honorary Minister): The industrial districts under Section 84 of the Act had nothing whatever to do with the operations of an award; those were districts created for the purposes of conciliation boards, but in the present Bill there were no conciliation boards. As a matter of fact there were only four or five industrial districts in the State, and in each there might have been twenty different awards applying to specific areas within those districts. The proviso to this clause gave the court power to make an award apply to a particular locality, which was practically the same power as was contained in the present Act.

Hon. M. L. MOSS: The Honorary Minister was wrong. Section 84 clearly said that the award of the court should specify the district to which it related. As Mr. Hamersley had pointed out, if the operation of an award was not restricted it might be found inapplicable to settlers out back. Under the present Act an award could not be made more extensive than one industrial district, and those districts were no doubt fixed so that there would be a certain community of interest between those resident in any particular district. The proviso enabled an award to be restricted to a particular locality, but that was not the safeguard of the present Act which could never make an award more extensive than the boundaries of any one industrial district.

Hon. C. SOMMERS: The agricultural industry was of such vast importance to the State that anything which would cause it the slightest anxiety must be a matter of great moment to the State as a whole. It would be impossible to fix a locality where agricultural conditions would be absolutely equal. The farm labourer living in Northam would require more money than a farm labourer living some miles out of Northam, so it would be impossible to fix boundaries. The agricultural industry stood by itself. It differed from the timber industry or the mining industry.

Hon. J. W. KIRWAN: Members could not have followed the clear explanation given by the Honorary Minister as to what a common rule really was. True there were difficulties attendant on the application of this particular rule, but they were not confined to the agricultural industry. Members seemed to have no faith in the common sense of the court which was exactly such a one as they required, with a judge as president. No court would not take into account the cases mentioned by hon. members in making awards. A common rule was only made to apply where conditions were equal as they applied to individuals in the same circumstances in the same locality. It was as clear as daylight what "common rule" meant, and one could hardly understand members speaking as they did with regard to the application of a common rule and as if the court would have no common sense or would apply the rule in an absurd way and in

a way in which it would be unjust to individuals.

Hon. J. F. CULLEN: All would sympathise with the object of Mr. Hamersley and Mr. Wilding, but they could not secure it in the clause now before the Committee. As the Honorary Minister said, a common rule would not lump all labourers together but would make similar conditions for all parts of the district it applied to. It was very hard to get members who had to do with the agricultural industry to understand the situation. In the agricultural industry probably two-thirds of the labour was apprentice labour. All the odds and ends of the labour market were advised to go to the country to work and all new comers were brought out to work on the land, and for some time they were not worth their food. There was difficulty in bringing agricultural labourers under an arbitration measure and no court could properly grasp the situation.

Hon. F. Davis: Is that not a reflection on a Supreme Court judge?

Hon. J. F. CULLEN: Not at all. A Supreme Court judge was the best man to control the court and to control the inquiry and to carry out the rules of evidence and weigh the evidence, and he was impartial; but no court, unless there was a system of wages boards, could handle the agricultural industry. There would be a separate measure to deal with the agricultural industry so as to have a system of wages boards.

Hon. M. L. MOSS: According to Mr. Kirwan, now we had a judge presiding in the Arbitration Court we could trust him to exercise ordinary intelligence before making an award to apply throughout a particular locality; but the hon. member would find that the judge had no more to do with it than the man in the street. The provision in the Bill was that the award while in force would be a common rule in the industry. Under the present Act the court had the right to say whether he should make a common rule. By the Bill if an award were made for Northam and a 15-mile radius, it would apply throughout the whole country.

Hon. A. Sanderson: What about the last paragraph?

Hon. M. L. MOSS: That provided that if a judge made an award apply in a particular locality the common rule should not apply, but that was not the point that Mr. Kirwan was making.

Hon. J. W. Kirwan: You misinterpret me altogether.

Hon. M. L. MOSS: There was no desire to do that. It was done unwittingly. It was understood the hon. member had claimed we could trust the judge to exercise discretion under this clause and not make a common rule having due regard to all conditions prevailing in the industries throughout the State. In view of the hon. member's protest he would withdraw his observations in regard to Mr. Kirwan. But he would still establish his point by reminding hon. members that under the existing law there was a discretion in the court as to whether or not they would make the award a common rule throughout the industry. Under Clause 79 there was no discretion at all. Once the award was made in the terms set forth in the clause it became a common rule.

Hon. J. W. KIRWAN: What he had said was that there was no court likely to be constituted which would not recognise the varying conditions under which the men referred to by Mr. Hamersley and Mr. Wilding worked. It was a totally different thing from the interpretation placed on his remarks by Mr. Moss.

Hon. J. E. DODD: The lamentable waste of time which was taking place led one to believe that a good deal of it could be saved. Every clause, and almost every line and word of the Bill was being contested. Almost every principle in the Bill had been contested over and over again. The principle hon. members were fighting now had been fought out two or three times while the Bill was before the Committee. The same thing related to the grouping of industries, the relation of industries, and other principles contained in the Bill; every item and clause was being contested and fought almost word for word. He thought it was a very unfair attitude for the Committee to take

up. It seemed to him the Bill was being delayed in almost every conceivable manner. Mr. Moss had referred to districts. He (Hon. J. E. Dodd) had shown conclusively that the districts were those contained in Part IV. of the existing Act. Under the existing Act certain districts were to be constituted. There were four in all, and many awards might be operating in any one particular district. But, under the Bill, although districts were cut out because conciliation boards were also cut out, it was provided that the operation of an award might be limited to any particular locality. That provision took the place of the provision in the existing Act. But the common rule provisions were extremely important. They could not operate in the way the hon. member feared. The most remarkable point was that the Act had been in operation for 10 or 12 years, during which time none of the harm which was now going to take place had taken place.

Hon. M. L. Moss: But it is discretionary under the present Act for the court to make it a common rule.

Hon. J. E. DODD: It was discretionary in the way that the court had power to make a common rule; but on the other hand it was not discretionary, for it was binding on every worker working in a particular district, and in that respect it was more binding than were the provisions of the Bill. He could hardly understand the object of what might be regarded as a stone wall in connection with the clause.

The CHAIRMAN: The hon. member was not right in imputing motives.

Hon. J. E. DODD: There was no desire whatever to impute motives. If the words he had used were capable of that interpretation he would withdraw them.

Hon. Sir E. H. WITTENOOM: The simplest way of getting over the difficulty was to delete Clause 79 and rely on Clause 77, which made the award apply to the particular industry it was intended for. There was nothing to compel the judge to observe the proviso. It would be an unlimited award, applying to everybody connected with any particular industry. Under the existing Act the award applied to these districts. If we did away with the clause and relied on Clause 77 it would meet the desires of all. If we could be sure that the judge would avail himself of the proviso in Clause 79 he (Sir E. H. Wittenoom) would be inclined to vote for it, but in the circumstances it might have some very mischievous results indeed.

Hon. M. L. MOSS: It was a pity the Minister should have thought fit to complain about the criticism to which the Bill was being subjected. No more important Bill had ever been submitted to Parliament for consideration. It affected every industry in the State, and there was contained in the Bill a number of principles which, in his opinion, would prove disastrous to those industries. Moreover, in another place Bills were being put through with so little consideration that it became necessary the measure should have the greater attention in the Council. The accusation of unfairness made by the Minister almost implied that there was no desire to treat the Bill on its merits.

Hon. J. CORNELL: It seemed that in its application to agricultural labourers the principle was to be made a stalking horse for the purpose of eventually defeating the clause. Mr. Moss had endeavoured to prove that there would be a vital difference between the working of Clause 79 and the correlative part of the existing Act. It was necessary to consider how we were going to get a common rule declared. The citation would include the area over which it was intended that the award should operate, and the court would have power to vary that area just as it could vary the wages and conditions. On several occasions the court had varied the area set out in the citation. Clause 77 would not perform the functions of Clause 79, as Sir Edward Wittenoom seemed to expect. An award given would not be binding on non-unionists, for the reason that they would not be parties to the citation, and if an employer in a district were to sell out the award would not be binding upon his successor. No member had pointed out how Clause 77 could be made applicable

to non-unionists. Mr. Hamersley's arguments could be applied to almost every industry. Men had been kept on in foundries during slack times because they were good men and were necessary when work came along. If this clause was not to apply to agricultural workers the Bill should be recommitted and agricultural workers should be excluded from its operations.

Hon. M. L. MOSS moved an amendment—

That the words "The court may order that" be inserted at the beginning of line 1.

That would be a fair compromise. The court could then exercise discretion as to whether there should be a common rule.

Hon. J. E. DODD: Clause 77 set forth that the award should be framed in such manner as should best express the decision of the court and should be restricted to any locality. Now the Committee were asked to make it permissive. Nothing would be more productive of disputes than an award operating in regard to some and not in regard to others. At present there was a strike in this State largely owing to that reason. The strike had lasted for 14 or 15 days and would probably continue for months. Nothing would be gained by making it permissive.

Hon. M. L. MOSS: To make it permissive would enable the judge to exercise his discretion, then when a citation was before the court one piece of relief prayed for might be that the award be made a common rule. That would enable all the necessary evidence on both sides to be put before the judge who could exercise his discretion. If the clause was carried without the amendment an award must become a common rule throughout the State. The amendment would enable the Government to get the common rule clause through and the Minister would be standing in his own light if he did not accept the compromise.

Hon. J. E. DODD: Mr. Gawler's amendment had already been accepted, and why should we go further, especially when Clause 77 stated that an award should operate in the locality in which it applied?

Hon. M. L. MOSS: There was no desire on his part to labour the question. It was a fair compromise which would give the Government practically all they wanted and would be an expedient and desirable safeguard.

Hon. D. G. GAWLER: The amendment gave the court permission to do something which otherwise would be mandatory. Mr. Hamersley's argument had appealed to him. Some employers had greater advantages in obtaining labour than others.

Hon. J. E. Dodd: That will upset the whole of the industrial matters of the State.

Hon. D. G. GAWLER: The employers were entitled to some consideration. Under Subclause 7 of Clause 67 the court had power in any dispute to direct parties to be joined or struck out. If the unions wished they could ask for other parties to be joined and therefore made parties to the award. That, coupled with the fact that the court might make the award a common rule should give sufficient protection to unionists and give fair protection to employers.

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

Ayes	13
Noes	11
Majority for	2

Ayes.

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

Noes.

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

Amendment thus passed; the clause as amended agreed to.

Clauses 80, 81—agreed to.

Clause 82—Terms of award:

Hon. Sir E. H. WITTENOOM: There was a certain amount of objection to this

clause on account of the uncertainty. Take the timber industry: a contract might be made for two years and an award was given to pay wages for one year, and if the award was amended after the first year it would be seen what a difficulty the interested parties would be placed in. Three years would be a fair and reasonable time for the term of the award.

Hon. J. E. DODD: The fixing of the term of the award was for one year, and thenceforward from year to year. That was put into the Bill in order to give some discretion to the court as to the time for which the award might be made. It was, he thought, Mr. Justice Burnside who particularly laid it down that it would be far better to leave such a matter to the discretion of the court, because of the harm that might be done to certain industries. We could trust to the good sense of the court in a matter of this kind. There was not the danger in it that the hon. member feared.

Clause put and passed.

Clauses 83, 84—agreed to.

Clause 85—Minimum wage, regulation of industries and employment of members of unions:

On motion by Hon. J. E. DODD the words "or order" in line 5 of paragraph (a) were struck out.

On motion by Hon. D. G. GAWLER the words "in the opinion of the court" were inserted after the word "who" in line 6 of paragraph (a).

Hon. D. G. GAWLER moved a further amendment—

That in lines 6 and 7 of paragraph (a) the words "by reason of old age or infirmity" be struck out.

The effect of these words would be that the court would only be able to prescribe a minimum wage in the case of old age or in the case of one who was infirm. These words were not in the existing Act, nor were they in the Commonwealth Act nor in the New Zealand Act. The striking out of these words would leave the court the power it ought to have. The fact that the provision was not in any of the Acts he had referred to entitled the Committee to some explanation from the Minister.

Hon. J. E. DODD: The clause provided that a lower rate of wage might be given by reason of old age or infirmity. If these words were struck out the court would have the power to classify employees from the slowest worker down, without having regard to anything except slowness or indifference to work.

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

Ayes	.. .. ..	12
Noes	.. .. ..	13
Majority against	..	1

AYES.

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

NOES.

Hon. R. G. Ardagh	Hon. A. G. Jenkins
Hon. J. D. Connolly	Hon. J. W. Kirwan
Hon. J. Cornell	Hon. R. D. McKenzie
Hon. F. Davis	Hon. M. L. Moss
Hon. J. E. Dodd	Hon. B. C. O'Brien
Hon. J. M. Drew	Hon. A. Sanderson
Hon. Sir J. W. Hackett	(*Teller*).

Amendment thus negatived.

Hon. M. L. MOSS moved an amendment—

That paragraph (b) of Subclause 1 be struck out.

This paragraph provided for the classification and grading of workers. As the objections to that had been stated on the second reading there was no need to debate the amendment.

Hon. J. E. DODD: For the enlightenment of some new members who had not been in the House when this matter was discussed last session it might be stated that the clause was debated at great length on that occasion and was carried. The Bill went through Committee and was then recommitted, and one member who was no longer in the Chamber secured the rejection of this provision. This was one of the provisions on which the two Houses had differed last session, and he could only express the hope that the Committee would on this occasion see fit to pass the paragraph.

Hon. M. L. MOSS: That was one of the matters on which the respective managers for the two Chambers could not come to an agreement last session, although they were prepared to compromise on paragraph (c). The far-reaching effect of paragraph (b) would be very serious, and instead of people being allowed to manage their own businesses they would have the pleasure of providing the capital and allowing other people to come along and control their affairs. This provision would create such an intolerable position of affairs that it would be most unwise to include it in any Act of Parliament.

Hon. Sir E. H. WITTENOOM: When a court made an award it classified a number of the workers to a great extent, but according to this paragraph the court might then go beyond that point and again grade them in any industry to which an award applied. That meant that they could go into an individual's establishment and grade his men as they thought fit. Providing that an employer paid the minimum wage fixed by the court, he should have the right to pay his workmen above that rate as he thought fit.

Hon. H. P. COLEBATCH: Only a few weeks ago a matter had come before the court in which certain civil servants appealed, and we had it on the authority of no less a person than the Attorney General that it was altogether impossible for the court to go into the matter of classifying the men; that matter was one which must be left to the employer who, in this case, was the Government, or to the employer's representative, the Public Service Commissioner. The Attorney General had made his point so clear that the court upheld his contention. If that was the Attorney General's opinion when he had to deal with the employees of the State, might it not well be the opinion of private employers in regard to the workers whom they engaged. This paragraph could have no other effect than to seriously disturb the employers in all branches of industry.

Hon. A. SANDERSON: The Committee should not overlook the fact that the court was given a discretionary power. His idea was not as Mr. Moss had suggested, to make the Bill more poisonous, but to follow out a logical system in regard to this measure. The Committee had won their way in regard to the president of the court, and he wanted to throw as much responsibility as possible on the judge. For that reason he would support the clause as printed.

Hon. M. L. MOSS: The hon. member who had last spoken was opposed to compulsory arbitration, but had supported every one of the principles in the Bill. If a provision was inserted giving a judge discretion to classify and grade employees it was practically a direction from Parliament that he must classify and grade, and the demand throughout the State that the court should grade and classify from the high minimum which had been fixed would be so overwhelming that no judge could refuse it. Having fixed a high minimum the Committee should go no further.

Hon. J. E. DODD: Mr. Sanderson could at least claim consistency. The hon. member was totally opposed to the Bill, but the second reading having been carried he was only acting consistently in saying that he would give the framers of the Bill their desire. It might be remembered that the managers at the conference between the two Chambers last session were prepared to omit the word "grading." The representatives of the Labour party at that conference were quite willing that the word "grading" should go out, but they were not prepared to drop that word and give way on other points as well. Workers were classified now and there was no difficulty. The only difficulty was in regard to the grading. There were a number of industrial agreements covering a large number of men under which the workers were graded to-day. If it was a question of setting out to grade every man who might be in a certain employment he would oppose it, if that construction could be placed upon the clause. But "grading" was never intended to have that interpretation. Grading was done in the Railway Department. There were five or six different kinds of signalmen receiving different wages on account of the extra responsibility thrown on the different signalmen.

Hon. J. F. Cullen: But the employer grades them.

Hon. J. E. DODD: They were graded by an industrial agreement fixed by the workers and the Commissioner of Railways meeting in conference. Then, again, a clergyman in connection with the engineers' dispute graded quite a number of men. Members seemed to think there was more behind the clause than there was.

Hon. J. F. Cullen: Why did the Government oppose grading in the court the other day?

Hon. J. E. DODD: The Government had not opposed grading in connection with their employees on the railways, but they certainly opposed the grading of two employees doing the same kind of work when one man might be better than the other. It was monstrous to say that the court could go into a man's business and grade all the men who might be on one class of work. If members thought the paragraph lent itself to that he would be glad to look into the matter and see what could be done on recommittal. The other point raised by Sir Edward Wittenoom, that the court could regrade workers after an award was given, was impossible. The wording was the same as it was in all matters appertaining to an award. Clause 79 said that the award should be enforced and be a common rule to the industry in which it applied. It would not bear the construction Sir Edward Wittenoom placed on it.

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

Ayes	16
Noes	8
Majority for	8

AYES.

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

NOES.

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

Amendment thus passed.

Hon. M. L. MOSS: Although notice had been given by him to move to strike out paragraph (c), this was one of the things the managers of the Legislative Council last sesssion had conceded, and the House had been agreeable to concede it by way of compromise with the Assembly, so now he did not feel disposed to move his amendment, particularly as a judge of the Supreme Court was to be president of the Arbitration Court.

Progress reported.

House adjourned at 10.25 p.m.

Legislative Assembly,

Tuesday, 29th October, 1912.

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

QUESTION—NURSES FROM ENGLAND.

Hon. FRANK WILSON asked the Premier: 1, How many certificated nurses have been engaged in England by the W.A. Government during the past 12 months? 2, Under what conditions as to—(a) salaries; (b) term of engagement; (c) passage money out and home?