

product. The Minister's explanation seemed incorrect.

HON. W. MALEY: Many members were suffering from brain fog. The Bill seemed a mass of confusion. A black-board and chalk would have facilitated the working of the Minister's sums.

HON. R. F. SHOLL: Better postpone the Bill for 12 months, and meanwhile receive instructions from its originator, so that members could understand it when it next appeared. Probably no member understood the system of tax proposed. Subclause (c) appeared unfair and inconsistent. On the Gascoyne a pastoral lease could not be less than 20,000 acres, and that area must include much bad country; yet it would be taxed on the same basis as a lease in the South, say of 3,000 acres, all good country. A valuable station near the coast would pay the same tax as one 300 miles inland. Of 50,000 acres taken up in the Kimberleys perhaps one-third would be bad; but for this no allowance would be made. A Kimberley station within 80 miles of the coast would pay as much as one on the South Australian border. That would be rough on the pioneers of the newly-discovered Kimberley leases, who were hardly holding their own owing to their isolation and to the depredations of natives. The scheme of taxation had not been fairly considered; in fact, Ministers, none of whom apparently had ever been north of Geraldton, did not know the conditions under which northern settlers lived.

HON. C. E. DEMPSTER: Where was the justice of taxing leaseholders already paying the full annual value by way of rent? When the rents were fixed the Government recognised that lessees would have to pay for land of which three-fourths or four-fifths was bad. Many pastoralists were obliged, to provide against droughts, to hold enormous areas otherwise useless. To tax their land as if it were freehold was a great and inexcusable injustice.

HON. J. W. HACKETT: Why did the hon. member allow the conditional purchase subclause to pass?

HON. C. E. DEMPSTER: The pastoralist had no right of purchase.

HON. R. F. SHOLL: And he was improving the Government estate.

HON. C. E. DEMPSTER: Yes; by fencing, sinking wells, and road-making. Progress reported and leave given to sit again.

ADJOURNMENT.

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

Legislative Assembly,

Wednesday, 3rd October, 1906.

	PAG
Question: Tick Cattle Inspection	206
Privilege: Newspaper Comment on an Inquiry ...	206
Boiler Explosion Inquiry, change of a Member ...	206
Motions: Railways Control by a Minister, debate resumed	206
Landowners on Water Catchment Area, resumed	207
Bills: Contractors and Workmen's Lien, 2r. moved	207
Wines, Beer, etc. (no new licenses), Com.	208
Bread Act Amendment, 2r., Com., reported ...	208

THE SPEAKER took the Chair at 4:30 o'clock p.m.

PRAYERS.

QUESTION—TICK CATTLE INSPECTION

MR. WALKER asked the Minister for Lands: In view of the rumours that a number of tick fever-stricken cattle have been sent to the goldfields, will the Minister state the system adopted by the Stock Department of inspecting North West and other cattle landed at Robb's Jetty?

THE MINISTER FOR LANDS replied: All imported stock are quarantined on arrival and subjected to a close inspection by a duly qualified veterinary surgeon. No beast suffering from tick fever is allowed to leave the quarantine ground but is there slaughtered.

**PRIVILEGE — NEWSPAPER COMMENT
ON AN INQUIRY.**

RAILWAY WORKSHOPS ALLEGATIONS.

MR. T. WALKER: I beg to ask the Premier, without notice, if he has considered the matter I brought before him last night in reference to the comments on the Royal Commission that had to investigate the charges laid by Mr. Bolton, a member of this House, and if so, what steps he has resolved on taking?

THE PREMIER: In reply to the hon. member, I can only say the Government strongly disapproves of the action of the party responsible for the publication of the article in question. At the same time the Government does not consider it is warranted in taking any further action in the House, but will be prepared to submit the article in question to the Commissioner to be dealt with as he may think fit.

MR. WALKER: Do I understand the Premier to say he will take that course?

THE PREMIER: I am prepared to take that course.

BOILER EXPLOSION INQUIRY.

On motion by **MR. SCADDAN**, resolved that the member for Leonora be discharged from service on the select committee appointed to inquire into the boiler explosion on the Sons of Gwalia mine, and that the member for Cue be appointed in his place; the member for Leonora having asked to be relieved on the ground of absence from Perth.

MOTION—RAILWAYS CONTROL BY A MINISTER.

Debate resumed from the 26th September, on the motion by **MR. EWING** to revert to Ministerial control of the railway system.

MR. T. WALKER (Kanowua): I do not intend to speak at length on the question, but desire to emphasise what I have repeatedly said in reference to some of the powers and responsibilities this House has delegated to irresponsible persons and bodies. Only a little time ago Ministerial control was had over our post offices, over our railways, and over our civil ser-

vants; and it was looked on, and is looked on in every part of the world where Responsible Government obtains, as the especial work of the Ministers appointed by His Excellency the Governor and approved of by this House to perform. Now what are we doing? We are not governing the country which the House and the Ministry are supposed in their functions to rule, that is to say not only to attend to the general principles and the shaping of a policy, but to the actual details of administration. The changes that have been effected by the Commonwealth have taken from us a vast number of these responsibilities, and then we have brought in special Acts of Parliament to relieve us of other matters in addition. We have even at the present time two or three—two I know of—Royal Commissions performing functions which I submit ought to be undertaken by the Ministry, the Cabinet, the Executive body, for which that body ought to accept the fullest responsibility. It happens in this way. I think after our lands, the railways may well be considered the largest asset of the State, and it is almost completely, all but in name, severed from responsible control. There are some features in which the Minister can interfere; but between him and the attendance to details which are sometimes of the utmost importance, there stands that barrier of an Act of Parliament. And we have given over this immense responsibility to a man who may be a good business man. I have nothing to say against the figures which certainly seem to tell to the credit of the present Commissioner. We may have saved some money; we may have prevented some loss of money by the appointment of the Commissioner, leaving it to him purely to attend to the railways on a business basis. But the railways of a great State, that have to do with the development of a great State, upon the management of which so much of the prosperity of the country depends—upon the rates, freights, and fares and general management the selectors especially in the country depend—I say we ought not in a case of that kind to allow irresponsible persons to take charge, and this House even to be unable to do more than criticise. The Minister himself cannot interfere in these details,

and the House cannot interfere. From all parts of the country I have heard, and I have no doubt other members have heard, that industries are being injured, at all events are not being assisted by the chief means of assistance which this State has prepared and paid for the purpose of assisting. We cannot expect a man who is there purely to look after the pounds, shillings, and pence to take a sympathetic view of the country's interests. All he is concerned about is his balance-sheet. He may attend to that with admirable ability, but every member knows that the railways were built for the benefit of the people of the State. Every constituency is interested in their proper running and management and the success or otherwise of the railways, and I venture to believe that the bulk of the citizens of the State are not so much interested in the actual profit shown in the balance-sheet as they are in the actual utility of our railways. That is the purpose of our railways, and it should be the purpose of the Government to attend to that feature of them. The Government have shorn themselves of their own power. For what reason? Will it be said the Ministerial work has now become too great for Ministers to attend to? Will it be said that they cannot attend to the duties of their office? How is it that up to quite recently these great works have been done directly under Ministerial supervision, and done in such a way that at any time a grievance could be redressed by this House speaking on it, and a wrong step could be corrected by a vote of this Chamber? What can we do now? This Chamber has lost its power of government. And what is the object of Parliament? What are members sent here for but for the purpose of seeing the affairs of the State are wisely administered? That is the object; but what have we to criticise? What can we judge? How can we keep our eyes on Ministers? How help them, when by Act of Parliament the responsibility has been shunted from a responsible body to irresponsible bodies. That, I submit, is a serious feature in our modern Commonwealth Government. We are all apt to forget that the ideal of constitutional government is responsibility. The Ministers sitting on the Treasury bench should be amenable to the correction of this Assembly at any

stage of their career. But when they are sheltered by the fact that they have nothing to do with administration, as if the railways belonged to a private company or had no connection whatever with the State—when they say “We can do nothing; our power is taken away by Act of Parliament; we admit there are errors, that wrong has been done, but we have no voice in the matter”—then responsibility is annihilated, and this House is absolutely powerless. I submit that is a very shameful state for an allegedly responsible Government to be in. The tendency is all round the compass to do the same thing, so that no remedies can be found by this House. By-and-bye, what with select committees, Royal Commissions, and permanent Commissioners, we shall have nothing to do here but debate airy subjects having no practical bearing on the administration of the State. Ministers are put in their offices to administer, to superintend the details of the work necessary for the proper government of the country; and from the government of the country we cannot possibly eliminate the railways. For the farther development of the country we can conceive of no policy into which the railways do not enter, be it for mining purposes, for agricultural purposes, for defence purposes, or for any of those great necessities which go to the up-building of a State. And yet we cannot touch these railways; we can only in some unimportant respects have any voice in their management. Beyond that, the railways might well belong to a foreign country domiciled in Europe. If the working of the railways results in a loss, the taxpayers of the country have to make up the deficiency, and not only to pay any loss incurred in working, such as may well be incurred on the new lines that are being constructed, but to provide sinking fund, and to be in every sense responsible for the debt. And surely the taxpayers ought to have some voice through their representatives in this Chamber as to how the railways are to be conducted, down to the minutest detail. We have seen, too, that the railways considerably affect other matters of Governmental policy. Take, for instance, the matter of wages. The Railway Department is the largest employer of labour in the State. The wages paid

the department become a sort of standard or the whole country. We have seen hitherto the Commissioner's tendency, partly with a view to a good balance-sheet, to reduce the wages of the men, until there are now, I am informed, men working on the railways for as little as 1s. per day. What is the result? That becomes the maximum wage for labourers throughout the State; and every large employer feels justified in bringing down his men to the same level. He says, "If the State, which should set an example, pays men this low rate of wage, how can you blame me, engaged in a private enterprise, for coming down to the same level?" And yet in fixing the wages—a most important matter, however slight it may seem—we have no voice. We can protest here, but that is the end of it. We cannot bring the Minister to terms; we cannot challenge his right to administer the railways if a policy of that kind is pursued detrimental to the workers, detrimental to the ruling rate of wages in the State. We are helpless. I have seen extensive railways administered both under Ministerial control and under Commissionership; but while I will admit that there has been under a Commissionership better business aptitude displayed, the railways having been brought more up-to-date in their equipment and general arrangement, provided with better stations, better rolling-stock, better services—while I will admit all that, the result has been due to the fact that Ministers were previously too indolent; and I submit that Ministers could have employed the men who did this work for the State, and could still have maintained Ministerial responsibility, making a man only a manager amenable to Ministerial supervision; or appoint a board of management if you like, still leaving Parliament and the Minister free to intervene at any stage, and the same results would have been accomplished. But in order to accomplish these results every vestige of authority is taken from the Assembly, is taken from the Minister; and the Minister shields himself behind the Commissioner if any fault is alleged in this Assembly. I was present at the debates in another Colony when the appointment of Railway Commissioners was first mooted; and the great object was I

believe to relieve the Minister from the stress of too much political intrigue. That has been in all these younger States a great hindrance to firm administration, the Minister being approached by every member having friends wanting billets and wanting this and that concession. That has been a great hindrance to the wise administration of our railways under Ministerial control. But what does it argue? Not that the system was defective or improper, but that hitherto we have had Ministers lacking in backbone. I am not now speaking of the present Government; but Ministers generally in these States have been lacking in that firmness which is necessary to say "no," and therefore have given way sometimes for the purpose of obtaining support, sometimes to placate political enemies, at other times to extend their influence to a constituency that needed some soothing; and thus they have really forfeited that responsibility which was theirs; and too complaisant Houses have allowed them to go on in this way until their action became a scandal, and to remove that scandal a Commissionership independent of political control arose, and eventuated in what we see now in the various States. But that only argued weak Ministers. In the Government of England, a Government with which ours is not comparable, do Ministers shirk their responsibility by appointing commissioners for this and for that? What work has a Minister here to do in comparison with the work of a House of Commons Minister? Imperial Ministers have all the responsibilities of an Empire of almost world-wide extent and unlimited importance. But they do not shirk their responsibility. Why? Because they have a firm conception of the meaning of Responsible Government. Ministers are not worth having at all unless this House can sheet home to them the responsibility for maladministration in any department of the State. That form of Government called responsible, the wisest I think that the world has ever seen, makes the Minister responsible because through the representatives of the people, the moment he takes a wrong step (not only wrong in the sense of injudicious, but wrong because it injures the State) he can be removed from office, and one who

will attend to his duties and will act fairly and honourably towards the State can take his place. That is the whole theory of responsibility. We are responsible to our constituents for the welfare of the State. The Ministry are responsible to us and in another sense to His Excellency or to the Crown. But we are here to watch the Ministry, to see that they do the work necessary to develop this State, to see that they do not in any way digress from the path of duty. But if we make Commissioners do everything for Ministers, what will then be the use of Government? The sphere of Government is mutilated by a device of that kind. The Ministry ceases to be a Government; it does not govern, it simply records what is being done in the way of government by irresponsible commissioners. We see for instance the folly of which the Government were guilty by appointing a Public Service Commissioner. There is not one department in the State but is finding fault every day with the Commissioner's conduct. The departments are not accepting but are ignoring his decisions. They practically say he is absolutely wrong; they will not stand by what he does; they will not deal with him at all. That places this House in a ludicrous position. There is over the public servants a man whom we cannot reach and cannot touch, whoever he may be. And so it is with the railways. Commissioner George can smile at us, could snap his fingers at us if he were rude enough to do so, and we are absolutely helpless. Is that Responsible Government? We are responsible to our constituents for the right government of this State; and yet we are met by commissioners who are doing work that the Government is put in office to perform. And we are helpless. We cannot hit at anybody; we cannot remove anybody; we cannot alter the position until it is remedied by time, or until a favourable opportunity comes when perhaps the remedy will be too late to right the wrongs complained of. For those reasons I desire an alteration. I do not of course wish to see the Minister attend to every detail of railway management. That would be impossible. But I wish to see the Minister capable of dealing with the highest officer in the Railway

Department; as capable as he would be if he had complete Ministerial control. The Minister should not be liable to be defied by the head of a great department, so important to the welfare of the State as is the Railway Department. Yet he may be defied; and then the Minister will have to submit to his creature, or rather to a creature of the law unwisely passed in this House. We should revert to the time when Cabinet could appoint a General Manager of Railways, or we should empower Cabinet to appoint a manager or a board of management for carrying out detail, always making the Minister absolutely responsible. That is our only means of modifying any wrong policy or wrong course of procedure. We cannot do it otherwise. We must be able, as it were, to touch the spring. Responsible Government means that the Government of this State must be in touch with every future development of the State, must be able to check in one direction or to help in another at a moment's notice, so that whenever the need arises spontaneous action can be taken not by a roundabout waiting process but there and then, so that a wrong being done it can be remedied. That is the theory; and I submit it is a farce to whittle away those responsibilities which have made the British nation renowned all over the world for its wise and liberal form of government, and will be handed down to posterity as an example for all time to come. It is in my sense, my worship almost, of Responsible Government, that the mother country has set the example for us, that causes me to again vote to revert to absolute responsibility on the part of the Cabinet for the management of a great institution like our railways.

MR. A. C. GULL (Swan): I wish to address myself shortly to this question. I realise that what brought the Commissioner into existence was that it was held, rightly or wrongly, that political influence was exercised on the Minister, and to avoid that and make the running of our railways a commercial success it was deemed advisable to appoint a Commissioner. I do not so much object to having a Commissioner as I do to the Commissioner being tied hand and foot by an Act of Parliament in regard to the

administration of the railways. If a man approaches the Commissioner he is told, "I am restricted; I am ordered by Act of Parliament to carry the railways on as a commercial concern." If the railways are to be run purely as a commercial concern, then the railways are not used in the development of the country as they should be. It is all very well to say they are a commercial concern, and that the Commissioner must show eight per cent. on any undertaking he is required to carry out in a small way. That may be all very well, but it is restricting enterprise and working an evil in the community. If the Minister or Parliament were to say that they would so alter the Act that a direction would go to the Commissioner that he should run the railways more in conformity with the general opinion of the public, that the railways are for the legitimate development of the country, I see no reason to interfere with the commissioner system; but under present circumstances, if the Commissioner is to have absolute control of the position and we have to relegate the railways to him to be conducted not altogether on a cash basis but with a view to the development of the country, unless some alteration is made in the Act I shall vote for the motion.

On motion by MR. SCADDAN, debate adjourned.

BILL—CONTRACTORS AND WORKMEN'S LIEN.

SECOND READING MOVED.

MR. DAGLISH (Subiaco): In moving the second reading of this Bill, I intend to make few remarks upon it because the subject matter will commend itself to the House as a whole, and the details can be left for discussion in Committee. I hope the House will see its way to agree to the second reading this evening; otherwise there will be but little opportunity of getting the measure through both Houses of Parliament this session. The Bill is precisely on the lines of an Act that has been in force for a good many years in New Zealand, which was originally copied in New Zealand, in its main features, from a Bill drafted by Sir Samuel Griffith when Premier of Queens-

land. Its operation in New Zealand has been distinctly successful, though there was a considerable fight in regard to its adoption when first introduced—in fact in two separate sessions it had to be brought forward—although it was a Ministerial measure fathered at that time by Mr. Reeves, the present High Commissioner of New Zealand. The gist of the Bill is to be found in Clauses 3 to 7 inclusive. It provides that when any contract is let for the erection of a building or other structure, or the making of a permanent improvement on any land, the charge for that work may constitute a lien upon the land on which the building or other structure is erected or on which the improvement is made. This is limited first of all in regard to the contractor to the amount of the contract. It is limited in regard to a sub-contractor, who is likewise protected in the Bill, to the amount of the subcontract; and in the case of a workman it is limited to the amount of wages he is entitled to receive, for a term not exceeding thirty days. The total liability of the employer or person who lets the contract is not to exceed the amount of the contract, except in cases of fraud, which remove him entirely from any protection the Bill otherwise provides. The object of the Bill is simply to protect contractors, sub-contractors, and workmen against dishonest employers; to protect them against persons, men of straw perhaps, who let contracts without having means, or having the means without having the will, to fulfil the liability they enter into when signing the contract. There have been cases of that sort probably known to all members who have had anything to do whatever with contracts. I can cite a case that occurred in Perth about twelve months ago, when a certain individual, who was the lessee of premises used as a factory let a contract amounting to £350 for the erection of an addition to that factory. When the work had been commenced the contractor did not receive the usual progress payment, and in consequence he made inquiries into the character and reliability of the person who let the contract to him. He was assured on the best information he could get, by some men who had been doing business with this person, that he was absolutely reliable; and having that assurance which

appeared to be a good one on the face of it, inasmuch as those who gave the information had done a large amount of business with the person concerned, the contractor went on with and ultimately finished the work, which cost him £350 in wages and material. When he sought to obtain his money he was unable to do so; he was unable to get a penny. Immediately afterwards the person who let the contract filed his schedule, and as there was practically no estate the contractor got not a penny. The position was that this man lost £350 through what was neither more nor less than roguery, for which he had no protection under the existing law. Had the contractor himself been a man of straw, then probably he would not have suffered. He would have failed himself to draw money, and the men who supplied the material and the workmen who contributed to the work by their labour would alike have suffered; but in this case the contractor had himself a good name and had sufficient means to pay his liabilities. He was at the expense of putting this addition to the building for which he received no remuneration. Later on the contractor saw the owner of the premises and suggested that the owner might desire to make him some allowance for the construction of the improvement to the premises that had been effected. The owner did not regard the additions as made of any advantage to him. He had not required them and was getting no gain, so he stated, from the fact that the additions had been effected; but when the contractor said that under these circumstances his material would be useful to him, and he was perfectly satisfied to pull down the structure and remove it in order to use the material again, the owner of the premises was not prepared to allow him to do. This sort of case is unfortunately not a solitary one. It is one that came very lately under my observation and knowledge, and there are many others of which I have been informed. It is to meet that sort of thing that this measure is designed. It is a measure designed to protect the contractor, the subcontractor, and workmen alike. The interests of the mortgagee, it might be alleged, would suffer or be in danger of suffering under the Bill; but a clause has been designed and provides

that a lien coming in subsequently to any mortgage being entered into, the mortgage takes precedence; but if after letting the contract the person who has let the contract, if he be the owner of the land, mortgages his property, the lien of the contractor takes precedence of the mortgage. The contract of mortgage or contract to provide the building first entered on takes precedence. There is a number of cases like the one I have quoted in which a person as lessee lets a contract to build on or otherwise improve land, of which some other individual is the owner, and in these cases the Bill provides that the owner shall only have a lien on the property subject to the owner consenting. The owner must be notified in writing, and if he consents to the lien being made, of course it affects the property. If he refuses to consent, then the contractor has the right, of course, either to go on with the contract and take his chance as every other contractor is doing under our existing conditions, or he has the right to refuse to carry on the work on the ground that there is no security to guarantee his being paid on its completion. This Bill, if passed, would be read in conjunction with the Workmen's Lien Act which is at present on our statute-book, having been passed in 1898. There are one or two sections in that Act which would overlap, and it is proposed in this Bill therefore to repeal those sections, as the same provisions are made in this Bill; the difference with regard to workmen being only this, that the Workmen's Lien Act at present on our statute-book applies to contracts over £100, and if any contract is under £100 the workman has no protection whatever. But if this measure were passed the worker would have absolute protection, no matter how small or large the particular contract on which he was working might be.

THE MINISTER FOR MINES: Have you spoken to the Contractors' Association?

MR. DAGLISH: No; but I have spoken to a large number of the members of the Contractors' Association, and I can assure the Minister that those to whom I have spoken—and they include some of the most representative men following that occupation—agree in desiring to see this Bill placed on our statute-book. The Bill is identical with

one introduced I think in 1901 in another place by Mr. J. M. Speed; and it was defeated there because of the fact that Mr. Speed was a Labour member and introduced it, and because, farther, of the fact that it was taken from New Zealand, where there was what was falsely called a Labour Ministry in power. I hope this measure will be dealt with by the House on its merits; and I ask the House to agree this afternoon to the second reading, and let it later on be thoroughly threshed out in Committee. I beg to move the second reading.

MR. G. TAYLOR (Mount Margaret): I second the motion.

THE ATTORNEY GENERAL (Hon. N. Keenan): I am not prepared to go on with the discussion of the Bill to-day, as I have not read it; therefore I move the adjournment of the debate.

MR. DAGLISH: I spoke to you about it weeks ago.

Motion (adjournment) put and passed.

MOTION—LANDOWNERS ON WATER CATCHMENT AREA.

Debate resumed from the 5th September, on the motion by MR. GULL, "That the Government should consider the advisability of so amending the by-laws of the Goldfields Water Supply Catchment Area as to enable freeholders within that area to utilise their holdings to better advantage than at present, or as an alternative to have them resumed at a price to be fixed by arbitration."

THE MINISTER FOR WORKS (Hon. J. Price): This motion of the member for Swan may seem to many members a particularly unimportant one; but I think that to those residents on the goldfields and possibly in a lesser degree to the residents of the metropolitan area it is one which deserves their serious consideration. I have every sympathy with some of the gentlemen who have no doubt induced the hon. member to bring it forward, but in this particular matter I can hardly look upon them as fair and impartial judges. I regret that it will be my duty to oppose both sections of the motion. For the information of the House I may say that this watershed

embraces some 364,000 acres. Of this area 27,900 acres are held under freehold title and some 17,000 acres under conditional purchase. Then there are 23,100 acres of poison leases, 24,000 acres of timber land, and the balance, 272,000 acres, are vested in the Minister for Works for the time being. Some of these freehold and conditional purchase holdings take in the actual watercourse of the main feeders of the reservoir, and I take it that the restrictions imposed in connection with areas adjacent to these streams are the principal causes of contention. When it became known that the Government intended to construct a reservoir on the Helena River, many owners who up to that time had been carrying on avocations to which little exception could be taken threatened to convert their holdings into huge piggeries—this is a positive fact—the idea being that the nuisance which would be created by this alteration of their holdings would force the Government to buy them out at fancy prices to protect the consumers of water from the reservoir. I have it on the authority of one of the principal officers connected with the goldfields water supply scheme who is well acquainted with the area at the present time and who was well acquainted with it when the weir was being built, that previous to the formation of the reservoir there were very few water-polluting activities in existence. It was the nuisance which some of these holders contemplated setting up with the view of forcing the Government to purchase which called into existence these by-laws that are now the cause of complaint. I think some of these injured individuals altogether forget that when settlement becomes close, holders of property come under the active operation of the by-laws of the Central Board of Health, which in themselves are almost as strict in regard to many of these particular matters as the by-laws of the Goldfields Water Supply Department. There are under the ordinary by-laws of the Central Board of Health no less than 20 clauses and sub-clauses binding those who keep pigs to definite rules for cleansing etcetera. The Goldfields Water Supply by-laws were prepared, construed and applied in accordance with the advice of the health authorities of this State and in accord-

ance with Eastern experience in this matter. They provide no more safeguards to health than a prudent farmer would devise for the general sanitation of his homestead. The hon. member seems to disagree with my statement in this connection, but I can assure him that it is so. Not only have we the by-laws of the Central Board of Health governing our own settlements in this particular question, but if we go to Sydney where a similar state of affairs exists, and where there is a population of some thousand people settled on the catchment area, we find that farmers and landowners are carrying on operations which are similar to and identical with the avocations and occupations carried on by the landowners of our own catchment area under by-laws which are no less stringent than ours; and in New South Wales there has been found no necessity to resume the land in the catchment area. The ordinary avocations of a farmer there are carried on under just as stringent conditions and go on without any trouble or worry. I believe there was a time when many owners of land, thinking that by agitating sufficiently they might be able to line their pockets at the expense of the Government, adopted a somewhat similar course to that adopted here; but it was unsuccessful, and now they are perfectly satisfied with present conditions. The bacteriological analysis of the goldfields water supply shows it to be of a very high standard. As a matter of fact it is of greater purity than the filtered water supplied to many of the leading cities in England and Europe; and when members reflect that this water supply is devised to supply a population of some 40,000 or 50,000 people for domestic purposes it is evident, and I am sure the House will agree with me, that it is absolutely necessary that its purity should be maintained, and it is not the intention of the Government—and I want to be clear and emphatic upon this particular question—by giving way in either of these particular directions, to do anything which would be adverse to the maintenance of the present standard of purity of water which we supply to the goldfields. I do not want the House to misunderstand the position at all. We not only intend to maintain the standard of purity, but we are not going to be

forced by people creating nuisances in the catchment area into land resumption. Land resumption has not been found necessary in many other localities, and I see no reason why in this State to maintain the purity of our water supplies we should create a local precedent in this direction. I quite understand that the hon. member would not lend himself to any unfair or unworthy practice in an endeavour to coerce the Government in this respect—I feel certain of that; but I can assure him that action such as I have described has taken place, and I trust he will recognise that the Government are fully justified, however unpleasant it may be to some of his constituents, in refusing to give their consent in the direction in which he has moved.

MR. G. S. F. COWCHER (Williams): The people cannot leave the land and they cannot sell it, and they should have some redress. I support the motion.

MR. J. EWING (Collie): It seems to me that the course taken by the Government is a wise one, that the water should be kept pure. But there is another aspect of the question, namely that certain people prior to the construction of this reservoir had acquired certain property in this district, and that being so they have a right to carry on any avocations on that property which they think fit. There is no doubt that the conservation of this water has prevented them from carrying on certain avocations which they might otherwise carry on. It seems to me that the keeping of pigs is part of a farmer's work; and that as these people are not able to keep pigs a certain amount of the value of the land must be taken away. The Minister has pointed out that this has happened subsequent to the catchment area being laid out. That may or may not be the case, but the fact still remains the same that if a man secures property he has the right to use it in any way he thinks right.

THE MINISTER FOR WORKS: One is restricted under the ordinary by-laws.

MR. EWING: It was not very wise to keep pigs in the vicinity at all. I think the Minister is right in having very stringent by-laws in this respect. We must at all

hazards maintain the purity of the water; but to every fair-minded man it must appeal that a certain amount of value has been taken from that land, and the question is whether or not it is reasonable to assess that value. My advice would be that this matter should receive father consideration, and perhaps a report might be brought before the House stating what the decrease in the value of that land owing to water conservation in this locality amounts to. I do not desire to oppose the Government, but to uphold them in maintaining the purity of the water, and I would be one of the first to find fault with them if they did not carry out such a policy. At the same time, we must recognise what is fair in this matter; and it seems to me reasonable that those owners should have some compensation for not being able to utilise their lands to the fullest extent. My advice to the member for Swan would be to ventilate the question, not with any desire to harass the Government, but if members give expression to their views, the Minister may see fit to take the question into farther consideration as to whether their are not some genuine cases in which people have lost a good deal of the value of their land. Doubtless years ago, when they acquired that property, they had no idea that one day there would be a water catchment area there—they did not know there would be a water scheme. Had they known it, probably they would have gone elsewhere to take up land, and have left this portion of the country to the Government for water conservation. In this matter we should try to be fair to the Government and to people on the land. I hope the matter will receive farther consideration from the Government.

MR. P. STONE (Greenough): It seems to me that these regulations infringe the rights of people over their lands which were not taken away when the Coolgardie Water Scheme was decided by Parliament, and that under these regulations people are prevented from putting their land to that use for which they took it up. If those people are to be prevented from getting their living in the manner they desire, it is only fair that the Government should investigate

the matter and see what losses these people have been put to. I do not think the Government are justified in passing a law to prevent people from keeping stock within the catchment area, or from utilising in any manner they choose the land for which they paid, unless the Government are prepared to resume the land and pay reasonable compensation for the restrictions put on its use. A committee might be appointed to investigate the matter, and see if there are any real grievances. A considerable extent of country is affected by the restrictions, and I believe some of these people have a genuine grievance and should get reasonable compensation for losses they are compelled to suffer.

MR. H. DAGLISH (Subiaco): There is an entire difference in the statement or claim put forward by the member for Swan and the reply made by the Minister for Works. The Minister has assumed, so far as I was able to judge from his remarks, that no application for compensation on the part of the landowners on the catchment area is justified, that they are all attempts to "bleed" the Government.

THE MINISTER FOR WORKS: To a large extent, yes.

MR. DAGLISH: There may be two classes of holders. There may be holders who held this land long before the catchment area was mapped out, and have not used nor attempted to use it—some of those, for instance, who took it up under conditional purchase conditions, and have simply complied sufficiently with the conditions to keep alive their right to the land, or others who may hold the freehold but have allowed the land to lie absolutely idle. These persons, in my opinion, deserve no consideration because they may happen to want to do something with the land at a future date. But there may be another class of individuals, who took up the land under conditional purchase or acquired the freehold before the catchment area was mapped out; and they may have been earning their living from it either by establishing orchards or piggeries, or in some other fashion which they are prevented now from pursuing by the new regulations referred to. It appears to me that any such person would have a genuine claim

against the Government for a certain amount of reasonable compensation. But the claims of those who have held the land for speculative purposes may be set aside at once. Those who were utilising the land and are now debarred, no matter for what purpose they were utilising it —

THE ATTORNEY GENERAL: But are they debarred from using the land as orchards?

MEMBERS: They cannot manure it. They are debarred from fertilising.

MR. DAGLISH: I understand they are not debarred from using the land for orchard purposes so long as they do not fertilise it. I do not know what the right to plant an orchard without the right to fertilise it would be worth. However, I contend that persons who have been *bona fide* using this land for earning an income from it are entitled to reasonable compensation from the Government; but those who have been hanging on to the land for the purpose of gaining some ultimate benefit are not entitled to any compensation because their land for sale purposes may perhaps be depreciated. We will assume that an individual buys land in two districts; in the one district his land is depreciated in value owing to an act of the Government, and in the other district by the expenditure of Government money his land has materially increased in value. While that individual may in the one case claim compensation from the State for the depreciation, the State gets no compensating consideration from the individual on account of the enhanced value given to his land in the other district. I think therefore that the mere depreciation in the cash value of land held by a speculator is a matter that the State should not consider; but the actual loss of earning power of land that has been utilised before the regulations were introduced should and must be in all justice considered by the Government, and the legitimate claims of the owners must be fairly met.

MR. G. TAYLOR (Mt. Margaret): I listened to the mover, and have also paid attention to the reply made by the Minister for Works, and I feel confident that any person who knows anything about the number of people this great

water scheme serves, this great scheme which has done so much for the State, will agree that the Minister is perfectly justified in saying the purity of the water must be maintained. I was rather surprised to hear the Minister say that some of the holders, in an endeavour to force the Government to buy them out, had started piggeries or were about to do so—I believe they started them in an almost wholesale manner. Any persons who would take advantage of the thousands of people this water scheme serves by polluting the water by means of piggeries in order to force the Government to buy them out do not deserve consideration at the hands of the Government. I have been informed that quite recently, in order to force the hands of the Government, one of these holders actually killed a pig in the stream. If I am credibly informed, I say the Government are dealing leniently with that holder in that they did not prosecute him. Perhaps the Government have no desire to prosecute.

MR. GULL: They should do so.

MR. TAYLOR: That class of holder has no justifiable claim for consideration at the hands of the Government. It seems strange that this land which was taken up so many years ago, some of it as far back as 30 years ago we are told, should only have developed this suitability for piggeries within the last few years since the reservoir was established.

MR. GULL: They have now got a market.

MR. TAYLOR: I am afraid they have got a bad market in the Government for the purchase of their land. I hope the Government will remain firm in this matter, and if they do so they will have my support. If there be any farmers who have been carrying on a legitimate occupation and been hindered by the stringency of the by-laws introduced by the department controlling the water scheme, the Government will, I feel sure, give them fair consideration. As the member for Subiaco (Mr. Daglish) has pointed out, they are deserving of consideration. We have heard from the Minister that the conditions which prevail in this State, so far as the by-laws are concerned, are similar to those in Eastern States in similar circumstances. In these States there have been no

resolutions in Parliament of the nature of this motion.

MR. DAGLISH: In Victoria the Government purchased a lot of orchard land.

MR. TAYLOR: That may be. I have not read the by-laws here, but if they provide that a man carrying on an orchard may not fertilise the land, that means the industry cannot here be carried on. I do not think the land is good enough to produce a sufficient quantity of fruit, without fertilising, to make an orchard pay. I have not made myself acquainted with the by-laws, because the water scheme does not serve those whom I have the honour of representing in this House; but as it does effect the Eastern Goldfields, anything which seeks to secure the purity of the water will have my support. The people living on the goldfields in the area served by this water scheme deserve the consideration of this House; they deserve that this water shall be delivered as pure as possible, and I was pleased to hear the statement of the Minister that the water here is purer than that supplied in most parts of the world. Any member who has visited the goldfields between the months of November and March will say, as I say, that in the intense heat and dust and in the privations those people have to undergo, it is very necessary they should have the best water that can be got for them. I am pleased to know they are supplied with such magnificent water. The House should support the Government in opposing this motion; but in so far as it affects farmers who are legitimately carrying on their business, and who have been hindered from carrying on their occupation, these persons are perfectly safe in the hands of the Government. We know that all Governments in Western Australia have held out great inducements to people to settle on the land. I am perfectly sure the people who settled on the land in the early days, or more recently, are safe in the hands of any Government in Western Australia, and will be dealt by fairly. I want to say that any section of the community who will take up land in a locality of this description and start a piggery in a wholesale fashion in order to pollute the water and to squeeze the Government to buy them out, deserve condemnation at the hands of the House.

THE ATTORNEY GENERAL (Hon. N. Keenan): The member for Subiaco has asked us to consider in this case the fact that it may be possible that there are genuine settlers on this catchment area whose rights may be interfered with or restricted by the regulations under the goldfields water supply scheme. The chief regulation referred to merely prohibits the deposit by any person of any matter, refuse, dung, manure, or other offensive matter in or near any watercourse within the catchment area, or within three hundred yards of high-water mark, or in any place where, in the opinion of the inspector, stormwaters will be liable to wash such matter into any watercourse. The restriction is limited to the case where a deposit of these injurious matters would lead to the pollution of the water in the weir. Surely a restriction of that character, so limited as it is, is justifiable and cannot be taken exception to except in individual cases, where it could be clearly shown the individual was working on the land in a *bona fide* manner before the weir site was selected. The terms of the motion submitted to the House are not intended to and do not cover a solitary instance of that character, because I submit if he did exist at all it would be almost a solitary instance. The motion is that "The Government should consider the advisability of so amending the By-laws of the Goldfields Water Supply Catchment Area as to enable freeholders within that area to utilise their holdings to better advantage than at present, or as an alternative to have them resumed by the Government at a price to be fixed by arbitration." Beyond any doubt a number of people who never intended to make any use whatever of the land in that vicinity are looking forward to an opportunity of obtaining compensation they would never be entitled to, simply because the by-laws of the Water Supply Department create a difficulty which never would have arisen in their case, because it was never intended to use the land for any purpose that would necessitate the introduction of any matter of this character—manure or fertiliser. If the motion is adopted by the House it will mean that every person, whether male or female, who has foreseen the opportunity, and no doubt

some people did foresee it and have taken up land within the catchment area, will come in with a claim against the State, and the State will be mulct in a very heavy sum. The prominent consideration should be the maintaining of the water supply in a pure state, for the health of thousands of people depends on it. When that is so we cannot balance that against what is an almost imaginary loss on the part of a few persons living in that district. Although we have had a case given to us, there has not been any instances given of any individual who has really suffered a genuine loss in this matter. The illustrations we have heard are of those individuals who have tried to force the purchase of their land by the Government by starting piggeries. Is it not clear that the only intent of an action of that character is to obtain compensation from the Government which otherwise persons would never be entitled to? I venture to ask the House to express its strongest dissent to conduct of that character, and not to tolerate a motion by appearing in any way to approve of it. It is a matter which all those who come from the goldfields, and who have visited the goldfields to any extent, will recognise is of extreme importance. The vital interests of thousands of people depend on the purity of the water supply, therefore the House should not allow the water to be polluted.

MR. J. SCADDAN (Ivanhoe): I desire to support the remarks of the Attorney General in opposition to the motion. I believe the first consideration should be the health of those who are using the water from the catchment area. I have perused the regulations and by-laws, and I am afraid the member for Swan and the member for Subiaco have apparently not read them, or they have placed a misconstruction on one by-law. It does not say that settlers on the catchment area shall not use manure. It says nothing of the kind, but it says they cannot use manure where in the opinion of an inspector stormwaters are likely to wash the manure into the water-course.

THE MINISTER FOR WORKS: It does not debar some chemical manures from being used.

MR. SCADDAN: I find the provision throughout the by-laws that an inspector must satisfy himself that the manures cannot be carried by stormwaters into the watercourses. In view of that fact I cannot see that any damage will be done to the settlers.

MR. DAGLISH: But the water runs all over the catchment area.

MR. SCADDAN: But that is not stormwater. Stormwater is not water wherever the rain drops, but it is water carried along the main watercourses, and in such places manures cannot be used. We should permit the by-laws to continue, for they are no stronger than those any local body would make if they had a catchment area in their locality and if they wished to provide pure water for the residents. I think we should be extremely careful in seeing that the settlers on the catchment area take every precaution against polluting the water.

MR. GULL (in reply as mover): In the first place I should like to deal with the remarks of the Attorney General as being absolutely unjustifiable, and put forward without a knowledge of the country and the situation that this motion applies to. My remarks apply also to the member for Mt. Margaret, but that member said he did not know anything of the matter and therefore would not interfere. Knowing nothing about the matter it would have been just as well for the member to have said nothing. I said in moving this motion that I had no quarrel with the by-laws, for I remarked that the by-laws were necessary. The health of the people on the goldfields has to be protected, and if the by-laws are necessary they should be enforced to their fullest degree. It has to be borne in mind that the land in question, the freehold land, has been held for 10, 15, 20, and even 30 years. I often wondered why these persons took up land in such an out-of-the-way place so many years ago. Some perhaps would not have taken up this land, but these people did take it up in a *bona fide* manner, and established their homes there, and have been for a generation or two on this land. The question arose as to the necessity for the water service for the fields, and this big catchment area was proclaimed. Undoubtedly one of

the first actions taken in connection with that scheme was that these people should have been cleared out of the catchment area at once.

MR. SCADDAN: You could not lock up all that country.

MR. GULL: Hundreds of thousands of acres of this country are locked up now.

THE MINISTER FOR WORKS: Why do people want the Government to open up certain portions for settlement then?

MR. GULL: The places that I have asked should be opened up are below the weir, and no water from that area runs into the dam. Undoubtedly this catchment area was established, and it is said that the people went in wholesale for pig breeding, as the Minister for Works said. I do not mind what the member for Mt. Margaret said, as he knows nothing about it, but the Minister is wrong and is doing a wrong when he says that the people had gone in religiously for pig raising to force the hands of the Government. This is a general statement applying to all the people resident on that area, and I want to take exception to it. Up to a month or two ago when a certain action was taken under the by-laws, it was impossible to keep pigs in the locality at all. A great deal has been said about pigs, but it is a question of all kinds of stock, and the handicap that is placed on a man in that area owning stock renders it impossible for him to keep any at all. If it is alleged that these landowners have tried by keeping swine to force the hand of the Government, then I say emphatically that the Government have been trying to force the hand of the landowners and to squeeze them out of their holdings; and there is more truth in my statement than in the statement furnished to the Minister for Works.

MR. SCADDAN: You have not proved my other statement, that the farmers cannot keep swine.

MR. GULL: The by-law provides that no animals may be housed or yarded within 300 yards of high-water mark, and no person shall, unless with written permission, allow horses, cattle, sheep, goats, ducks, fowls, or other species of live-stock to stray over any portion of the catchment.

MR. SCADDAN: A similar regulation is in force in municipalities where there are no reservoirs to be polluted.

MR. GULL: Quite so. You forget that a municipality is quite different from a farm which a man acquired 30 or 40 years ago. He is now prohibited from keeping stock inside his paddock on the catchment area. As to manures, it may be said that the farmer can use artificial manures, though he cannot use bone-dust, which is offensive. But on an ordinary farm a man saves his stable manure, one load of which is worth two or three hundredweight of artificial manure. I say that these by-laws, which I admit are thoroughly justified to keep the water pure for the goldfields public, are actually a deterrent—

THE MINISTER FOR WORKS: You ask us to amend them?

MR. GULL: I say that they should be amended to allow a man to earn his living on his own land, or else should be rigidly enforced and the man relieved from the disability under which he labours. It is held, and rightly held, by the member for Subiaco (Mr. Daglish) that the man who has land which has not been improved, which has not until quite recently been stocked, or which was not stocked before the catchment area was proclaimed, is not entitled to the same consideration as a stock-owner who was living there 30 or 40 years ago. Quite true; and the length of time for which each settler has lived there and utilised his land can easily be determined by arbitration, if the question of purchase by the State becomes a real issue. It is no use to say that the settlers can force the hand of the Government. They cannot do anything of the kind. The negotiation would be fair and legitimate, with two arbitrators representing each side and an umpire, to determine what disabilities existed and what method should be adopted to relieve the settlers. It is held that the proclamation of the by-laws has not in any way injured the holders of these estates. I will easily refute that by reading a reply to an application from the Agricultural Bank—

I am directed by the manager to inform you that your application for an advance of £100 has been declined. This action has been rendered necessary owing to your land being within the catchment area of the Coolgardie Water Supply reservoir.

When our own State bank asserts that such a security is no good because it is in the catchment area, that the land is not good enough for an advance, we see at once that owners of properties in that area are suffering under a huge disability.

MR. TAYLOR: A good proposition for the Government to buy.

MR. GULL: As to whether it would be a good proposition to buy, I have here two or three letters breaking off negotiations for leasing properties within the area. When in each case the applicant discovered that the properties were within the catchment, he refused to have anything to do with them. In two or three letters which I hold in my hand the reply is that the writers must withdraw from all negotiations, because they find the properties are within the area, and that by carrying on farming operations they would be running their heads against the water-scheme by-laws, which make it impossible for them to consider the question of either leasing or purchasing. The original by-law provided that no swine could be kept in any part of the catchment area. Certain action was taken, and I now find that in various cases, after notices were given to owners to get rid altogether of their swine, the department states: "The by-law in question will be replaced by an amended by-law prohibiting the keeping of swine within a prescribed distance of high-water mark." It all comes to this. High-water mark in the catchment area is within 300yds. of any creek, any catchment, any gully that will ultimately drain into the dam. There is another very strong point. The Government suddenly walk in and take over an area for public utility. A farmer on that area is immediately ordered by the inspector to remove his buildings, sties, stables etcetera, from one place to another; and in every case the cost of such removal is to be borne by the owner or occupier of the estate. Is not that a disability?

THE MINISTER FOR WORKS: Who suffers from it?

MR. GULL: What is the use of by-laws if they are not enforced? If they are no good, do away with them. If they are good, then enforce them as they should be enforced for the preservation

of the purity of the water. If there is no reason for the by-laws, what is the use of them? I say emphatically that the by-laws are necessary, and that it is only a question of time before they will have to be enforced in their entirety. An analysis of the water is made once a month; and immediately there is any pollution at all the full force of the by-laws will, and undoubtedly should be, brought into play. Moreover, from the very first step taken towards resuming, this matter should have been attended to. Officers of the Works Department were sent out with a view to resuming the properties; and in the Works Office to-day are reports in which those officers strongly advise the Government to close on these estates and save any farther trouble, the officers realising that the day would come, not in the time of Sir John Forrest's Government or the next, but probably a few years later, when the Government would be bound to buy out the owners.

THE MINISTER FOR WORKS: Why did not that occur in Sydney?

MR. GULL: I am not speaking of Sydney. I am telling you what was the advice of the officers of your department. Only a year or so ago the inhabitants of a whole district in New York State were absolutely removed, rump and stump, because their presence interfered with the water supply catchment of the city of New York. There is no doubt that as time goes on this wrong will become more grievous, and in years to come the resumptions will cost double what they would cost to-day; and to-day they would cost considerably more than they would have cost had they been made at the beginning. The compensation to landowners on the catchment area was distinctly a charge on the Coolgardie Water Scheme, and should have been recognised as such from the beginning, and made an item in the capital cost of construction. I hope members will not be led away by the specious arguments of the Minister for Works, but apart from the fact that the landowners in the catchment area are labouring under disabilities, will realise that if the Government settle this matter now they will save the country an expenditure of many thousands of pounds in years to come.

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

Ayes	...	...	...	7
Noes	...	...	...	23

Majority against ... 16

AYES.
 Mr. Butcher
 Mr. Cowcher
 Mr. Davies
 Mr. Gull
 Mr. Monger
 Mr. Troy
 Mr. Layman (Teller).

NOES.
 Mr. Bolton
 Mr. Brebber
 Mr. Collier
 Mr. Daglish
 Mr. Foulkes
 Mr. Gregory
 Mr. Hayward
 Mr. Heitmann
 Mr. Hicks
 Mr. Holman
 Mr. Horan
 Mr. Illingworth
 Mr. Keenan
 Mr. McLarty
 Mr. N. J. Moore
 Mr. S. F. Moore
 Mr. Price
 Mr. Scaddan
 Mr. Taylor
 Mr. Underwood
 Mr. Walker
 Mr. Ware
 Mr. Hardwick (Teller).

Question thus negatived.

BILL—WINES, BEER, Etc.

NO NEW LICENSES.

IN COMMITTEE.

MR. FOULKES in the Chair; MR. ILLINGWORTH in charge of the Bill.

Clause 1—agreed to.

Clause 2—

THE ATTORNEY GENERAL: The member in charge of the Bill having stated his willingness to accept any reasonable distance beyond which licenses might be granted in new districts by consent of the Governor-in-Council, he could state the amendment now.

MR. ILLINGWORTH: No; he had only said he was not wedded to the 20-miles limit.

THE ATTORNEY GENERAL would move an amendment in Subclause 2.

THE PREMIER: Before that was done an earlier part should be amended. He moved that in the eleventh line, after "license," the words "or club license" be inserted.

MR. ILLINGWORTH accepted the amendment.

Amendment put and passed.

THE ATTORNEY GENERAL moved an amendment in Subclause 2, that the

following words at the end be struck out:—

Where no licensed premises are situated within a radius of twenty miles or upwards.

This would enable the Governor-in-Council to suspend the restriction as to distance, for enabling the granting of new licenses to meet the requirements of new places springing up.

THE MINISTER FOR MINES supported the amendment as desirable to provide for new mining districts, and he suggested two that might arise in a short time.

MR. ILLINGWORTH accepted the amendment with pleasure. The intention of the clause was to make provision for any new district that might arise during the currency of this measure.

MR. TAYLOR: Without this amendment new townships would be debarred unless beyond the twenty-miles radius.

Question passed, the words struck out.

At 6:30, the CHAIRMAN left the Chair.

At 7:30, Chair resumed.

MR. SCADDAN: It was desirable to make a provision that a club already in existence wishing to make application for a certificate should be able to do so. He had in mind two clubs already formed, and in regard to one of them an application had already been lodged with the licensing bench, but had not yet been heard. The court was sitting now. In the other case it was thought necessary to apply for a license. He was not a supporter of clubs by any means, and he was not a member of a club. He would like to see clubs thrown completely open to the public. Where clubs had already made application, or were about to make application, we should exempt them. The whole matter had been sprung upon us, and the provision was a most drastic one.

THE PREMIER: Why should clubs be exempted more than any others?

MR. SCADDAN: What he was trying to make provision for was in relation to a club already in existence that desired to apply for a certificate. He did not desire to give any standing to new clubs coming into existence. He asked the Attorney General to draft an amendment in the proviso to meet this.

THE ATTORNEY GENERAL: The difficulty in the case of a club arose from

the decision of the Full Court of this State, under which it was compulsory on a licensing bench to grant a license to any club whose rules complied with the requirements of the Act. It was necessary in any event to do something to deal with the decision of the Full Court which enabled any person who wished to exploit practically a private hotel to form a club and get the rules adopted by a certain number of members, who after all might be more or less *bona fide* or might not be, and to appear before the bench and without any question obtain on demand a club license for the premises. This form of license was open to grave abuse, and it had been abused. If we were to suspend licenses, let us by all means suspend this particular form. The member for Ivanhoe called attention to the fact that one genuine club would be prevented, if a measure of this kind were passed, from obtaining a license. It would be desirable to avoid that if possible in this particular instance, but the danger was that if we made provisions that would cover this one particular instance, we left the door open for any class of club to come in and apply for a license. It would be preferable to make a specific exception in the form of a schedule and include some clubs regarding which the House would be satisfied they were *bona fide* clubs existing at the present day, and had been formed under circumstances which would warrant us in saying they should be made exceptions. He doubted, however, whether such a course had any precedent in our legislation. Even although it had no precedent, that would be preferable to including a general clause under which any class of clubs, not only those worthy of consideration but hundreds not worthy of consideration, would be able to come in and evade the object of this Bill. Under the circumstances he could not consider the suggestion to draft an amendment. He did not favour the Bill at all. He looked upon it as a measure having more disadvantages than advantages, but if it was to be passed at all let us at least make it effective with regard to club licenses.

MR. H. BROWN moved that the clause be struck out.

MR. TAYLOR: Was the hon. member in order in moving, seeing that a portion

of the clause had already been dealt with?

THE CHAIRMAN: It was not necessary for the hon. member to move that the clause be struck out. He could vote against it.

THE ATTORNEY GENERAL moved for an amendment, that after "place" line 20 the following words be struck out:—

Where no licensed premises are situated within a radius of twenty miles or upwards.

MR. ILLINGWORTH: This was merely transferring the authority to grant licenses from the licensing bench to the Governor-in-Council. He was not sure this was desirable.

MR. SCADDAN: It was very undesirable.

MR. ILLINGWORTH: The effect of it was that the licensing bench was forbidden to grant licenses, but the Governor-in-Council could suspend the operation of the Act in any place.

MR. DAGLISH: It was practically an instruction to the licensing bench to grant a license.

MR. TAYLOR: It was necessary to have some provision to enable outlying districts, even within a radius of 20 miles of a licensed house, to have hotel accommodation if it was required. It was contended that if the amendment were carried licensing benches would take as a direction that they should grant a license when the Governor-in-Council suspended the Act in any place. On the other hand, if the amendment were carried, a licensing bench would have power to grant a license within a radius of 20 miles of the nearest licensed premises. It was desirable to prevent any unnecessary licenses being granted before the main Bill was passed, because no doubt when the main Bill was passed next session if brought down according to the promise of the Government, compensation would have to be paid. The Bill would prevent any farther licenses being issued in centres where they were not required; but in outlying districts unless the amendment were carried licenses could not be obtained where they were often necessary. If the Governor-in-Council suspended the operation of the Act it should not be looked upon as a direction to the licensing bench to grant

license, but merely as a direction that the opinion of the Government there is reasonable ground for the application being heard, the bench being at liberty to deal with the application on merits.

MR. DAGLISH: The member for Mt. Margaret was anxious to do what the member for West Perth aimed at in introducing the Bill. The only question is whether the amendment of the Attorney General, who was an avowed opponent of the Bill, would achieve the object aimed at better than the clause in the Bill. The clause stipulated the area in which no licensed premises could be granted. The member for Mt. Margaret evidently thought that area too great, and there was room for supporting that contention, but the effect of the amendment would be to give power to suspend the operation of the Act anywhere, perhaps in Perth. The Government had nothing to gain by the amendment. They did not desire to take on themselves any responsibility that need not necessarily be taken, while they were anxious to have machinery provided to grant a license where one was required. The Government would not be anxious to receive petitions from every licensing district in the State to suspend the operation of the Act so far as each district was concerned. If the Attorney General was anxious to reduce the distance he (Mr. English) was willing to support him in doing so. To reduce the distance even to five miles would achieve the purpose aimed at. The Minister for Mines had pointed out that we must trust the Government. There was no objection to doing so, but at the same time we should not cast too great responsibilities on any Government, and not impose on them more duties in the belief that they could do better than any other body.

THE MINISTER FOR MINES: The Government would not have to judge.

MR. DAGLISH: Then the Government were prepared to suspend the operation of the law before a case was made out for a license. Was he to understand that?

THE MINISTER FOR MINES: Not at

MR. DAGLISH: If the Government are only to suspend the operation of the law when a case was made out for a

license, how could they do so without judging the merits of the application?

THE ATTORNEY GENERAL: There would be a *prima facie* case. The hon. member did not call that "judgment."

MR. DAGLISH: How could the Attorney General know that a *prima facie* case was made out without perusing the evidence and exercising his judgment thereon? If the Bill were carried the Government would have to discharge the functions of a licensing court. The Attorney General could readily make an arrangement with the member for West Perth in regard to the mileage, and if that were done the purpose aimed at could be safely carried out.

THE ATTORNEY GENERAL: The proviso was that the Government might from time to time suspend the operation of the Bill in any place where no licensed premises were situated. That was not the power given in the Bill, but where no licensed premises existed within a radius of 20 miles. It was said that the Government would be inundated with petitions, and that the Governor-in-Council was constituted in such a way as regards weakness of power to resist that these petitions would all be successful. If it was objectionable to give power to the Governor-in-Council to grant petitions under five miles, it was equally objectionable where the distance was over five miles. When the Governor-in-Council did anything, it was an act for which the Government were responsible. But when a licensing bench chose to do anything, members could criticise, but the bench was not bound to answer to anybody. It was important for the Committee to remember that when granting this power to the Governor-in-Council we were granting it to a body responsible directly to the House. If we started making alterations, we got in a position we could not justify. Why fix five miles? Why not fix three miles, and when we got to three miles what was the reason for stopping there? The Committee should not proceed on vague guesses that five miles was a fair thing, but proceed on fixed principle giving power to the Government who were directly responsible to the House.

MR. DAGLISH: The best justification we could have for refusing to give this power to the Governor was the cranki-

ness with which the Government would be advised by the Attorney General, who admitted his inability to distinguish between the distance of five miles and three miles in an application for a public-house license. The Attorney General said we should settle this point upon a principle, but no principle was involved, and he farther said that the Committee should trust the Government. The clear rule in the Bill was that no new licenses for 12 months should exist in places where no license existed at the present time. But the Attorney General said we should break away from that rule and place ourselves in the hands of the Government. By striking out the words proposed we destroyed the effect of the Bill. The Attorney General asked the Committee to give to the Government power to do wrong. He (Mr. Daglish) absolutely trusted the Government in their desire to do what was right, and it was only their incapacity to distinguish between right and wrong he was doubtful about.

MR. ILLINGWORTH : The only reason for the clause was that objection was raised that some new district might arise where a new license should be granted. There was no reason for the proviso if such a provision was not likely to arise. Suppose it did arise, we should make provision for such a contingency. We did not want to give open powers to the licensing benches or the Government. We wanted to meet a possible necessity that could only arise if a new district was opened up. He was not wedded to 20 miles ; any reasonable distance that the Committee might think fit to name he would be prepared to receive. If any member moved to reduce the 20-mile radius, the suggestion would be accepted.

MR. TAYLOR opposed the amendment. A radius of five or seven miles should suffice, and he would subsequently move to secure it.

MR. A. J. WILSON : No provision was made in case a majority of the residents in a locality desired a license.

MR. ILLINGWORTH : That would be made in the other Bill.

MR. A. J. WILSON : Not till 12 months hence. This Bill should provide for local option by giving the Governor power to

suspend the operation of the measure when requested by a poll of ratepayers. To deprive the people of that right for 12 months was wrong. The wishes of the majority should be respected, whether the proposed licensed premises were within two miles or a hundred miles of an existing license.

MR. ILLINGWORTH : How could people be robbed of a right they did not possess?

MR. A. J. WILSON : If the hon. member were entitled to something next week and someone prevented his receiving it, that would be tantamount to robbing him.

THE ATTORNEY GENERAL would accept the member for Forrest's suggestion if his own amendment were carried, thus limiting the exercise of the Governor's power to occasions when the majority of inhabitants of any place had by ballot expressed a desire for the granting of a new license. The only object of the present amendment was to make the clause practicable. The member for Subiaco (Mr. Daglish) said he did not wish to trust the Governor-in-Council, yet supported the clause which would trust the Governor when the premises were 20 miles from any other licensed premises. The object of all such legislation was to throw no undue obstacle in the way of giving effect to the wishes of a majority of the inhabitants.

MR. TAYLOR : What time would be needed to take a ballot?

THE ATTORNEY GENERAL : Not more than a month.

MR. SCADDAN : Why attempt to wreck the Bill?

THE ATTORNEY GENERAL : was endeavouring to prevent the Bill from applying harshly. The hon. member would apparently swallow anything labelled "teetotal." Districts containing no licensed premises swarmed with sly shops. Which were preferable : premises under control, or shanties which sold the vilest liquor at all hours of the day at night? By limiting the distances between licensed premises injustice might be done. Of two townships three or four miles distant, why should not each have a license? We might without res-

pend a whole night in discussing the proper radius.

MR. TROY opposed the amendment, the member in charge of the Bill (Mr. Illingworth) having promised to accept a reduction in the radius. At a new townsite in the Mount Magnet electorate licenses were needed because of the illegitimate drink traffic carried on; in fact, the inhabitants strongly desired a State hotel. Local option, as suggested by the member for Forrest, would have to be coupled with severe restrictions; for any energetic applicant could always get a petition signed by a majority of the people in the locality. Few business men liked to refuse to sign a petition.

THE ATTORNEY GENERAL: The member for Forrest suggested a ballot.

MR. TROY: An applicant could easily secure favourable votes. The suggestion of the member for Mount Margaret (Mr. Taylor) would overcome the difficulty in new localities.

MR. ILLINGWORTH was still willing to accept a reduction in the mileage.

MR. TAYLOR moved an amendment in Subclause 2—

That the word "twenty" be struck out and "five" inserted in lieu.

The member for West Perth had signified his agreement to a reduction, and five miles was a reasonable limit.

THE MINISTER FOR MINES: The clause provided "where no licensed premises exist." There might be one licensed house in a small district, and in the event of increased population it might be expedient to grant permission to the licensing bench to sanction another licensed house. He knew one such locality where there was now only one licensed house; but if certain developments occurred which the Government anticipated, there might be need for two or even three licensed houses. Under this clause even with the amendment, it would not be possible for there to be more than the one licensed house there.

MR. TAYLOR: Were those developments expected within the next twelve months?

THE MINISTER: They might occur within the next few months. He regretted that the Attorney General's

amendment had not been accepted, for it was reasonable to grant a certain measure of freedom to the licensing bench in growing districts, particularly certain mining districts.

Amendment (five miles) put and passed.

MR. H. BROWN moved that the clause be struck out.

THE CHAIRMAN: At this stage the motion was not in order.

MR. A. J. WILSON moved that the following be added to Clause 2:—

Provided also that in any case where a majority of the adult residents within a radius of one mile from any proposed licensed premises, voting by ballot, are in favour of such license, such license may be granted by the licensing court of such district.

If the principle of local option would be good twelve months hence, it should be good to-day. The primary object of licensing should be to give consideration to the convenience of the public; and if there were 40 members of the Chamber pledged to local option, why not approve the principle now? The amendment would meet the case of metropolitan-suburban centres. The people who should rightfully adjudicate on new licenses were those in whose midst it was proposed to place the new hotel.

MR. UNDERWOOD could not support the amendment, although he favoured the principle of local option. No machinery was provided for taking the proposed ballot. There was even now local option in this matter, for where a strong petition was presented against a new application, the licensing bench invariably refused the application. Pending the introduction of a complete system of local option, the present system was preferable to this proposal.

MR. ILLINGWORTH hoped the amendment would not be persisted in. He had purposely avoided discussing the question of local option, which the Government had promised to deal with next session. That only involved waiting for one year, and this Bill was only to be enacted for one year. He was anxious to get the Bill through without overloading it.

Amendment put and negatived.

Clause as amended put, and a division taken with the following result:—

Ayes	..	..	17
Noes	..	..	15

Majority for .. 2

AYES.
Mr. Bolton
Mr. Carson
Mr. Collier
Mr. Cowcher
Mr. Daglish
Mr. Ewing
Mr. Hayward
Mr. Heitmann
Mr. Holman
Mr. Illingworth
Mr. Scaddan
Mr. Taylor
Mr. Varyard
Mr. Walker
Mr. Ware
Mr. A. J. Wilson
Mr. Troy (Teller).

NOES.
Mr. Brown
Mr. Davies
Mr. Gordon
Mr. Gregory
Mr. Gull
Mr. Hardwick
Mr. Hicks
Mr. Horan
Mr. Keenan
Mr. Male
Mr. S. F. Moore
Mr. Smith
Mr. Stone
Mr. Underwood
Mr. Layman (Teller).

Clause thus passed.

Clause 3—Duration of Act :

MR. HORAN moved an amendment—

That the words “twelve months” be struck out, and “one month” inserted in lieu.

Experimental legislation of this character should not be tackled too rapidly. We should give it one month's trial, and if it was beneficial for that period there was no reason why it should not be continued in future. This measure was an attempt to tinker with a most important principle. When the question arose as to whether or not licenses should be granted it was not right for a measure of this kind to be brought in which would prevent the operation of an Act which had now been in existence for many years. He did not believe in giving a monopoly to hotel-keepers. He believed in local option. If it were left to him, he would abolish all the hotels in the State.

THE MINISTER FOR MINES: We had just had a division on the question, and the Committee had spoken in favour of the Bill being carried. He hoped, therefore, the hon. member would withdraw his motion.

MR. HORAN: Let the decision be taken on the voices.

Amendment put and negatived.

MR. HORAN moved an amendment that the following words be added :

—and shall come into operation by proclamation of the Governor.

It would be wise for the member for West Perth to consider the question of leaving it to the Governor-in-Council represented by the Ministry of the day to give effect to the Bill for such time as they might think fit. Perhaps the hon. member would accept the amendment.

Amendment put and negatived.

Clause as amended put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—BREAD ACT AMENDMENT.

SECOND READING.

MR. J. VERYARD (Balkatta) in moving the second reading said: I would like to point out to the House that this Bill was introduced last session by the then Leader of the Opposition, and it passed through the various stages in this House, but was thrown out in the other House. I introduced this Bill by special request of those particularly concerned, namely the representatives of the Carters' Association. I of course consulted the Leader of the Opposition on the subject before I decided to introduce the Bill. I hope that the generous treatment meted out to the Bill by this House formerly will be repeated on the present occasion. The principle is not new. The States of New South Wales and Victoria have legislation on similar lines. The master bakers of Fremantle have successfully carried on that system with regard to carters for some years past, and master bakers in and around the city have also adopted it, but not quite so fully I think as those in Fremantle at any rate. I wish to point out that the employees or carters have to work 60 hours per week, and they generally forfeit their usual or ordinary holidays on account of the ordinary holidays falling on Mondays, which necessitates their delivering the bread. Artisans and labourers work only 48 hours; the bread carters have to work something like 12 hours a week longer than the ordinary artisans and labourers, and they have to forfeit their holidays. For some time past I have interested myself between the master bakers and carters with a view to coming to an amicable arrangement, and

have met with some success. I have had considerable experience in connection with this trade, having as members know for some years delivered my own bread; therefore I can speak of the hardships of these men in not having their holidays. Bread must be delivered no matter what the weather may be, whether it is scorching sun or drenching rain. Where other carters may take shelter, bread carters have to face all sorts of climatic conditions. The Bill is practically of two clauses: one defining the holiday and disallowing the delivery of bread on one Wednesday in the month but still permitting its sale over the counter, and the other clause defining the area in which the measure is supposed to operate. It is suggested that if the Bill be good enough for this particular area, it is good enough for the whole of the State; but the carters of other parts of the State have not asked for legislation of this character, while those in the area have asked for the holiday to be made legal; hence it is confined to this limited area. I would point out that the master bakers themselves are not asking for legislation in this direction; but they will co-operate with the carters for the purpose of making sure and permanent the holiday they have been giving to their carters for some time past. The carters themselves are particularly anxious for this legislation, not only for the purpose of securing the holiday for themselves, but with a view to protecting their masters from unfair competition. In New South Wales and Victoria they have seen the need of the law, and have made the holiday legal; and if the need is felt in those States with their large populations, it is needed here in this State. Many arguments have been urged against this Bill in another place, but I think mostly through misapprehension. Members in another place were under the impression that the bread was not to be sold at all. That is not so. The bread-maker may make his bread and sell it over the counter on any day of the week so far as this Bill is concerned. One argument was that a starving man could not receive a loaf of bread. That was straining the point, because a starving man can get a loaf of bread over the

counter at any time he chooses. Another argument brought forward was that the carters got Sundays and part of Saturdays; but it is not always they get even Sundays, because they have often to turn out to feed their horses. They never get Saturdays, because they have to do practically two days' work on Saturdays, and they have no hope of getting away on Saturday afternoons. Another argument brought forward was that because the farm labourer worked from sunrise to sunset, members could not see why a carter should not work as long. This I think is a very poor argument in favour of the prevention of the holiday. Another argument was that a certain person was taught to pray for his daily bread. I was rather amused at the idea, because it showed in the first place that he was only taught to pray for his own bread and nobody else's. But in this particular case, I know that he does not get his bread daily, so that his prayers evidently are not answered. No delivery takes place now on Christmas Day or Good Friday, or on Sundays, and this particular gentleman does not get his bread on the third Wednesday in each month. I do not think such arguments as these should prevent these men getting justice meted out to them. Most bakers, in granting these holidays—and I know this from experience—have to forfeit a large share of their trade by every holiday given to the employees. The loss on the one day's trade is something like 40 to 50 per cent. of the ordinary day's trade. They have in the meantime to pay all the expenses of the bread operatives, the carters, the horses, and so forth. The main object of the Bill, though it will provide protection for the master bakers, is solely to secure and make safe the monthly holiday.

MR. H. BROWN: They get that under the Arbitration Act.

MR. VERYARD: Not now. The carters can see the possible danger of losing this holiday through master bakers who do not employ labour delivering bread themselves and going round gathering the customers of those bakers who are according holidays to their employees.

MR. H. BROWN: But they are free men surely.

MR. VERYARD: They are free; but on the other hand, restriction of trade is a common thing nowadays. Drapers and storekeepers in the city have to close their shops on certain days, and their opportunity for trading is limited by the wording of the Act; and I think these few people would practically suffer no injury by any Bill such as this.

MR. H. BROWN: What about the bulk of the population suffering?

MR. VERYARD: The bulk of the population will not suffer any more than they are doing now. This is practically what is being carried out at present throughout the city, this one holiday a month.

MR. H. BROWN: The people suffer through having stale bread one day a month.

MR. VERYARD: As the master bakers make a considerable sacrifice on behalf of their employees to secure the monthly holiday, the House should give favourable consideration to this Bill. My own opinion is that the request of the carters for a monthly holiday is one that is just, and I hope the House will permit the Bill to go through as it did last year.

MR. M. F. TROY (Mount Magnet): I have great pleasure in supporting the second reading of this Bill, as I had great pleasure in supporting it on the last occasion it was introduced in this House. As the hon. member who has just introduced it remarked, it was introduced on the last occasion by the member for Brown Hill (Mr. Bath), but was defeated in another place; and the reasons given for its defeat were not very creditable, nor did they display intelligence of a high character.

MR. SPEAKER: The hon. member must not reflect on the Legislative Council. He must withdraw that remark. It is against the Standing Orders.

MR. TROY: What shall I withdraw?

MR. SPEAKER: The reflection on a House of the Legislature.

MR. TROY: I shall withdraw any intention to reflect on the intelligence of that Chamber. I support this Bill with great pleasure, because it is the

unanimous desire of all persons engaged in the trade. Not one portion of persons employed in the trade has asked for this measure, but both employee and employer have asked for it, and both are agreed that this Bill should become law.

MR. H. BROWN: You do not want it on the goldfields.

MR. TROY: Neither employee nor employer has asked for it on the goldfields; but in Perth both concur in regard to this Bill.

MR. H. BROWN: Take it for the goldfields.

MR. TROY: I live in Perth nine months of the year, and I shall be just as much inconvenienced by the operation of this Bill, if there be any inconvenience, as the member for Perth; but there will be no inconvenience. If there be any inconvenience in granting employees and employers one holiday in the month—[MR. H. BROWN: It does not affect the employee at all]—then we have the same inconvenience on Sundays, because on Sundays and other important holidays in the year bread is not supplied as on other days. The member for Perth will no doubt argue that this does not affect the position of the employee. I say it does, because it affects him through the employer. An employee is protected by the Arbitration Court. The Arbitration Court can always limit the hours and provide the holidays; but while the Arbitration Court in giving an award in connection with this class of industry provides that the employee shall have a holiday, it cannot provide against the employer taking bread out on any day of the week in his cart.

MR. H. BROWN: The employee is a free agent.

MR. TROY: But it must be remembered that there are employers who desire to see their employees getting their holiday; and those employers doing their duty to their employees are at the mercy of less scrupulous employers; so above all, that is why this measure is required. The Arbitration Court does not prevent the employer from taking bread out when he likes; and it is because we desire to protect the man who does his duty towards his employees against the unscrupulous employer, that we desire this Bill. It will

not prohibit any person getting his daily bread, because even if bread is not delivered to a man, it can be purchased from any shop. Any baker can bake on any day, and his bread is always for sale in the shops; so no inconvenience comes to any person in the community whatever. I am surprised that any member should take exception to a Bill of this nature. It is not brought forward in the interests of any class, but it is brought forward by a member who himself is an employer in this industry, and can speak with some authority on the question. I have much pleasure in supporting the Bill as it stands.

THE MINISTER FOR MINES (Hon. H. Gregory): It seems a great pity that we have to place on the statute-book such a Bill as this. I should have thought the Arbitration Court could have complied with the request of the masters and servants. If the masters and servants desire that no work shall be done on one day in each month, and both sides appeal to the Court, there should be very little difficulty in inducing the Arbitration Court to grant the holiday. When we go farther and say if any person dares to deliver a loaf of bread on the third Wednesday of each month he is liable to a penalty of £20, it is rather serious. I do not intend to oppose the second reading, but we can deal with the measure in Committee. There seems to be no penalty provided otherwise than the penalty stated in the parent Act, and the parent Act provides that for any offence the fine shall not exceed £20: that is a very serious penalty indeed to impose on any person who delivers a loaf of bread on the third Wednesday of any month. Personally, I think this is a question that should be settled by the Arbitration Court, and not by an Act of Parliament. If the ordinary customers do not object, and the workers and the employers are satisfied that this shall be the case, there is not much reason why members should enter any protest. I hope the hon. member will not take the Bill into Committee to-day, but allow some consideration before the Committee stage is reached.

MR. EDDY (Coolgardie): I beg to support the Bill, which simply means

that we are asked to give the bread carters one holiday per month. It is only a fair proposition to give equal rights to all our workers. The member for Perth interjects that they have that holiday, but I would like to point out that the Arbitration Court has no power over the master bakers who deliver their own bread. That is the point we want to deal with. The member for Perth also interjects that this Bill is in the interests of the employers of Perth. It is a city Bill, but it is a law that has been in existence in all the other States and has worked well there. The men employed have not the opportunity that other carters in different trades have. During holiday-making time the bread carters have to work their hardest to help to feed, as it were, the pleasure-seekers. This holiday is likely to be threatened by unscrupulous masters, and this is the point we have to consider in dealing with the Bill. These men work from 50 to 60 hours a week, against 48 hours worked by other employees. I do not anticipate much objection will be raised to the measure in this House. Twice already it has been passed by this Chamber and sent to another place, there being rejected. I agree with the member for Balkatta that judging by the debates which have taken place in another place, members that were not too well acquainted or conversant with the subject. They hardly knew what they were talking about. One member in another place spoke about the trumpery and ridiculous Bill and seemed to be shocked that this Chamber should be fathering such a measure. Another member said that it would be better for these men to have a night at home rather than the day's holiday. If that is the tone of the debate towards the workers, it is a very paltry and mean one indeed. As I stated, this law has been in existence in the other States. One member in another place has remarked, why not give the butchers and grocers a holiday. But these persons are not in the same position as bakers; the grocers and butchers' shops close for half-day on Wednesday. We know well many bakers in the city have no shops at all, and it is their carters who want this holiday. As

I stated earlier the measure was to provide against unscrupulous masters, men who deliver their own bread. It is only fair that men working 60 hours a week should be placed on the same footing as other workers in Perth. For that reason I shall support the Bill. I do not anticipate it will be rejected here. When it is sent to another Chamber I hope members there will think more deeply and debate more sensibly than they have done in the past.

MR. SPEAKER: The hon. member must not reflect on another place; it is contrary to the Standing Orders.

MR. EDDY: I withdraw any remarks I have made that are wrong, but allowing I have made that apology, I say members of another place displayed want of intelligence.

MR. SPEAKER: The hon. member must not reflect on the debates of another place; it is distinctly provided for in our Standing Orders. The hon. member must withdraw the remark.

MR. EDDY: I withdraw again, and I hope members in another place will consider the matter more deeply and earnestly on behalf of the workers. Perhaps the Speaker will not ask me to withdraw these remarks. I have great pleasure in supporting the Bill, and I hope it will meet with the justice it deserves.

MR. G. TAYLOR (Mount Margaret): I have a few words to say on the measure. I hope the House will pass the second reading and the Bill will get into Committee. I am sorry the Minister for Mines desires that we shall not go into Committee to-night, for the Bill is only a short one, and was thoroughly discussed last session, when it was carried. It is not a measure to which there can be any direct hostility. The member who moved the second reading is a master baker, and has pointed out that the master bakers and the carters are both agreed on the necessity for this measure. There is only one other party who could be consulted, the customers. I hope I shall be able to support the Bill without tripping into an awkward position as other members have by reflecting on another

place. I hope when the Bill reaches another place it will be considered there in the same spirit that it has been considered in this House and be dealt with accordingly. Everybody knows that the position of the bread carters is far from a happy one. They are sitting on their bread carts daily, whether rain, hail, or shine, without any cover. It is absolutely the worst calling a man can follow. And it is necessary that this section of the community should be protected by legislation. The Minister for Mines expressed regret that this matter could not be dealt with by the Arbitration Court. The Arbitration Court has no power to deal with the section of people this Bill deals with—the master bakers who have no employees. The master bakers who have no employees can, on a holiday, deliver their own bread and thus enter into competition with other master bakers. It is very necessary to have the Bill passed by the House. I commend the member for Balkatta for introducing the measure, and when it reaches Committee I shall support it as I do now.

MR. H. BROWN (Perth): I move—

That the Bill be read a second time this day six months.

If we go on with legislation much farther, it will by the grace of God and Parliament that we shall be allowed to breathe. It is said the measure is for the benefit of the employees. It is not, but it is for the benefit of the employer. In this country, master and man should be allowed to work when they like. This is class legislation of the worst type. Why should not a master baker be allowed to deliver bread when he likes, without asking Parliament for permission? I think it is absurd to bring forward a measure of this kind, and I hope members will abstain from voting on a subject that does not affect themselves. If members are sincere, let them apply it to the whole of the State and see if their constituents are in favour of such a Bill. The employee of to-day is the employer of to-morrow. A man should be allowed to dispose of the wares made by his own handiwork. The red-lie-ring has been drawn across the trail

by the member for Balkatta and the member for Cue. Bread carters have already a holiday once a month from the Arbitration Court. You might just as well bring in a proposal that members of Parliament must have a holiday one day a month, or that the butcher or the baker or anyone should be compelled to take a holiday. I know of many master bakers in Perth who could take a holiday every day of their lives, and I am certain that the member for Balkatta could take a perpetual holiday. He does not require to have an Act of Parliament to get one day a month. This is one of the most puerile Bills ever brought before the House.

MR. A. MALE (Kimberley): I second the amendment.

MR. G. TAYLOR (on amendment): I take exception to the remarks made by the member for Perth. He has pointed out that members in this Chamber are taking part in this measure and that it does not affect them. I want to tell the hon. member that there is no legislation which comes down to this House which does not affect every member in the Chamber, and I desire to emphasise and demonstrate that on measures coming down dealing with the goldfields we find the member for Perth takes no active interest other than a silent interest by coming inside out of the corridor and recording his vote with the Government on every occasion against the arguments used by goldfields representatives.

MR. H. BROWN: This is to operate for a distance of 14 miles from Perth.

MR. TAYLOR: The Bill specifies within 14 miles of the Post Office. I take it from the speech of the member in charge of the Bill that the people within that radius, master bakers and carters, are desirous that this Bill shall be placed on the statute-book. There is no necessity to apply it where it is not required. [Interjection by MR. GULL] The hon. member says it is required as much in one place as another. That is not so. Within the metropolitan area where this Bill is supposed to operate there are master bakers who have no other mode of business than that of sending

their bread round in carts. Some of them have no bakery shops, and we find there are bakers who bake their own bread and run their own carts. A man who bakes his own bread and runs his own carts is not within the scope of the Arbitration Court; and he has an undoubted advantage over the master baker who is an employer of labour, especially when the master baker is desirous of giving his employee a holiday once a month.

THE MINISTER FOR WORKS: Does not the same state of affairs exist in Kalgoorlie?

MR. TAYLOR: Not to such a degree as it does here. The member for Kalgoorlie is a member of the Government, and he will be able to advise the Minister for Works upon that score more accurately than I can. I know it does not apply so much in other parts, and I do not think it applies in Kalgoorlie to anything like the degree it does in Perth. I hope the House will not carry the amendment. The member for Perth points out in support of his amendment that this Bill is more for employers than employees. I hope the hon. member will realise that there is a section of people at least within 14 miles of the Post Office of Perth which requires some consideration at the hands of this Parliament.

MR. H. BROWN: The public.

MR. TAYLOR: The public are perfectly safe in giving the employees one holiday in each calendar month. And notwithstanding what the member for Perth says to the contrary, I am prepared to assert that if he could take a *plebiscite* of the people within the area prescribed by this measure, there would be an overwhelming majority in favour of giving these people a holiday once a month. The member who introduced the Bill says, "I have the assurance of the employers, and also the assurance of the employees, that this measure is satisfactory to both parties." There is only a third party besides which the Bill affects, namely the customers, and I repeat that if we could take a *plebiscite* of the customers of the bakers within the prescribed area, they would say, "Yes, give these people a holiday once a month." You cannot live at a hotel or anywhere else in Perth without seeing bakers driving

carts in the winter months. We have from four to six months during which the weather is wet and cold. We have rain on an average four days a week in the metropolitan area for at least four months out of the 12. These men have to drive bakers' carts in the wet and rain, and when the whole of the rest of the community have opportunities of having holidays these people have none, and their work is increased in order to supply the demands of the people going on picnics, etcetera. I am surprised that the member for Perth should dream of putting off this Bill for six months. I know the House will not support him. I am confident of that. I have much pleasure in supporting the measure and opposing the amendment.

MR. M. F. TROY (on amendment): The member for Perth talked a very great deal about people being unreasonably restricted from carrying on operations at their own sweet will. He must, however, recognise that every measure introduced into the House during the time he has been in it, and ever since we have had a Parliament in Western Australia, has imposed restrictions upon somebody; and we must restrict people. We restrict persons for the good of the community as a whole. Everything must be regulated, and it is in order to regulate this particular business that this measure has been introduced.

MR. H. BROWN: Why do you not order Mr. Teesdale Smith to take one holiday a month?

MR. TROY: I wish I could order him to take a holiday for a thousand years. All this Bill provides is, after all, that the employees concerned in this industry shall have 12 holidays a year.

MR. H. BROWN: You do not understand it. It is not the employees at all.

MR. TROY: I do understand it. I am absolutely sure I understand it. All that it provides is that the employees shall have 12 holidays a year, and the employer also if he wants it.

MR. H. BROWN: I wish to correct the hon. member. It is the employer in this Bill.

MR. TAYLOR: What part of the Bill says it is?

MR. H. BROWN: Clause 2.

MR. TROY: I wish the hon. member for Perth would not waste time.

MR. H. BROWN: Read this clause, and you will understand it then.

MR. TROY: I cannot read the clause. I am not allowed to read the clause, this being a debate on the second reading.

MR. H. BROWN: Can I read it for the information of the hon. member?

MR. SPEAKER: The hon. member is entitled to his opinion. If he thinks it is the employer let him think so, and if he thinks it is the employee let him think so. He is entitled to his argument.

MR. TROY: This Bill provides that the employer or employee is entitled to 12 holidays a year. It must be remembered, as has been already pointed out by the member for Balkatta, that these employees receive no holidays at all, and they work 60 hours a week. They cannot avail themselves of the holidays which other employees can obtain. Take for instance public holidays; all public holidays are generally held on the Monday. The event may be on the Wednesday or Thursday, but the holiday is always kept on the Monday, and in consequence the employee in this industry cannot avail himself of that holiday because no bread has been delivered on the Sunday, and consequently bread must be delivered on the Monday. It thus appears that at no time of the year can a person employed in this industry receive a holiday, and it is because this Bill provides for his receiving just twelve holidays a year we hear the member for Perth asking that it shall be read this day six months. One objection is that the Bill has been brought down to deal with one section of the State, the metropolitan area. It does not deal with Perth alone. It deals with every locality within a radius of 14 miles of Perth. It deals with Fremantle, also with Guildford; and not only with the electorate of the member for Perth, but also that of the gentleman who introduced the Bill, who was entitled to speak in the terms he has done, and to use the arguments he brought forward. There can be no reason why this measure should be postponed for six

months, because it is very desirable. It is being brought forward so that the individuals engaged in this industry shall receive the same privileges as are enjoyed by persons engaged in every other industry in the State.

MR. A. C. GULL (Swan) : I intend to support the amendment, and I am going to do so for the simple reason that I do not see why a Bill like this which is confined to the metropolitan area should be put on the statute-book. I see no particular objection to the Bill if made to apply universally. The same state of affairs exists in Kalgoorlie, Northam, and other places, and why on earth should the Bill be restricted to Perth? Under the Arbitration Act the bakers' employees have already their monthly holiday. The member for Mount Magnet said just now that a holiday is kept on Monday, and that the baker does not get the holiday. I know to the contrary, because I as well as everybody amongst us have repeatedly had to take bread two or three days ahead of special holidays. And I do not growl. I say that these people should have their holiday, but the Bill should apply universally. It is an absurd thing to bring a measure like this down to apply to the metropolitan area.

MR. A. J. WILSON (Forrest) : The member who has just addressed himself to this question is apparently entirely ignorant of the real circumstances surrounding the whole subject.

MR. BOLTON : Of course he is, absolutely.

MR. A. J. WILSON : To say he refuses to support this measure because it does not apply to Kalgoorlie is absolutely the lamest of all possible excuses. If the Bill in itself is good, and the hon. member desires to make it apply to Kalgoorlie, the way to make it do so is not by moving that the Bill be read this day six months. The difficulty in regard to this measure is this. The hon. member has referred to the position of the Arbitration Court, and I assert in this particular connection that one of the greatest flaws connected with our Arbitration Court is that it has no power to legislate or make awards

which will deal with an unfair and unscrupulous employer as against a fair-minded and scrupulous employer. For instance, I know of one particular case which I conducted on behalf of the milk carters in this industry, when the president of the court told us that the regulation under which the court was constituted rendered it impossible for the court to prescribe that no milk should be delivered, and all that was in the power and purview of the Court of Arbitration was to say that for certain portions on one day in each week no employer should employ his workmen in the occupation of delivering milk; but the court was absolutely powerless to prevent employers who drove their own carts from delivering milk on that day. Consequently the milk vendor who employed carters and desired to treat them fairly and honestly was handicapped because another employer with a twopence-halfpenny show could deliver his milk at times when other dairymen were by the Arbitration Court prohibited from doing so. As to this Bill, not 50 or 75 per cent., but between 85 and 95 per cent., of the master bakers who will come within its scope are in its favour; and the House should have some regard to the desires of the traders affected. If the vast majority were not in its favour, we should not find the member for Balkatta, who has himself been engaged in the industry, fathering the measure. Members who, like the member for Swan (Mr. Gull) know nothing about the business, ought to pay some slight regard to the opinions of a gentleman whose experience of it has been considerable. When we remember that on the holidays enjoyed by all other workmen, such as Light Hours Day, Christmas Day, Easter Monday, and Good Friday, the bread carters have to work, the justice of the Bill is apparent; and it was largely because of that fact that the Arbitration Court, when making its award, prescribed that the baker employing men should give them a holiday on one Wednesday in each month. The House ought to pay some regard not only to the opinions of the member for Balkatta but to the conclusions and decisions of the Arbitration

Court. And as the member for Swan is so anxious to cater for Kalgoorlie, it will be easy for him to insert the necessary amendment extending the Bill to that centre, which amendment I shall have pleasure in supporting. I think this is a very desirable Bill, in the interest of a class of people deserving of the sympathy and support of the House.

MR. H. BROWN rose to speak.

MR. SPEAKER: By Standing Order 120, the hon. member cannot reply. The rule is:—

A reply shall be allowed to a member who has made a substantive motion to the House, or moved the second reading of a Bill, but not to any member who has moved an Order of the Day (not being the second reading of a Bill), an amendment, or instruction to a committee.

The member for Balkatta has a right to reply, if no other member wishes to speak.

MR. VERYARD (in reply as mover): I am not surprised at the opposition by the member for Perth. I have never yet known him to support any measure that would benefit the workers. His action in this House has been consistent in that respect. I repeat that the master bakers are not asking for this Bill, but are supporting their carters for the purpose of securing to them the holiday. It has been pointed out several times that the Arbitration Court has no power to give the relief sought in the Bill. The member for Perth would have the House believe that the Bill is for the benefit of the employers. That is not so. It happens that the carters are, for the purpose of securing the holiday, trying to protect the employers so as to insure that the holiday will be permanent. The hon. member states also that butchers and grocers will be applying for monthly holidays. I would point out that they now have a weekly half-holiday; so they have no grievance whatever. The member for Swan says the carters get a holiday on any Monday which is a general holiday. So they may in a scattered district like the Swan, where it does not matter sometimes if bread is not delivered for two or three days; but Perth and Fremantle people want their bread delivered more

frequently, and in these centres carters do not get the holiday. I hope the House will allow the measure to pass.

Amendment negatived; question passed.
Bill read a second time.

IN COMMITTEE.

MR. ILLINGWORTH in the Chair. MR. VERYARD in charge of the Bill.
Clauses 1, 2—agreed to.

Clause 3—Application:

MR. GULL opposed the clause, which if good for Perth and suburbs should apply to Kalgoorlie or any other big town.

Clause put, and a division taken.

MR. H. BROWN questioned the vote of the member for Balkatta, under Standing Order 192.

THE CHAIRMAN: The Standing Order did not apply to the hon. member.

MR. H. BROWN: It provided that no member could be entitled to vote in any division on a question in which he had a direct pecuniary interest.

THE CHAIRMAN ruled that the hon. member was not pecuniarily interested in the Bill.

A pause ensued.

MR. H. BROWN moved that the Chairman's ruling be disagreed to.

THE CHAIRMAN: According to the Standing Order, the hon. member should have taken that action at once. He had not done so.

Division resulted as follows:—

Ayes	..	..	21
Noes	..	..	6

Majority for .. 15

AYES.		NOES.	
Mr. Bolton		Mr. Brown	
Mr. Brebber		Mr. Gull	
Mr. Carson		Mr. Hale	
Mr. Collier		Mr. Stone	
Mr. Daglish		Mr. Troy	
Mr. Eddy		Mr. Layman (Teller).	
Mr. Ewing			
Mr. Gordon			
Mr. Heitmann			
Mr. Holman			
Mr. Horan			
Mr. Keenan			
Mr. Scaddan			
Mr. Smith			
Mr. Taylor			
Mr. Underwood			
Mr. Veryard			
Mr. Walker			
Mr. Ware			
Mr. A. J. Wilson			
Mr. Hardwick (Teller).			

Clause thus passed.

Title—agreed to

Bill reported without amendment ; the report adopted.

ADJOURNMENT.

The House adjourned at two minutes past ten o'clock, until the next day.

Legislative Council,

Thursday, 4th October, 1906.

Bills: Land Tax Assessment, suggestion for a Select Committee (out of order). Clauses in Committee resumed, adjourned...	2097
Bread Act Amendment, In.	2105
Federation Detrimental, this State to Withdraw, debate resumed, adjourned	2105

The PRESIDENT took the Chair at 4:30 o'clock p.m.

PRAYERS.

BILL—LAND TAX ASSESSMENT.

PROCEDURE, AS TO A COMMITTEE.

HON. R. F. SHOLL (North): Before the Orders of the Day are proceeded with, I would like to ask if it is possible to refer this Bill for regulating the assessment of land to a select committee. I know it is late. The more I go into the Bill, certainly the more puzzled I am, and I feel that a great injustice will be done if the measure is hurried through the House without great consideration, particularly with regard to the northern portion of the State. It has been explained by a Minister young in politics, and I question whether any member of the Ministry knows the country north of Geraldton. I do not know that any one of them has been north of Geraldton. The Bill may prove a great hardship. We have agreed to the principle of land

taxation, and certainly the Bill should not be hurried through Parliament. If there are no means now of referring it to a select committee, there ought to be a very long adjournment before the Bill is farther proceeded with. It is, I say, a very puzzling Bill. It appears to me that not only is the incidence of taxation puzzling, but in many cases it will act injuriously to the country, and be ruinous to individual lessees probably. I will ask if there is any possible means, with the consent of the Government, of considering the details of this Bill and the incidence of taxation as applied to the different parts of the State; whether it is not better to get it before a select committee, if possible.

THE PRESIDENT: I can only refer the hon. member to Standing Order 246, which says:—

After the second reading, unless it be moved "That this Bill be referred to a select committee," the President shall put the question "That I do now leave the Chair and the Council resolve itself into a Committee of the whole for the consideration of this Bill."

CLAUSES IN COMMITTEE.

Resumed from the previous day.

Clause 2—Interpretation:

HON. E. McLARTY had moved an amendment that paragraph (c) in the definition of "unimproved value" be struck out.

THE COLONIAL SECRETARY: In answer to what Mr. Sholl had just said in relation to this subclause dealing with pastoral leases, although the hon. member had missed the opportunity of referring the Bill to a select committee, that course would not have been objected to on the part of the Government. As a rule, it was rather a good thing and not a waste of time to refer particular Bills to a select committee; but the opportunity had passed in this case. Mr. Sholl appeared to complain that the Bill was being unnecessarily hurried through.

HON. R. F. SHOLL: That was not stated by him.

THE COLONIAL SECRETARY: The hon. member said it ought to be adjourned for some time. The Bill was, however, introduced in another place many months ago, and it had been before this House about a month. There was a long adjournment after the second