not to give employment to workers suspected of suffering from any of these diseases in incipient form.

Progress reported.

WICKEPIN-MERREDIN RAILWAY DEVIATION.

Council Select Committee's Report.

Mesage from the Council received and read notifying adoption of the report of the select committee on the Wickepin-Merredin railway deviation, and requesting the concurrence of the Assembly therein.

MINING DISASTER AT MOUNT LYALL.

Reply to Message of Sympathy.

Mr. SPEAKER: I desire to announce that I have received the following telegram from the Hon. the Speaker of the Tasmanian Legislative Assembly:—

The Honourable the Speaker, Legislative Assembly, Perth. Resolution of sympathy on North Mount Lyall Mine disaster read to the House, and I am desired to express its high appreciation of same.

House adjourned at 10.41 p.m.

Legislative Council.

Wednesday, 23rd October, 1912.

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

STANDING ORDER SUSPENSION.

New Business after 10 p.m.

The COLONIAL SECRETARY (Hon. J. M. Drew): On Thursday last I moved a motion asking the House to agree to an alteration in the hours of sitting, requesting members to consent to sit at 3 p.m. on Tuesday and Wednesday instead of at 4.30 p.m. During the course of the debate that followed, a number of members expressed themselves as satisfied to sit late in preference to sitting early, and they said that if a motion was submitted extending the hours of sitting in order that we might take new business after 10 p.m., they would give it their support. In consequence of these expressions of opinion and in view of the fact that the Notice Paper is still very bulky I beg to move—

That for the remainder of the session, Standing Order No. 62 be suspended.

Hon. W. Patrick: That is to enable us to take new business after 10 p.m.

The COLONIAL SECRETARY: Yes.

Hon. J. E. DODD (Honorary Minister): I second the motion.

Question passed.

BILL — AGRICULTURAL LANDS PURCHASE ACT AMENDMENT.

Third Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew): I beg to move—

That the Bill be now read a third time.

Hon. J. W. KIRWAN (South) : Yesterday in offering some observations expressing my dissent to this Bill, certain remarks that were made by members who spoke subsequently led me to believe that possibly they misunderstood my remarks. I would like to mention in connection with the remark made by Mr. Cullen that I stated that the Federal Land Tax Act was operating in the Eastern States in the direction of breaking up the large holdings and that it was achieving the object which the Federal Government had in view when that taxation was imposed. Mr. Cullen, in following me subsequently, said what I had stated was in the nature of assumption. I am very careful in any statements I make to this House, and I go as a rule to a great deal of pains to make sure that they are accurate. I have a copy of the first annual report of the Commissioner of Land Taxation, and this report bears out what I then said. In this report on page 24 there is a return which shows the purchase and sale of taxable land during the period from the 1st October, 1910, to 30th June, 1911. This report gives a number of figures, but the Commissioner summarises the results of the return in the following statement, which shows clearly that an impartial Government officer bears out the statement which I made yesterday. The Commissioner says—

> This return throws additional light upon the effect of the tax on land ownership. It shows that taxpayers sold more than £18,000,000 worth of land in 18,288 separate transactions, and other taxpayers, or in some instances the same taxpayers, bought over £9,000,000 worth of land in 2,874 transactions. This indicates a substantial subdivisional movement as a result of the tax, and the purchases by taxpayers show that the fact that the tax has to be paid has not deterred many from increasing their holdings. It is probable that there will be a reduction in amount of tax in the ensuing year as a consequence of the change of ownership. As a rule those who have relieved themselves of the tax are the taxpayers who are subject to the higher scales, but the buyers of land, as a rule, are those who are subject to the lower rates, or are wholly exempt from the Commonwealth Tax.

That, I think, is sufficient evidence that what I stated in my remarks yesterday was correct. But the remark to which I take most exception was a statement made by Mr. Wilding, and as that gentleman is always desirous of being fair, I think he must have misunderstood me. He spoke as if I had been opposed to pioneers, as acting unfairly and ungenerously to those who went out and took up country, and who were he thought entitled to the fruits of their enterprise and their courage. There is no one I claim who considers that the pioneers, either of the mining industry, the agricultural industry or the pastoral industry, are more deserving of the fruits of their enterprise and courage than I, and I would be sorry that I should advocate any policy that would deprive these men of any reasonable reward that they should get for what they have done for the country generally. But I think the hon. member who criticised these remarks has not understood how the incidence of the Federal Land Tax has operated in the Eastern States. It has not done an injustice to the large land holders. A return published not long ago in the *West Australian* which was originally published in the Melbourne papers showed why it did not act unfairly towards these land holders to whom Mr. Wilding referred. I could not remember the date when this return was published and I went to-day to the Federal Land Tax Office in this City and the officials remembered distinctly the figures then published and endeavoured to get them for me, but they were unable to put their hands on them in the time. The statement then made was that in the case of some of the largest estates of Victoria and in other States, when the tax was

imposed the owners thought it advisable to break up their estates and dispose of them to farmers and others. The owners retained for themselves the best portion of the estates as was but natural and the consequence of that act was that closer settlement, brought about by the gradual breaking up of large estates, increased the value of land in the particular neighbourhood, and instances were given and figures quoted to show that as a result of this, what was left of the original estates in the hands of the original owners had so increased in value that it was as valuable as the whole of the estate before being broken up. There were several instances in which that had occurred and any member who discusses the matter with some of the Eastern land holders will find that the result of the taxation to which they so strongly objected at the time, so far from doing them the injury they expected, in quite a number of cases has been almost a blessing in disguise. That is how it has unquestionably operated in some of the Eastern States. The particulars were published in the Press at the time and I think if the hon. member discusses the matter with some of the Eastern land holders he will find that their views regarding the Federal land tax have wonderfully changed from what they were prior to the introduction of the tax. I mention this because I advocated allowing the Federal tax to operate in this State, rather than that the Government at the present financial juncture should involve themselves in such large expenditure as the purchase of the Yandanooka and other estates will entail. I opposed the policy when it was introduced and followed by former Governments, and I am sorry to see that the present Government is following such a bad example. I oppose the policy because it is bad for this State, especially when we are advertising all over the world that abundant Crown land all over the State is available for immigrants; and also it seems contradictory to be purchasing these estates for the purpose of closer settlement. I could possibly understand the action of the Government in pursuing what they believe to be the right policy that is the non-alienation of Crown lands if they purchased land and then in the disposal of it they did not dispose of the freehold. In this case, however, I understand it is impossible under the Act to pursue any other policy than to dispose of the freehold, so that I feel there is less justification for the action which has been taken. I claim, in the ordinary course of events, what has operated in the Eastern States would operate here, and if, as I said, it was not operating to a sufficient extent I believe that this Government has sufficient good sense and ability to devise some further scheme which will bring about the desirable result they are endeavouring to achieve. For that reason I spoke as I did yesterday, and although the Government will, of course, carry out the obligations they may have contracted, I should be sorry to see them embark upon a policy of the general purchase of land for the purpose of closer settlement, when there is another and better way by which they can achieve the same object.

Hon. J. F. CULLEN (South-East): I do not blame the hon. member for assuming, as he says correctly, that the policy of the Federal land tax would have the effect of bringing about the subdivision of estates. I blame him for being illogical enough not to assume further that our Government were really taking advantage of the results of that land tax and buying from men who were disposed to break up their estates. I want now, incidentally, to correct another hasty assumption of the hon. member that there was nothing fabulous or phenomenal about the dividing of the big estates last year, as concluded by the Federal official. I could refer that official to the eighties when movements in land were enormously greater than they were last year, in the boom years especially. Furthermore, this Federal official is misreading a good deal of the movements in land, for instead of sales, it is really a prudent and warily wise division of estates amongst families. A man will divide an estate of 100,000 acres among his five children and why should he not do so? The Federal officer

is misreading these movements. However, that is quite beside the question. I agree with the hon. member that with our vast areas of Crown lands it is not wise to repurchase estates except special circumstances point to the wisdom of doing so, and I am glad to say, both with regard to this Government and the preceding Government, there has been no great disposition to buy except where the demands of the surrounding people have pointed to the wisdom of making these purchases. I think the Yandanooka purchase is a case in point and most of the others have been similarly warranted by special circumstances. As to the question of pioneers, let me say that no pioneer has ever got more than his due; no socialist need ever be afraid that the pioneer will get more than his due.

Hon. V. HAMERSLEY (East): I was not present during the second reading debate on this measure and therefore I would like to remark at this stage that I agree with Mr. Cullen. I feel that those who have drawn up a report with regard to the Federal land tax and its operations are probably misconstruing the results. We know that many large areas are being cut up in Victoria and in other places, but it was pointed out before the Federal land tax was brought into force that already a great many of the estates in both Victoria and New South Wales were being subdivided by the proprietors and put upon the market. With regard to this State, we know very well that socialists and theorists, who are always saying that they have a great deal of sympathy for the early settler, have for a long time advocated a land tax in this State, with the object of bursting up estates, and it was in answer to those people that the Land Purchase Act of Western Australia was put upon the statute-book. It was specially brought in and directions were given that those inquiring into purchases should only deal with estates which the board appointed under the Act deemed it advisable to purchase, both on account of the price and the likelihood of a subsequent ready demand for the blocks. We know that the Government are the best people to handle the cutting up process and I fully agree with the idea of purchasing estates, where there is a demand for subdivision purposes, and as I have said, the State only should deal with the subject. We know that it is practically impossible for any individual to cut up his land now and pay the exorbitant demands for depositing so much per chain for roads and tracks which must be made through the subdivision. These demands preclude the private individual from subdividing his land, and yet these people are taxed both by the State and the Federal authorities, in order that they shall be forced to cut up their properties. The difficulties that are placed in their way are great and I think where the State can step in and purchase, it is a good proposition indeed. I believe that the purchase now contemplated will be a good one and I agree with it. I also agree with Sir Edward Wittenoom that the price paid for the property at Beverley was perhaps too much. However, those responsible for the amount paid were probably misled as to the values which were likely to be realised. Mistakes will always be made by people buying land and I think that so far as the old settlers are concerned it will be a good thing if the Government can purchase still further some properties that I know people are eager to sell and in regard to which they would be only too pleased to realise, because they themselves cannot work the estates and pay the taxation that is being put upon them.

Question put and passed.

Bill read a third time.

BILL—PUBLIC SERVICE ACT AMENDMENT.

Read a third time and *passed*.

BILLS (2)—FIRST READING.

1. Traffic.
2. District Fire Brigades Act Amendment.

Received from the Legislative Assembly.

BILL—BILLS OF SALE ACT AMENDMENT.

Message from the Assembly received notifying that the amendment made by the Council had been agreed to.

BILL—NATIVE FLORA PROTECTION.

Second Reading.

Hon. W. KINGSMILL (Metropolitan) in moving the second reading said: I should like first of all to express my thanks to the leader of the House for giving me the opportunity of explaining this Bill to hon. members, and, while tendering my thanks to that hon. gentleman, perhaps I owe to other hon. members an apology, as well as thanks, for coming before them again so soon. I owe hon. members a debt of gratitude for assisting me in the whole-hearted manner they have done to afford some measure of protection to the fauna of this State, a measure of protection expressed in the Game Bill which they were good enough to assist me to pass in this Chamber some little time back. I feel that it is straining their good nature, I hope not altogether to breaking point, to ask them so soon again to help me in the task of protecting another order of beings, the vegetable kingdom, the flora of this State. The subject of this Bill is, perhaps, one which has not that universal interest which the subjects of many Bills brought before this and other Chambers generally possess. It is, perhaps, more of scientific interest than of economic interest; it is certainly more of scientific than political interest, and I suppose I am not uttering any new truth or conveying any fresh enlightenment to hon. members when I say that a great many of the Bills brought down to this House and another place are the subject more of political interest than of either economic or scientific interest. This Bill is a simple measure, the desire being to protect as efficiently as possible the native flora of this State, which, I think, and hon. members who have taken any interest in the subject will admit, is being rapidly destroyed, at all events in the environs of the large centres of population. Perhaps it would be as well if I were to deal first of all with the circumstances which induced me to introduce this measure. It has not been an action hastily considered on my part. On the contrary, with the recurrence of every spring, it has been a matter of extreme regret to me to see the way in which the public of Western Australia, more particularly the people of Perth, recklessly destroy the native flora of the State. Hon. members who take notice of these things will see very often about the streets boys selling one of the flowers which is best known and most associated with the State of Western Australia, the flower called boronia; and anybody who takes the trouble to buy a little bunch, consisting perhaps of a dozen sprigs, will find attached to those sprigs clear indications that the plant has not been properly cut but has been pulled up by the roots. That is a matter of great discredit, in the first place to those who supply the flowers, and in the second place to those who buy them. Then, again, members who take notice of the beautiful Christmas bush which grows in and around Perth, and who notice individual specimens of the tree, will find that it is being ruthlessly broken down every season for the purpose of decoration.

Hon. Sir E. H. Wittenoom: It is a sign of the poorest ground.

Hon. W. KINGSMILL: It is a peculiarity of our flora that some of the most beautiful plants are found growing on the poorest land; and, indeed, we have an instance of that in this House, in the person of Sir Edward Wittenoom, who flourishes in such barren soil as this Chamber. The mode of propagation of the Christmas bush is absolutely unknown. These are only two instances of very many which might be brought before hon. members. Again, if members will take the trouble to notice the crowds returning by the flower trains from those excursions which form no unprofitable part of the business of the Railway Department, and to observe the flowers they carry, they will find that a good deal of the same thing occurs in those instances, the flowers very often having been torn

up by the roots instead of being properly and decently gathered. It is not my intention to stop the public from enjoying the beauties of the flora of this State—beauties which seem to be more appreciated by people outside the State than by those inside. It is a strange thing, but nevertheless a characteristic of the British race, that they are unable to admire the beauties of nature without attempting to mar them. Let us, for the sake of argument, look to a country which is no doubt a land of paradoxes, whose people in many respects are the most civilised and in other respects the most primitive—I refer to the people of Japan, who have the most artistic appreciation of flowers yet absolutely shrink from destroying them, choosing rather to admire them in the place where nature intended them to grow, than pluck them and take them to their homes for what is, after all, merely a passing pleasure.

Hon. J. W. Kirwan: Or for wearing them in their buttonholes.

Hon. W. KINGSMILL: I would draw the attention of the hon. member to Clause 2, and I would remind him that the carnation I am wearing is not portion of the native flora of this State. I have been faced with some little difficulty in preparing this Bill, inasmuch as, strange to say, it is the first measure of the sort which has been introduced to any Australasian Parliament, and, therefore, the Bill, such as it is, had to be drafted entirely by myself. I do not know that it offends in any radical degree against any constitutional maxims or principles, but if it does I have no doubt hon. members will point it out. I have had no guiding assistance, except the advice I have been able to receive from a gentleman who has taken a great interest in the subject, and with whom I have on previous occasions discussed it, namely Mr. J. H. Maiden, who is the present Government Botanist of New South Wales, and not only of New South Wales, but of Australia, and who is well acquainted with and takes the keenest interest in this flora of ours. When this gentleman was over here a year or more ago, I discussed the subject with him, and he was then of opinion that it was high time steps were taken to introduce legislation to deal with this matter, more particularly in this State where the flora, he considered, was much more worth protecting than that in any of the other States he had visited; and he had visited them all, and taken the keenest interest in their botany. In pursuance of our conversations, in August last I wrote to Mr. Maiden for any advice he could give me as to what had been done in this way, and what could be done, and the reply which he sent gave me a great deal of kindly encouragement. He informed me that the only step taken or ever proposed to be taken in this direction was a Bill of one clause, which was introduced into the New South Wales Parliament in 1897, and, after passing its second reading in the Legislative Assembly, lapsed owing to the prorogation of Parliament, and was no more seen. That Bill, it struck me, was a very ineffective one, and it was amusing to find that the members of the New South Wales Assembly were at first frightened and afterwards amused by the use of technical terms which it was thought necessary to include in the schedule. Now I have endeavoured to make the schedule as little formidable as possible. I do not wish to frighten the public with a too lengthy schedule, and in considering the protection of the flora, which differs in every district of the State, I have made the Bill applicable more particularly to the districts surrounding Perth. The schedule, as hon. members will notice in one of the clauses, is alterable by the Governor in Council; that is, the name of any plant, tree, bush, or flower may be added thereto or taken therefrom, and that addition will have the same effect as if such name had been contained in the original schedule. In Victoria and South Australia no legislation of this kind exists at the present time. Spasmodic attempts have been made to protect the Australian national plant the wattle, but that protection has been more by way of appeal to public sentiment than anything else, and I have yet to learn that

the appeal to public sentiment has had any good effect. The apathy which the people of Australasia feel in regard to what is, after all, one of the most beautiful gifts of Providence is not shared by the people of other lands. In Great Britain extensive societies for the protection of the native flora exist, and the same thing obtains in continental countries. Indeed, the apathy which Australians show in this matter has been the subject of a good deal of comment amongst the scientific men in the older countries. Hon. members will, no doubt, recollect that when I was introducing the Game Bill I quoted to some extent from some of the writings of a man, whom I look upon as one of the foremost Imperialists of the day—I refer to Sir Harry Johnston, who has represented the empire on its outposts for many years, who has made a great name for himself as an administrator, and is now making, if possible, an even greater name as an anthropologist and general man of science. In his book *Views and Reviews* published this year, there is a chapter dealing with the preservation of flora and fauna throughout the world, and in it he makes some remarks, which, perhaps, are of sufficient interest for me to quote to hon. members. He says on pages 288–9—

> Whereas until a few years ago most of us only cared for flowers in gardens or in greenhouses, the intellectual few now love them still more when they grow as Nature planted them, in masses, so as to form part of the landscape. An English wood in April adorned by primroses, in May by bluebells, a common ablaze with golden gorse, a moor flushed for miles with crimson purple heather, is a more inspiring sight, giving perhaps a greater amount of religious ecstacy, than the loveliest rose-garden or the most superb herbaceous border. But, while we have adored flowers in the abstract, we have persecuted them mercilessly in the great spaces outside the limits of our gardens. Not only in England, Switzerland, Germany, and Austria are wild flowers being rapidly exterminated by thoughtless trippers and tourists, by costers for sale and collectors for museums, and by farmers under the impression that they are weeds, but the cedar is becoming extinct on Lebanon, the wild cypress in Asia Minor; a hundred glorious conifers are disappearing from the North American flora, tree ferns are being uprooted in the West Indies; and many a rarity is departing from the peculiar flora of Cape Colony.

If that is being done in the places which I have already alluded to as possessing some slight degree of protection, how much more is it likely to be done in a country where even such slight protection is not extended at all? Again, on page 302 of the same work Sir Harry Johnston says—

> In all countries the elementary education of the young should include such lessons in natural history as are necessary to bring home to them at an early stage in life the senseless wickedness of taking birds' eggs, and of pulling up wild flowers and ferns by the roots, and of destroying creatures that are really the allies of man in his war against noxious germs and insects.

I do not think any hon. members will venture to disagree from the point of view which is there laid down; and let me again, for the benefit of hon. members, make the quotation which I made when I was introducing the Game Bill, and which was as follows:—

> From the Imperial as well as the local point of view, the whole question of fauna and flora preservation in every country under the British Crown requires the immediate attention of the Imperial authorities; and some permanent board should be established in connection with the Colonial Office or the Imperial Institute, which could take this question in hand. A series of commissions might even be despatched at no very great expense to all parts of the Empire to study, in conjunction with the local authorities, the native fauna and flora, and the Home Government should, in collaboration with the local authorities, if they are sufficiently

well educated, draw up regulations which, so far as possible, might be put into force throughout the Empire.

I think in laying down, as Sir Harry Johnston does in these few words, a scheme of Imperial protection of flora and fauna he is aiming perhaps at a perfection counsel of and he is setting out for himself an ideal which it will take a great deal of time to realise: but I feel that his words should have weight with those who, while not concerned with the Imperial aspectof the question, are all, I think, actuated with the desire to do what they can to set their own part of the house, the Imperial house, in order. It is with that object that I am bringing down this Bill and appealing to hon. members to give me their support to pass it through Parliament, in order that this subject, which I readily excuse any Government for not taking up, as it is perhaps more the work of a private member, may receive that attention from Parliament which it is high time it should receive. The Bill is, contrary to most Bills brought down, one not necessitating expenditure to any great extent; indeed, I fail to see how any expenditure can be incurred under this measure; it simply adds a little more duty to those on whom the duty devolves of seeing that the public at holiday times comport themselves as an orderly and respectable public should.

Hon. J. W. Kirwan: Will the hon. member explain the schedule and give us some further particulars?

Hon. W. KINGSMILL: I propose now to deal with the Bill clause by clause and with the extremely modest schedule I have added thereto. Clause 1 provides that the Bill shall come into operation at a date not less than three months nor more than six months after the passing of the Act. Clause 2 provides that the measure shall in no way apply to any plants which are not indigenous to Western Australia or which are subject to cultivation. Even those wild flowers which are subject to cultivation, our own flowers which are cultivated in gardens, will not come under the purview of the measure. Clause 3 defines the various areas throughout the State where all the plants mentioned in the schedule may not be destroyed or mutilated so as to eventually destroy them. In this connection I call the attention of hon. members who represent the farming districts to the fact that the Bill will in no way be operative against those persons who wish to clear their land or carry out operations which demand the destruction of plants on private property. The Bill has no application in those cases.

Hon. W. Patrick: Is not the kennedya under cultivation?

Hon. W. KINGSMILL: If it is under cultivation the Bill has no application to it. If a man cultivates a plant it is his own, and I am still of opinion that a man should, to a certain extent, be allowed to do what he likes with what belongs to him; but outside the garden, on lands belonging to the Crown, or on any lands belonging to or vested in any statutory body, any persons found obtaining kennedya, or any other plant, contrary to the provisions of the measure, render themselves subject to the penalties imposed by the Bill. Clause 4 provides for the alteration of the schedule. Clause 5 is a very important clause, providing for the cases I have already quoted where flowers showing evidence of the destruction of the plant in the process of obtaining them are offered or exposed or kept for sale.

Hon. J. F. Cullen: What would the evidence be?

Hon. W. KINGSMILL: Of the nature I have already indicated, flowers bearing roots or portions of the roots. It would be fair presumptive evidence, if a person sells or offers to sell flowers with roots attached, that the plants had been destroyed in the process of obtaining the flowers.

Hon. J. F. Cullen: But what other evidence could you have?

Hon. W. KINGSMILL: That would be a matter for the justices or magistrates trying the case to determine by the evidence brought forward. For instance, if anyone is found trying to sell branches or logs, as is often the case, of the Christmas tree, it would be fair presumptive evidence that the person might be charged with destroying the tree.

Clause 6 is a customary clause in Bills of this kind, defining the power of constables. Clause 7 is another customary clause providing that any person who shall not give his name and address or who shall not deliver up flowers in his possession when asked to do so by a constable, shall be subject to a fine. Clause 8 is a clause which finds its place in the Game Bill as applied to game, and, I think, if I am not mistaken, in the Fisheries Act as applied to fish. It gives the Commisssioner of Railways and his officers power to refuse to carry or to allow to be conveyed on any Government railway any plants or flowers which bear evidence of having been obtained in an unlawful manner. Clause 9 is the usual clause, providing for regulations being made by the authorities for giving effect to the Act, and Clause 10 lays down the legal procedure which may be adopted for the carrying out of the provisions of the Act with regard to prosecutions and obtaining penalties. Now, with regard to the schedule, I have already explained to hon. members that it is made as little formidable as possible, and I have done this—I admit it freely—as a matter of tactics. I want to see this Bill, if possible, placed on the statute-book because I feel sure it is a measure that will act in the right direction, and I do not wish people who may be prejudiced against the Bill to have a handle on which to condemn it by putting in too heavy a schedule. I am dealing more particularly with the districts surrounding Perth; and with the exception of one plant, boronia, which occurs in this schedule and which is a glaring example of the necessity for the Bill, hon. members will find that the plants mentioned in the schedule all grow in the vicinity of Perth. I need not explain to hon. members the significance of the preservation of our national flower of Australia and the various kinds of it indigenous to Western Australia, the wattle. I presume hon. members will be with me to that extent. It has been said that if anyone were asked to name what would be the national floral emblem of Western Australia, it would be the anigozanthus or kangaroo-paw. Therefore I have given that a place in the schedule. Next is the boronia. The next flower is the grevillea. I do not know how I can explain this to Mr. Kirwan, because, unfortunately, so far as I know, the flower has no other name. It is a very handsome flower with a small spiky blossom, consisting of tiny scarlet florets. It is very ornamental. The hovea is one of the first that come into bloom in the early spring, and is of a beautiful violet colour. No doubt hon. members can recognise it from that description. The hypocalymna is also a beautiful pink flower, any amount of examples of which are seen in the Park in early spring. The kennedya has three varieties which are fairly common around Perth, and must be known to hon. members. There are the blue, the black, which is grown more as a garden plant than any of the others, and the scarlet, sometimes known as the scarlet runner, which members must have seen creeping on the ground in the districts around Perth, more particularly on the railway line between Fremantle and Midland Junction. Hon. members must know the leschenaultia. I have more in my mind the blue variety which I may be pardoned for saying is like a little bit of the blue sky of heaven descended to earth. Hon. members will at once recognise it from that description.

Hon. Sir J. W. Hackett: It is the reflection of the blue sky.

Hon. W. KINGSMILL: The last example is nuytsia or Christmas bush, which I have already alluded to, and which must be familiar to hon. members.

Hon. J. Cornell: Would the hon. member add the kurrajong? It is protected in New South Wales.

Hon. W. KINGSMILL: I have no objection, but I do not know how it is protected in New South Wales. There is no legislation to protect it. That is why I say that this State should not lose the opportunity of being the first in the field so far as Australasia is concerned with legislation on this subject, which, if it is not of national importance, has at all events scientific importance.

Hon. J. W. Kirwan: Would the hon. member care to add the Sturt desert pea? It is a very characteristic plant.

Hon. W. KINGSMILL: It is, and I am quite willing to receive any suggestions of that sort, but I would point out to hon. members not to be too insistent at first, because, from a practical point of view, I do not wish the Bill to be overburdened with regard to the schedule. However, I leave the schedule to the admirable discretion which hon. members generally observe in this House. Of course, I suffer from the disadvantage, as far as this Bill is concerned, of being in the Chair in Committee; and I shall be very pleased if hon. members who have anything to say on the Bill will say what they have to say in order that, when I exercise my right of reply, if that is necessary, I may be able to explain to hon. members what I mean when I put such and such a clause in the Bill. It may undoubtedly save a good deal of time and trouble to hon. members in Committee. I have already pointed out that the Bill is one which is a modest Bill, and which does not demand from the public of Western Australia any additional expenditure on the part of the State, but which demands from the public only that which I think the public of Western Australia, in common with the public of other countries, should be prepared to give, namely, the protection of our flora, which must inevitably, if the present circumstances go on, become extinct near the centres of population before many years are over; a flora which is the admiration of Australia and, may I say, of all those taking an interest in this subject who have had the opportunity of studying and witnessing the wild flowers of this State of ours. I wish to point out to hon. members that, while the Bill has a very considerable scientific interest, it is not altogether to a small extent devoid of economic interest. I have alluded to those flower trains which form no inconsiderable portion at the Spring time, of the holiday revenue of the Railway Department. If we take away the incentive, the objective of these excursions, undoubtedly the traffic will suffer. Again, the sale of some of these wild flowers returns at all events some little revenue to those conducting it, and if we take it away from them by the destruction of the boronia and other flowers they sell, then whatever little trade there is must suffer and eventually die. Under these conditions I have no hesitation in asking hon. members to support the Bill, a Bill of scientific interest and, at all events some little economic interest, a Bill which makes for the preservation of flora which gives a great deal of pleasure to thousands of our fellow citizens, the preservation of those lovely flowers of ours, those flowers which deck the earth as stars the sky. I have pleasure in moving—

That the Bill be now read a second time.

Hon. A. SANDERSON (Metropolitan-Suburban): Very refreshing and delightful it is to have these views after considering Arbitration Bills, and I have pleasure in seconding the motion for the second reading. There are few districts which have suffered more from the wanton destruction of wild flowers than the district in which I reside. If this is going to assist in stopping that wanton destruction I shall be very glad indeed. But I do not pretend to be very hopeful on the subject, because I think that unless public sentiment is with us, unless it really hurts the feelings of the public to see this wanton destruction going on, a Bill of this kind will not do much good. In a restricted area like King's Park it can be enforced, but outside it will be difficult, at any rate. I should have preferred to see the problem attacked in a different way, that is to say, by voluntary effort. There was a Mueller Botanic Society here at one time, and a Government Botanist doing admirable work. Unfortunately the Government Botanist was retrenched, and I think the Mueller Botanic Society was merged into another organisation. But as the Government Botanist and the Mueller Botanic Society failed, I daresay the introducer of the Bill can fairly retort that this is attacking the problem from another point of view, namely by means of the police constable. And as it is in accordance with the feeling of the country in every other department of legislation that the constable should be called in, I daresay it is equally right for the purpose of protecting the wild

flowers. I do not know whether these clauses have been taken from legislation elsewhere.

Hon. W. Kingsmill: No, there is none.

Hon. A. SANDERSON: I am not surprised that there is no legislation of this kind elsewhere. In other circumstances the hon. member who introduced the Bill would have a chance of going through the measure clause by clause in Committee, but, being Chairman of Committees, he will not have that opportunity, and therefore I, for one, shall refrain from criticising the Bill at that stage, because I should be afraid of being ruled out of order. Clause 5 provides that no person shall expose for sale any wild flowers which show evidence that the shrub that bore them has been destroyed. How can that be tried before a justice of the peace? Then Clause 6 makes it lawful for a constable to examine any wild flowers in the possession of any person, and to take action if such appear to have been obtained at the cost of the life of the shrub. I have very little doubt that nothing at all will be done, that the constable will do nothing. Constables have a tremendous lot of other duties to perform, and I feel confident that they have not the inclination to do this. It does not hurt them to see a wild flowering shrub destroyed.

A primrose by a river's brim.

Hon. W. Kingsmill: How do you know that?

Hon. A. SANDERSON: I know they have more pressing duties to perform than looking after wild flowers.

Hon. W. Kingsmill: They might press the wild flowers.

Hon. A. SANDERSON: I do not wish to pour cold water on the project. No one is more enthusiastic about it than myself.

Hon. W. Kingsmill: No one would have supposed it.

Hon. A. SANDERSON: I can understand that, because I regard this legislation as useless unless public sentiment is behind it.

Hon. J. F. Cullen: We hope to cultivate that public sentiment.

Hon. A. SANDERSON: But not by the constable. If the Government Botanist had been permitted to go on with his work, something might have been done. Let me give an illustration of how a problem like this might have been effectively attacked. Hon. members will have seen, the other day, these codlin moth illustrations issued from the Government Lithographic Department. They have been beautifully printed in Perth. I say this work could have been done much better and cheaper abroad, and imported. You can get these things done by the million, and if the Government are going to spend money on this kind of work in the Lithographic Department let them turn attention to the native flora of this country; because you can get these codlin moth illustrations done in every country in the world, and get them done by the most perfect methods in Europe. The work is certainly most creditable to the Government Lithographer from a technical point of view, perhaps, and we all know from a practical point of view the damage the codlin moth is doing.

Hon. J. Cornell: You are speaking of another brand of protection now.

Hon. W. Kingsmill: Do you not know that the Government are doing as you indicate?

Hon. A. SANDERSON: I have made every effort to see if I could get these magnificent wild flowers of Western Australia reproduced either here or elsewhere.

Hon. W. Kingsmill: They are reproduced by hundreds of thousands.

Hon. A. SANDERSON: Yes, but look at the inferior workmanship. It is not to be compared to the work we have elsewhere in the production of picture postcards, and that sort of thing. You will not find in this country any work in connection with the wild flowers of Western Australia at all comparable to the high standard of this work we had submitted to us the other day. I think it would be unfair when in Committee to make any suggestions. I shall regard this as another interesting experiment. Mr. Kingsmill, by his interjections, seems to think that I am almost hostile to the Bill. I do not believe it will have any effect, and I think one should point that out. I should think school gardens a practicable way of attacking this problem. I am certain something should be done to encourage this

protection of wild flowers. I do not believe anyone in this Chamber has seen in his own district more wanton destruction of this beautiful flora than I have seen in mine. People come out to the hills on holidays, and a great many of them destroy the flowers, so that in some places round about Kalamunda the kangaroo paw and the leschenaultia are practically impossible to obtain. Clause 3 makes it unlawful for any person to destroy or mutilate the plants on Crown lands. Would that apply to the roads?

Hon. W. Kingsmill: Yes.

Hon. A. SANDERSON: Well, if members are going to let it pass I will not oppose it. I have the greatest pleasure in supporting the Bill as an experiment, just to see what happens. I believe that if the people in this country knew what is being done they would feel very much indebted to Mr. Kingsmill for the efforts he is making on behalf of the flora and fauna. I know it is very easy to criticise, but very difficult to put on the statute-book any Bill at all, and I promise the hon. member that when in Committee I shall not offer any objection to any clause whatever. Let me assure him, if for one moment he did not quite follow my reasoning in doubting whether it will do much good, that I am anxious to give it a chance, and I thank him most sincerely for the good work he is doing in attempting to protect our flora and fauna.

Hon. J. F. CULLEN (South-East) : I want to say a word in support of the Bill. Mr. Sanderson, I am sure, will not hurt the Bill. His bark is worse than his bite always, and I think Mr. Kingsmill may be assured of practically the unanimous support of the House. The hon. member is doing good work. Even though at the start it should be largely a matter of cultivating a proper sentiment, that in itself is a great deal to do. This Bill going out to the public, demonstrating that a number of the representatives of the public are keenly alive to this question will certainly have a good effect in creating public sentiment. But the Bill wil go further than that. A few cases of deserving prosecution will serve to impress the lesson in that connection. Legislation is a very valuable instrument, and there is no reason why the House should hesitate to use that instrument of State on proper occasions. I am glad to see the hon. member has not suggested the impossible proposal of all-round inspection. Sometimes my friends on the Government side, I think, go too far in their reliance on inspectors, and we must avoid creating armies of inspectors. but I am satisfied when this Bill, however wisely it may be amended or necessarily amended, goes on the statute-book there will be a number of volunteer guardians, without descending to the role of informers. who will exercise a wholesome influence on the army of people who go picking wildflowers and do not think of the damage done. This Bill will have a serious effect, and I shall strongly support the second reading.

Hon. J. CORNELL (South) : The Bill has my hearty support. I am not as pessimistic as Mr. Sanderson, for I think the Bill will be of some utility when it has to be administered. The Bill places no hardship on anybody. We should be generous to Nature when Nature has been generous to us. My reason mainly for speaking on the Bill is this: I hope this is not going to be the last similar legislation. I think it is the duty of the Government to legislate in other directions, to go on where Mr. Kingsmill has started. We have not only to take the flowers of the country into consideration, but we should take the forests and the timber. If legislation had been on the statute-book, that it was mandatory that a certain amount of timber should be left on Crown lands the goldfields of the State would be much better placed than they are to-day. In most cases every particle of growing timber has been practically removed. I think that is something that should immediately attract the attention of the Government, and if possible the Government should prevent this being done in the future. There is another phase of the question which this Bill opens up, that is the preservation of the young timber in our forests. The Colonial Secretary has said that such val-

uable timber as sandalwood and many other timbers should be preserved. The young timber should not be wantonly destroyed as at present. This is a young country with a small population and I commend my remarks to the Government in this direction and I hope they will go a little further than Mr. Kingsmill has gone. There is another question which the Bill opens up, that is the destruction of all timber on privately owned land. I know in some parts of this State it has been done. It has also been done in the Eastern States, and they are sorry for it to-day. While the Government should legislate in the direction of preventing the removal of all growing timber from Crown lands they should also legislate in the direction of preventing the destruction of all growing timber on privately owned lands. It should not be permissible for owners to destroy all the green timber on a holding. There are many agricultural members I know who will agree with me in this, that some growing timber should be left on the land. There are members representing agricultural constituents who know that there are many owners who do not do this. The Legislature should insist that the green timber should not be entirely removed. The Bill has my hearty support. I hope it will pass in its present form. I think it is a good Bill. Its effect will be good, and I hope to see it the forerunner of similar legislation not by a private member, but by the Government.

Hon. E. M. CLARKE: I beg to move—

That the debate be adjourned.

Motion put and negatived.

Hon. E. M. CLARKE (South-West): I fully realise that it is about time steps should be taken to look after what is known as the flora of this country. This is a very wide question and I wish to emphasise the necessity of protecting the flora. I am going to point out, to my own knowledge, cases of the destruction of some of the flowers enumerated in the Bill, and I am going to refer to one plant which is now non-existent in the South-West. I can say I fully endorse all that has fallen from Mr. Kingsmill, and to assure him that, so far as making the provisions of the Bill too wide, he has not made it wide enough. He has not embraced sufficient plants to my way of thinking. Amongst one of the plants that has done the disappearing trick is what is known as the marron or sweet potato. That existed in the hills. At one time there was any amount of it there, but I do not think you will find a single plant now. It exists somewhere about Champion Bay; it is a species of the yam.

Hon. W. Patrick: There are not many plants at Champion Bay now.

Hon. E. M. CLARKE: There were a few when I was there. Then we come to another tree, the Christmas bush. I do not think there is one Christmas bush less than when I was a boy because I find that there is not one settler out of ten who will destroy this class of tree. The hon. member (Mr. Kingsmill) stated, and I will not contradict him, that it is not known how this tree is propagated, but I think it is propagated from the seed. The tree does not always seed, still last year if there had been a sufficient inducement offered for collecting the seed I am sure the youngsters in my district could have got bushels of seed. It ripens on the tree and one can pick the seed off.

Hon. Sir J. W. Hackett: Have you ever tried to grow it?

Hon. E. M. CLARKE: I said I would not contradict the hon. member (Mr. Kingsmill).

Hon. W. Kingsmill: It will not live.

Hon. E. M. CLARKE: I know it will not live except with its native surroundings and in the native soil in which it grows. Take the boronia, and there is one specimen that has not been named, and that is the pink variety; it has a disagreeable sort of smell. Both varieties of the boronia can only be found in wet ironstone country. Sometimes it will grow on the side of the hills, but in nearly all the gullies in all the ranges and on the Harvey one can find any amount of it. There are hundreds of acres of it. You generally find it in soft ground. I have grown it in my garden, but I have never got such fine specimens as can be found when it grows in its native state. I have ridden through thickets of boronia

where it has been almost up to the withers of the horse. It is propagated by seed. There is another native tree, and I think Mr. Hamersley will bear me out in this, that is almost gone in the Eastern districts, and that is sandalwood. Strange to say in one instance there was a sandalwood tree close to the Williams river which was left there for years, but from my personal observation sandalwood trees, when they are not surrounded by other native trees, contract some kind of disease on the leaves and they die. Any person who lives in the Eastern districts will tell members that where there used to be hundreds of acres of sandalwood they will scarcely find a tree to-day. A few years ago there used to be a lot of trees in a paddock belonging to Mr. Loton at Northam. That seemed to be the nearest sandalwood to town. At Wongan Hills and Champion Bay you can now see a few stunted trees, and in my young days we would call them sandalwood sticks, not sandalwood trees. Sandalwood trees have been cut down and carted into Bunbury weighing as much as half a ton. I, myself, have cut a single log weighing 7cwt. Now I come to the kangaroo paw, and you will find these nowadays mostly along the railways and reserves where the stock cannot get at them. The life history of this plant is simply this. They are burned off at intervals and stock are very fond of them. Stock are responsible for the very great destruction of the kangaroo paw and also the various varieties of kennedya. Both these plants have almost gone. I shall be glad to assist the hon. member when we get into Committee to enlarge the schedule in the direction of embracing quite a number of plants that I as an old Western Australian know are gradually disappearing. I fully approve of the Bill, and it will have my entire support. I only wish to make these remarks with a view to letting it be understood that these plants are disappearing, and to give the cause of their disappearance, and it is mainly on account of the stock. The sandalwood has disappeared on account of the great price which was put on it. In the Eastern districts there is very little now where previously there were thousands of acres of it. I support the second reading of the Bill.

Hon. J. E. DODD (Honorary Minister): I have very much pleasure in supporting Mr. Kingsmill. The Bill is an attempt to protect the flora of the country, and as one who has lived the best part of my life in the country, 17 years at Kalgoorlie and a number of years at Broken Hill, I appreciate this measure. I can give an instance where wanton destruction has taken place amongst the wild flowers, especially on the goldfields. I think it was in 1902 that flower trains were run to Goongarrie, and for two years quite a large number of those big pink and white everlasting daisies were taken by the people. During the last few years not a single flower has been taken from that district because of the running of the flower trains into it. If there is any part where people should look after the flowers, it is on the goldfields. I also agree with the remark made by Mr. Cornell, and in fact I stated in the discussion on the Game Bill that we should go further and endeavour to provide sanctuaries for game in the shape of protecting some of our trees and our woods. Like Mr. Cornell, I have sometimes thought what a shame it was that the whole of the trees in and around Kalgoorlie and some of the other goldfields towns should be cut down. There is no doubt in the world that if the native trees that were there when the Boulder and Kalgoorlie were first found surrounded these towns at present, it would be a very much more desirable place to live in than it is. I remember nine or ten years ago moving a motion at one of our society's meetings asking the Government to proclaim a national park in and around Kalgoorlie, in order that that timber should be protected. I do not know whether Mr. Kingsmill was a member of the Government at that time, but it was somewhere about 1902 or 1903.

Hon. J. D. Connolly: There was a reserve proclaimed but nobody looked after it.

Hon. J. E. DODD (Honorary Minister): It is a great pity. Anyone who knows Kalgoorlie and Boulder to-day and who knew it at that time must appreciate to the fullest extent what it would have

been had these trees been allowed to remain. I have pleasure in supporting Mr. Kingsmill in his desire to protect the flora of the country.

Hon. J. D. CONNOLLY (North-East): I too have very much pleasure in supporting this little Bill introduced by Mr. Kingsmill, and I wish to offer that hon. gentleman my hearty congratulations on tackling a measure of this sort and also on the very able way in which he presented the case to the House. I am sure that a majority of the members appreciate the beauty of flowers, but few, if any, could put the case in behalf of the flowers in the very fine way that the hon. member has done in introducing the Bill. I quite agree with Mr. Dodd that if anything the Bill does not go far enough. I quite appreciate the efforts made in the Bill so far as the protection of our beautiful wild flowers is concerned. I hope that at a later date the Bill will be extended so as to cover not only the flowers but the timber of the State. I agree with the remarks made by Mr. Dodd that it is a thousand pities there is not a Government reserve or native forest reserve around the goldfields towns. Prior to the period mentioned by the Honorary Minister, somewhere about 1893-4, a reserve was declared about a mile wide around Coolgardie. It was a splendid idea to preserve the native trees for the benefit of the shade and to keep down the dust. The reserve was proclaimed, but there was no one to police the Act and the timber gradually disappeared. To visit Coolgardie to-day one could scarcely imagine that in former days it was surrounded by beautiful large trees. It appears to be on a plain, but I can remember when it was in the midst of a big forest of gum trees. I am afraid that the same thing will happen with this Bill if it becomes an Act. There will be no one to care for it and it will gradually become a dead letter. I agree with Mr. Sanderson that it is objectionable to administer a measure of this description through the police, but no doubt the passing of the Bill will be conducive to the formation of some botanical society, and if that can be brought about I think the administration of this measure should be handed over to such a body. The intentions of such a measure can only be carried out by engendering that spirit in the people and not by administering it by force. Although the Bill does not go far enough, I think the hon. member is to be commended upon having introduced it. I remember the times to which Mr. Dodd referred when the goldfields were covered with wild flowers. I can recollect prior to the building of the railway between York and Coolgardie that these plains were a mass of wild flowers. Since the trains have run through that part of the country, people have plucked up the wild flowers by the roots and it is almost impossible to find a wild flower there to-day, whereas formerly there was a beautiful carpet of wild flowers in the Spring time. People will pluck the flowers carelessly and drag them up by the roots and the consequence is they do not grow again. The Bill specially provides that anyone in whose possession such flowers are found will be liable to prosecution. Mr. Sanderson made some reference to the painting of wild flowers, and to the fact that it is a pity more has not been done in this direction. I wish to call attention to the handbook of Western Australia, which was recently issued by the Government. It contains a reproduction of a beautiful painting by a local artist of a group of 20 different wild flowers. The book is in the library and that plate will give anyone who has not seen these flowers a good idea of the beauties of many of them, although I notice that a great number mentioned by Mr. Kingsmill does not appear in that list. The painting, however, makes an exceedingly pretty picture. I agree with other speakers that the schedule to this Bill could very well be extended.

Hon. W. Kingsmill: Later on.

Hon. J. D. CONNOLLY: Yes, I agree that the Bill is a very good start. If a measure of this kind is not passed I tremble to think of the results so far as our wild flowers are concerned, if the present state of affairs is allowed to continue. But the very fact of there being a law on the statute-book and of it being

made known even without being administered, will have a deterring effect on people who might be inclined to ruthlessly destroy the wild flowers. No doubt the measure might later on be extended, as Mr. Cornell suggested, to provide for the preservation of native timber. Timber of the greatest value is being destroyed and in some cases destroyed unnecessarily, timber which in a few years would be worth many many pounds. If we look at samples of gum and jam wood, we can realise the possibilities of these timbers for use in the making of furniture and for building purposes. I have very much pleasure in supporting the Bill and again I offer my congratulations to the hon. member who has introduced it.

Hon. Sir J. W. HACKETT (South-West): I wish to say a word or two on this matter. It appeals to me in an especial manner. The whole of the House is under a debt of gratitude to Mr. Kingsmill for the protecting care he is extending to the products of Western Australia whether floral or animal. Last session he introduced a Bill for the protection of native and imported game and this session he was successful in achieving his object. Now he is completing his work by dealing with the floral kingdom, such as is indigenous and peculiar to Western Australia. His work, however, is not complete. There are two points on which I would like to lay stress. One is with regard to the schedule. That ought to be extended ten or a hundred times. Unless we have the vast multitude of floral treasures which we see all around us in the springtime and in fact in most seasons of the year included, the Bill will not be complete. We must have them duly protected and safeguarded or the Bill will not carry out its object.

Hon. W. Kingsmill: That can be done after the Bill has been passed.

Hon. Sir J. W. HACKETT: I hope before many weeks are past that the schedule of the Bill will be multiplied considerably. Nobody knows the romance of flowers in Western Australia. For example, I suppose it is not generally known in connection with the parasite which I think Mr. Clarke spoke of, that the zamia is the oldest plant in the world. The history of the zamia is exceedingly interesting—I will not inflict it on the House—viewed from that standpoint. Another matter of interest is the fate of Christmas bush, *nuytsia*, or cabbage tree as it is often called. I do not share the belief of Mr. Clarke that it is not diminishing; on the contrary, I know of great patches where it used to grow in profusion and whence it has disappeared. It has disappeared from the Zoological Gardens.

Hon. J. D. Connolly: That is on account of cultivation.

Hon. Sir J. W. HACKETT: Perhaps so. If we give a tomahawk or hatchet to a boy the first thing he will try it on is a cabbage tree and usually the results are fatal to the tree. A naturalist once observed to me that if a native tree was very deeply wounded that tree was doomed. Speaking of the *nuytsia*, I am sorry Mr. Kirwan is not in his place, because I want to assure him that in order to get amongst a large clump of Christmas bush it is necessary to take a trip from Kalgoorlie to Esperance. It still flourishes there, and a more beautiful sight cannot be seen than the whole of that country clothed with Christmas bush.

Hon. J. Cornell: Is it true that the land there is poor?

Hon. Sir J. W. HACKETT: The worse the land is for the farmer, the better it is for the naturalist.

Hon. J. D. Connolly: It has never been known to grow on any but the worst land.

Hon. W. Patrick: I know where it grows on very good land, and you cannot kill it.

Hon. Sir J. W. HACKETT: Perhaps so. Nobody has succeeded in rearing one of these trees. The secret, whatever it is, is locked away in nature's bosom and has never been revealed.

Hon. W. Patrick: It is supposed to be a parasite.

Hon. Sir J. W. HACKETT: Yes. Gardeners during the last eighty years have been striving to ascertain the secret and have failed. The point mentioned by Mr. Sanderson was a good one. To complete this work we must cultivate a love for flowers in the whole population. In fact, if I expressed it shortly, I would say

that every Western Australian should be made a special constable for the protection of the flora of the State. I trust that will be the result of this effort on the part of Mr. Kingsmill, and any little help I can give publicly or privately in any direction will be given to assist this fine endeavour which he is making.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. V. HAMERSLEY (East): I do not wish to detain the House at any great length. I rose just before tea because, during the debate upon this very important measure, upon the introduction of which we must all congratulate Mr. Kingsmill, several hon. members referred to the gradual destruction of some of our timbers, and it has called to my mind a very important phase, and that is the extraordinary position of affairs on the part of those who are in control of the railways, and I refer more particularly to the new railways that are being constructed from time to time. It would be rather laughable, if it were not so serious, that in all these new centres the Railway Department religiously destroy the whole of the timbers which grow along the main line, but more particularly within their 10-acre reserves, and it is a deplorable thing in the summer time, and especially from October to May, when passengers and others go to these sidings for their goods or to wait for their friends, they have to remain within the precincts of the station yard for a considerable time in the broiling sun to await the arrival of the trains. We know, too, that very often these trains do not run punctually, and at these places there is not a vestige of shade, because not one of the natural trees has been left to afford that shade. We find also that, no sooner have the department destroyed the whole of the trees within the reserve, than they start to plant ornamental trees in order to make the yards look well, or, possibly, with the object of providing some of the shade that they have taken away. It is in this direction that I think many of our shrubs and plants should be nursed and saved by the department. We realise that many plants are being ruthlessly destroyed in the manner suggested by Mr. Kingsmill, boronia in particular, being pulled up by the roots. We also find everlastings are fast disappearing, because, not only do the people pick them and pull them up by the roots, but stock are fond of them, and in many places where there is a scarcity of feed, the stock readily help to destroy these plants. It is along the railway lines where they can be saved to a great extent. There are many plants that I think we would like to see added to the list, but I am not going to injure the measure in any way by making any addition to the list. There are several that occurred to my mind which I think should be in the schedule, but, as has been pointed out by Mr. Kingsmill, the one object is to get the measure on the statute-book, and as we are likely to cumber the Bill and prevent its ready progress by making additions, rather than do that I will not attempt to increase the size of the schedule. It is an admirable measure, and our thanks are due to Mr. Kingsmill for introducing it, and if we can get it on the statue-book it will be a move in the right direction. I have much pleasure in supporting the Bill.

Hon. F. DAVIS (Metropolitan-Suburban): The hon. member responsible for the introduction of the Bill certainly must be pleased at the chorus of congratulations he has received for bringing it forward, and I should be the last to refrain from joining in that chorus, seeing that the Bill is such a worthy one. My reason for supporting it, however, is possibly a little different from the reasons of some of the other speakers. It appears to me the value of the preservation of the flora will be more felt after two or three decades than at the present time, because it is quite possible that, unless some measure of this kind is carried into effect, many of the beautiful wild flowers we have at the present time will be entirely lost. I was particularly struck with one remark made by Mr. Kingsmill when he pointed out that in England there are a number of societies whose sole care is the preservation of the native flora of the United Kingdom. It occurred to me that there

was a reason for that, in contradistinction to the fact that we have no such societies in Western Australia. In England there is a leisured class, who, I have no doubt, make the care of the flora a special feature of their leisure, and it gives them something to occupy their attention and thought, whereas here we have not that class of people, and possibly that accounts for the difference in the two countries. I hold that the average worker of to-day has really not the leisure to thoroughly investigate and understand and enjoy the beauties of the floral kingdom of Western Australia. The few excursions they may have during the spring are not by any means sufficient to instil that love for the native flora that ought to be implanted in their minds. It occurs to me, also, that possibly Mr. Kingsmill might do good work by going further and urging that lessons in the necessity for the preservation of the native flora should be given in our State schools. A little in this direction has been done by the Country Teachers' Asssociation, and one of the leaders of that association has made a special study of this particular question. I refer to Mr. Armstrong a teacher at Sawyers' Valley, who for some years has brought before the attention of the various public bodies the necessity for doing something in the direction of the cultivation, not only of the native flora, but also of various plants and trees generally. If that were followed up by setting apart and using school gardens for that purpose, we might have a more general dissemination of the love for flowers and shrubs and plants that are peculiar to the soil than we have at the present time. After all, the desire of this Bill can only be reached if the people as a whole are anxious to protect the beautiful flowers in Western Australia. I venture to say that a large percentage of the people in the metropolitan area do not see one quarter of the variety of wild flowers we have in the State, even within a distance of fifty miles of the metropolis. The variety is wonderful. I have seen a good many myself, and from conversations with others. I am of the opinion that they know nothing of the beauty or the variety of the flora of the State. For that reason, I would urge Mr. Kingsmill to go even beyond what he has done, and impress upon the Education Department, with the persuasion for which he is noted, the desirability of teaching something about the flora in the schools. If this is done, he will be doing as much good as he has done by introducing this Bill. I have much pleasure in supporting the second reading.

Hon. W. KINGSMILL (in reply): I have just a few words to say in reply. First of all, I am sorry that my friend Mr. Sanderson is not in his place, because I would take this opportunity of asking him to cheer up. I feel certain he has gone away from his place in order to weep bitterly owing to the inadequacy of the administrative part of this measure, and if we were following that hon. gentleman we would find him sitting, so to speak, in sackcloth and ashes, dissolved in tears. I have given this measure a good deal of thought, more particularly from the administrative point of view, and I have had some years experience with regard to the administration of measures such as this. It has occurred to me that, by the legitimate and not oppressive use of the various provisions contained in the Bill, a great deal can be done to check what I might be permitted to call illicit trading in illegally obtained wild flowers. For instance, hon. members will see that in Clause 8 with regard to consignment of flowers, if there is evidence of these having been illegally obtained, the Commissioner for Railways may refuse to carry them. That in itself is a powerful weapon, and it may be brought home to all those persons dealing in flowers which have been obtained contrary to the provisions of the measure. It may be brought close home to them at the point of departure for the market, that the time has arrived when traffic in flowers which are wrongfully obtained can no longer be proceeded with. It is the practice at the present time for the police constables to travel on flower trains. There is provision made for an inspection, not an oppressive inspection of flowers, and I am not like some hon. members: I credit our police with having a good deal of tact, and if a police officer

with tact attends one of these excursion trains, and points out as a first stage wherein the mistake lies, I venture to think that that in itself will have a good effect in achieving the object of this measure. Perhaps I did not lay sufficient stress upon this, but I would point out that the legislation is designed to have more of a deterrent than a punitive effect, and I want this legislation to aid in the formation of public opinion. Mr. Sanderson said that it would be hopeless for this measure to do any good unless it had the force of public opinion behind it. Let me rejoin by saying that we will never have that behind it unless we put the Bill in front of public opinion. That is what I am now endeavouring to do. Mr. Sanderson found some fault, too, with regard to the wording of the Bill, and as I have already explained, I was quite prepared that criticism of this sort should take place, for the reason which I laid stress upon when introducing the measure, namely, that I have had absolutely nothing to guide me with regard to the framing or verbiage of these clauses. But I have endeavoured to put into simple English and comprehensible phrases the ideas I had in mind with regard to the necessities of the measure. The hon. member said that the phrase, "any flowers which show evidence that in the process of obtaining same the plant bearing same has been destroyed or so mutilated as to lead to its ultimate destruction" is somewhat vague, but, on the other hand, if that is so, I am sorry that the hon. member did not suggest an alternative. I have thought the matter over a good deal and I venture to say that I cannot see how the clause can be differently worded. I endeavoured to explain—I think it was at the request of Mr. Cullen who interjected—what I meant by the words I employed. The words are ordinary English and plain in their significance, and should not mislead either the parties who commit these offences or the justices who it is proposed will try them. The hon. Mr. Sanderson also said that other means should have been adopted with regard to bringing about the object which this Bill desires to achieve, and he instanced the continuance in office of the Government botanist. The Government botanist was in office for some years and a very capable botanist he was too, but unfortunately the public did not come sufficiently into contact with his work, which was not the fault of the botanist but of the uninterested public; and if the public cannot be interested by other means then, as has been suggested in the course of the debate, one or two sample prosecutions, so to speak, will bring them to their bearings with, if I may be pardoned for using a colloquialism, a more or less sudden jerk, and impress on the public mind the fact that at last the time has arrived when depredations of the sort committed in the past will no longer be tolerated. I must really thank all hon. members, even my friend Mr. Sanderson, for the extreme kindness with which they spoke of this little Bill. As I have already said, I am sorry that hon. member is not present in order that I may encourage him to shake off that cloak of almost incurable pessimism which seems to have been steadily settling down upon him ever since he came into the House. I cannot understand it, because my associations with this Chamber have been so very pleasant that it makes me happy to be amongst hon. members. Why it should have a contrary effect on that hon. gentleman passes my comprehension. Mr. Cornell, Mr. Connolly and some other hon. members expressed the opinion that the Bill did not go far enough, and they would like to see its provisions extended to the commercial flora of the State, that is, to forest trees. That is a matter with which I should hesitate to deal. It is not a subject for a private member to undertake, but rather for the Government to deal with in a comprehensive Forestry Bill. To deal with the forest trees, which take 100 years or even more to reach maturity, is a matter of great difficulty and can only be approached in a Forestry Bill which, as I have said, is quite outside the scope of a private member to handle. It has been suggested to me that in addition to the sales which take place in this State possibly a good deal of the boronia goes from here to the other States. Hon. members are no doubt aware that in the streets of Sydney and Melbourne for some weeks previous to this time boronia can be

bought almost as readily as in the streets of Perth, and I am perfectly certain that all that boronia is not grown in those two States. To what extent that trade is supplied from Western Australia I have not had time to find out, because the question only suggested itself to me some few days ago. There is one thing I wish to impress on hon. members, and that is with regard to the extension of the schedule. I would ask them not to bother just now about extending the schedule; it can be just as easily extended after the measure is passed as it can be now, and it may have a prejudicial effect on the Bill, if not in this Chamber perhaps in another place, if the schedule is over-burdened with technical names. I have already alluded to the fact that Mr. Maiden told me that when the Bill was before the New South Wales Assembly one factor which militated against its success was that the schedule was bristling with scientific names. It seemed that these names were absolutely abhorrent to the members of the New South Wales Legislature, and whilst I do not say that they would be similarly regarded in this Parliament, I would remind members that there is no necessity to overload the schedule now because it will be quite as possible, after the measure becomes law, for the schedule to be enlarged by proclamation as it is by amendment at the present stage. Some hon. members laid stress on the fact that some plants meet with the fate of extermination through being eaten by stock. That is not a question I propose to deal with in this measure, nor do I think anybody could possibly take any steps which would result in such a matter being legislated for. That is what I might term a natural risk which we cannot escape from.

Hon. E. M. Clarke: What about reserves for them?

Hon. W. KINGSMILL: So far as the destruction of the plants mentioned in the schedule is concerned, this Bill applies only to Crown lands and lands vested in any statutory body, and I take it that on such lands stock are trespassing. Moreover, I have already pointed out that many of the best of our wild flowers grow on the poorest land, and for that reason are not likely to be affected by the depredations of stock. Mr. Davis made a valuable suggestion with regard to the principles of this Bill being taught in our State schools, and I am reminded that nature study already forms part of the curriculum of our schools. During the time I had the honour to be Minister for Education I did my best to encourage this nature study, more particularly as regards our native flora and fauna. A good deal can be done in this direction, but I do feel that we need to use every means in our power to bring about the object we desire to attain. The means suggested by Mr. Davis are very valuable, but I am afraid that they would not be sufficient unless we can get public opinion interested. I have already pointed out that this Bill is to be a means of deterring people from the destruction of wild flowers, and it is for that reason that I have trespassed once again on the time of the House to ask members to help me through with this little measure. I do not know that any amendments are necessary, but, if they are, I hope hon. members will not be backward in suggesting them, although I could have wished that any amendments might have been suggested on the second reading, so that if, in my opinion, they were unnecessary, I would have had the opportunity of asking members to reconsider the position and possibly not move them in Committee. I have again to thank hon. members for the extreme kindness that has been shown to me on all sides of the House in the advocacy of the Bill I have had the honour of placing before them.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. Kingsmill in the Chair.

Clauses 1, 2—agreed to.

Clause 3—Trees, shrubs, etcetera, not to be mutilated or destroyed:

Hon. D. G. GAWLER moved an amendment—

That after the word "destroyed" in line 3 the following words be added:—"while in the process of obtaining such flowers."

The clause was rather wide without these words, and might mean that the accidental destruction of flowers would render the person responsible liable to a penalty of £5.

Hon. Sir J. W. Hackett: The amendment will only encumber the clause.

Hon. D. G. GAWLER: The destruction need not necessarily be wilful; it might be accidental, and the amendment would prevent any misuse of the clause.

Hon. W. Patrick: The clause is all right as it stands.

Hon. D. G. GAWLER: If hon. members thought the amendment unnecessary he would withdraw it.

Amendment by leave withdrawn.

On motion by Hon. Sir J. W. HACKETT, clause amended by adding between "penalty" and "Five pounds" in line 5 the words "fine not exceeding"; and the clause as amended was agreed to.

Clause 5—Flowers not to be sold showing evidence of destruction on plant bearing same:

On motion by Hon. Sir J. W. HACKETT, the words "fine not exceeding" were inserted after "penalty," and the clause as amended was agreed to.

Clause 6—Constable may examine and detain flowers:

Hon. E. M. CLARKE: Though in the case of one or two varieties of everlastings the flowers could be picked without disturbing the roots, it was practically impossible to pick the majority of everlastings unless they were pulled out of the ground.

Clause put and passed.

Clauses 7 to 10—agreed to.

Schedule, Title—agreed to.

Bill reported with amendments.

BILL — FREMANTLE HARBOUR TRUST ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This Bill provides for an extension of the functions of the Fremantle Harbour Trust. In 1904 the business of wharfingers was included in the scope of the Trust's activities. It is now proposed to authorise the Commissioners to stevedore vessels when requested so to do by the shipmaster or agent. There is no suggestion whatever of creating a monopoly in stevedoring; it is merely provided in this Bill that the Trust shall be empowered to do the work, and shipowners or agents may still contract with private individuals as they do at present. The Fremantle harbour, under the Trust, has achieved a high reputation among the ports of the world. The Trust's successful administration of the powers conferred as wharfingers in 1904 justifies, in my opinion, granting the further authority now sought in this measure. The advent of the State as shipowner has somewhat altered conditions in so far as stevedoring is concerned, and the Trust has already undertaken the work of loading and unloading State-owned vessels, though it has no specific authority to do so. The Trust is in a unique position to undertake stevedoring, for besides controlling the harbour and wharves and sheds, it is the owner of most of the machinery used in the loading and unloading of ships, and it has a competent staff, and the excellent work done in the past is warrant for believing that if these further powers are granted it will enhance the reputation of the port and add to the facilities, and be conducive to the prompt handling of goods and the despatch given to vessels. Clause 3 is designed to meet a difficulty much debated in the last twelve months. When in 1904 the Trust commenced operations as wharfingers, which powers, I may say, were conferred on it at the request of the merchants, certain hours, from 8 a.m. to 5 p.m., were fixed as working hours, and for cargo handled within those hours the Trust accepted full responsibility for any loss or damage. Frequently shipowners or agents desire, for their own convenience, work to be done outside these hours, for instance at night. Now the Trust has adopted a regulation that no liability will be accepted in respect of loss or damage done to goods landed after the stipulated hours. About a year or so ago a claim was submitted by

a merchant for compensation for damage to cargo landed outside the hours of from 8 a.m. and 5 p.m.

Hon. R. J. Lynn: Is that the bale of hops?

The COLONIAL SECRETARY: Yes, but it does not matter what it is. The Chambers of Commerce of Perth and Fremantle and the Chamber of Mines of Kalgoorlie took up the question. They wrote to the Trust complaining of the unfairness of the position which permitted of merchants' goods being landed in a damaged condition while there was no right of compensation given to them. The Trust gave the matter a great deal of consideration and decided to accept liability under certain conditions, that is, if they were permitted and if the merchants agreed, that they should increase the charges for cargo handled after the hours I have already mentioned. It is contended by the chambers that it was unfair that this extra tax should be placed on the shoulders of the business people. They said it was not right that they should be saddled with the extra charge, and they pointed out that the working of the vessels after hours was not for the convenience of the merchants but was for the convenience of shipowners, and they contended that the increased charge should be met by the shipowners. Considerable attention was given to the subject by a special committee appointed by these chambers, and eventually the Trust received the following communication:—

> The committee, being satisfied that the acceptance by the Fremantle Harbour Trust of full responsibility for cargo passing through their hands is imperative in the interests of all concerned, are of the opinion, in view of the letter of 28th March, 1911, received from the Harbour Trust, that if, in order to cover extra risks involved in discharging of cargo out of the ordinary working hours of the port, an additional rate has to be charged, such rate should be a tonnage rate on all cargo so discharged, and should be levied against the ship, which derives the benefit of the increased facilities for despatch.

Clause 3, therefore, provides that the Trust shall be empowered, on receipt of a request in writing from a ship master or agent for permission to handle goods after the usual working hours, to impose such charges as the Commissioners may deem fit to cover the liability accepted by the Trust for damage or loss to cargo so handled. The ship-master or agent is not, however, bound to meet this special charge for he may, by supplying an approved surety, give the Trust an indemnity securing the Trust against any liability. If he will give an indemnity which will cover any damage done to goods landed at night time, no special charge is imposed on him. The Bill also gives the Trust in its discretion power to accept such indemnity in lieu of imposing special charges. Members will readily recognise that goods landed at night time cannot be examined and given the same attention as can be given if they are landed during the day time. The Trust is warranted in asking that if it is to accept the full measure of responsibility it shall have the right of charging a higher rate than is imposed now. This is very necessary for the protection of the Commissioners, and also for the protection of the revenue of the State, because it is the State that must sustain any loss which ensues from the existence of legislation to meet this position.

Hon. R. J. Lynn: They would be still liable for damage.

The COLONIAL SECRETARY: Yes, but the Trust only asks to be indemnified by the shipowner. In New Zealand the charge of 1s. a ton additional is imposed on cargo handled after hours, and no liability for loss or damage is accepted despite this higher charge. Clause 5 provides merely that the special constables appointed by the Trust shall be authorised to conduct their investigations beyond the limit of the area under the control of the Trust, that is to say for instituting inquiries in regard to missing cargo beyond the limits of the wharves. The other clauses are formal. The Trust is authorised by Clause 6 to enter into a bond with the Customs Department in the same way

as any other trader. This has been asked for by the Federal authorities. I move—

That the Bill be now read a second time.

On motion by Hon. R. J. Lynn debate adjourned.

BILL—INEBRIATES.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: The basic principle of this Bill is that persons addicted to alcoholism are regarded and legislated for throughout the measure as victims of a disease. Scientific investigation of the subject has demonstrated that the inebriate is *per se* not responsible to any larger degree for his actions than is the man stricken with any other of a variety of nervous diseases, in short that alcoholism is a disease, and not a crime. Were it necessary I could quote numerous authorities in support of my proposition; but it is not necessary. There are few, nowadays, among those who have had experience of the world and been brought into contact with all classes of the community who will deny that the drunkard, if left to himself, if not helped to overcome the demons that possess him, is, in nine cases out of ten, powerless for reform, and irresponsible for his ever continuing degradation. It is not necessary for anyone of us to carry our memories very far back to recall blighted lives and dishonoured deaths, due largely to the absence of means for intercepting the victims on the pathway to their doom. Nor is the affliction confined to any one section of humanity. Unfortunately it embraces all classes, all races and all creeds. The restraining influences of religion have not been sufficient to combat it, and the vindictiveness of the law has merely tended to its aggravation. In the ranks of those occupying lowly positions in life, and among those otherwise fitted to be rulers of men, are to be found distressing examples. In every grade of life, in every walk in life we find victims, among all professions—engineers, doctors, lawyers, journalists, poets, and statesmen. The law with all its terrors has failed to reform the drunkard. It has merely succeeded in degrading him. One has but to read reports of cases heard in our police courts to be convinced that the gaol and the broad arrow have not reclaimed the inebriate.

Hon. Sir E. H. Wittenoom: Why not remove the original cause?

The COLONIAL SECRETARY: We propose to do it. We tried to do it the other evening, but were opposed by hon. members.

Hon. J. D. Connolly: Oh, the means you refer to would only have increased the evil.

The COLONIAL SECRETARY: Many unfortunates go to prison with as many as 100 convictions against their names. Many go to gaol whose only offence against society is their unconquerable weakness for alcoholic liquors. The debasement brought about by prison life fits them for new avenues of crime. It is small cause for wonder, under the circumstances, that so many men, and women too, have developed into incorrigible criminals. In the Bill habitual drunkenness is regarded as a disease to be prescribed for and treated on humanitarian lines. Formerly the victim was abhorred as a criminal, and punished for his misfortune by being sent to herd with felons. Our police court records show that it is a problem to be grappled with in all seriousness. In 1910 there were 4,403 charges of drunkenness heard in the police courts of Western Australia, and 147 charges of habitual drunkenness, or 4,550 in all, or 34.1 of all classes of charges, and 1.33 per cent. of the population. And the offences attributable to drunkenness in the same year amounted to 2,570, making, with direct charges of drunkenness and habitual drunkenness, 53.68 per cent. of all classes of offences. The Government realise, as other Governments have done, that a strong endeavour should be made to provide a remedy which will strike at the very root of the evil, and the Bill is introduced with that object in view. It stands to reason that it cannot achieve its purpose immediately. It will be a matter of time.

For one thing, some time must elapse before the beneficent effects of this legislation are experienced throughout the State. It will be a progress of gradual expansion, but even a start cannot be made without the necessary legislation. With the legislation we can proceed step by step until the object we have in view is brought within the range of practicable achievement. Under Clause 3 of the Bill it is proposed to provide for the reception, care, control, and treatment of inebriates by the establishment of institutions in which the unfortunate victims of the disease shall not be punished as criminals and malefactors, but cared for in the same way as are our sick people in hospitals, as persons requiring skilful attention and extraordinary care. The institution will be controlled by an inspector general appointed by the Governor, and will be staffed, not by warders but by attendants, the same as in the Hospital for the Insane.

Hon. J. D. Connolly: Do you intend to build more Government institutions, or send these people to private institutions?

The COLONIAL SECRETARY: In addition to the Government institutions we will send them to private institutions.

Hon. W. Patrick: They will be under restraint?

The COLONIAL SECRETARY: Certainly. The treatment, instead of being primitive in its character, will be along lines calculated to bring out all that is best in those under care. Admission may be secured on the personal application of the inebriate himself, or on the application of the husband, wife, parent, brother, sister, or daughter of full age of an inebriate. Any of these may make application on his behalf to a judge or magistrate. Similar application may also be made by a partner in business, or a member of the police of the rank of an inspector or higher. Before an order may be issued by a judge or magistrate for a person to be placed in an inebriates' institution a certificate by a medical practitioner must be presented setting forth that such person is an inebriate, and specifying the facts observed by the doctor himself, and also any other facts which may have been communicated to him and upon which his opinion is based. In every case the person most concerned, that is to say the inebriate himself, has to be afforded an opportunity of being heard in opposition to any application for his detention in an institution. The maximum period of detention on an order of the court is twelve months, although that term may be further extended by any period not exceeding twelve months. But, as in the case of the original application, the inebriate has the right to be heard in opposition to any application for an extension of the period of his detention. The hearing of such application has to be in private, except at the express wish of the alleged inebriate, who may demand that the hearing shall be in open court. An important provision is that persons convicted, either in summary jurisdiction or on indictment, of any offence in the commission of which inobriety was a contributing cause, may in like manner at the discretion of the court be detained in an institution for the care of inebriates.

Hon. Sir J. W. Hackett: Under what conditions can the inebriate insist on his release?

The COLONIAL SECRETARY: He can oppose the application, and bring evidence. There must be a certificate of the doctor. The certificate of a doctor is required for an order for an extension of the period of detention, as in the case of the original application for detention. In every instance the certificate of a doctor must be forthcoming.

Hon. J. D. Connolly: Where did you get Clause 8 from? Is that the ordinary every-day drunk?

The COLONIAL SECRETARY: Yes, it is. I do not see any objection to that. I think the clause is original, and not taken from any legislation.

Hon. J. D. Connolly: I think so, too.

The COLONIAL SECRETARY: The Bill deals also with persons arrested for drunkenness, and enacts that such a person, instead of being cast into a cold prison cell, shall be supplied with adequate warmth. It has been reported by medical men that one of the necessities for those suffering from the effects of

drink is plenty of warmth, that warmth is one of the best remedies. The effect of drink is to induce coldness of the limbs, and this very often results in an aggravation of the disease when a person is locked up in a cold prison cell. It is therefore provided that he shall be furnished with plenty of warm blankets. On conviction for any offence against the statutes on a charge of drunkenness, a person under the Bill shall not be consigned to prison unless there is no available convenient institution to which such person may be sent, nor can such person be sentenced to hard labour under the Bill. It will be impossible to administer this law straight away throughout the State because the Government will not be in a position to do so: consequently in certain parts of the State men convicted of drunkenness will have to be detained in some portion of a prison. It is also specifically set out that the term for which a man will be detained in prison is to be without hard labour. That means that in the future, if this Bill is passed which I hope it will be, no person who is convicted of drunkenness in Western Australia and sentenced to imprisonment can be called upon to perform hard labour.

Hon. J. D. Connolly: He will not have to clean out his own room or anything of that kind.

The COLONIAL SECRETARY: More than that, there shall not be in future any gaol sentence at all if an inebriates' home can conveniently accommodate the person convicted of the offence. That is in keeping entirely with the spirit of the measure that the victim of alcoholism shall be treated as a patient and not as a malefactor. Clause 10 provides that the judge or magistrate by whom an order is issued for the removal of an inebriate to an institution may make the necessary order for the payment from the inebriate's estate for the cost of his care and maintenance. The following clause empowers the judge or magistrate similarly to make necessary provision for the proper management and control of the estate and property of an inebriate, the subject of an order under the Act, of whom it has been proved to the satisfaction of the court that he is incapable of managing his own affairs. The Governor is given power under Clause 12 to grant a release on license to any person detained under an order. A person ordered to be detained for 12 months may with apparent safety to himself be permitted to leave the institution before the expiration of the period specified in the order and it may be deemed expedient and salutary to permit him to do so, thus engendering in him a spirit or a desire to work out his own freedom from the enslavement of drink. Members will recognise the necessity for safeguarding this permission. Thus it is provided in Subclause 2 of Clause 12 that a person so released on license shall give an undertaking that for a specified period not exceeding 12 months he will be of good behaviour and abstain from taking or using any intoxicating liquor or intoxicating or narcotic drugs. Should a breach of this undertaking be committed the license may be revoked by the Governor or by a justice in a court of summary jurisdiction whereupon the released person may be arrested and returned to the institution for the unexpired term of the original order. Clauses 14 and 15 are the penalty clauses which prohibit the supplying of intoxicants to any person who is the subject of an order under this measure, and also prohibit the presence without the lawful authority of any person within the boundaries of the institution, or the illicit communication in any way with any inebriate by persons outside the institution.

Hon. Sir E. H. Wittenoom: Will this extend to a man coming out of a State hotel?

The COLONIAL SECRETARY: We do not propose to manufacture any inebriates there. Under Clauses 16 and 17 provision is made for the rearrest and return to an institution of an escaped inebriate, and also for the transfer on order by the Minister of an inmate from one institution to another.

Hon. W. Patrick: What is meant by "lawful authority" in Clause 15?

The Colonial Secretary.: That would mean permission. An officer of the Government may be requested to go to the home.

Hon. W. Patrick : A wife who wanted to see her husband could not get in without a permit ?

The COLONIAL SECRETARY : She would have to get a permit as she might take in liquor. Clause 18 provides that no action at law shall lie against any person in respect of anything done in good faith and with reasonable care in carrying out the provisions of this measure, and Clause 19 provides the necessary machinery for the promulgation of regulations necessary for carrying out the provisions of the Bill. Part IV. of the Lunacy Act dealing with habitual drunkards is repealed by this measure. These briefly, are the main features of this Bill which is submitted to the House in the firm conviction that the humanitarian nature of its proposals will commend it to the favourable consideration of hon. members. This is by no means new legislation; the treatment of inebriates has gone beyond the experimental stage. In most of the other States Parliament has decreed that the victims of alcoholism shall no longer be punished for that for which they are not of themselves responsible. In England and America, too, measures on the lines of this Bill have been passed, the object of which—as in this case—is to uplift the fallen, to implant in the alcoholic subject a feeling of manhood and a sense of his usefulness to the community, and by proper treatment enable him to again take his place in the world, to return him to society a useful member, rather than by punishment and reproach cause him to feel degraded and outcast. I beg to move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

BILL—PEARLING.

In Committee.

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

Clauses 1 to 4—agreed to.

Clause 5—Interpretation:

The COLONIAL SECRETARY moved an amendment—

That the definition of "Asia" and "Asiatic" be struck out.

Similar amendments would be moved throughout the Bill for diplomatic reasons.

Hon. Sir E. H. Wittenoom : I thought so.

The COLONIAL SECRETARY : The object could be attained by other means, and it was not advisable that these words should be included.

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

Clauses 6 to 10—agreed to.

Clause 11—No license but divers to be granted to alien or Asiatic:

The COLONIAL SECRETARY moved an amendment—

That all the words after "subject" in line 3 be struck out.

Amendment passed; the clause as amended agreed to.

Clauses 12 to 20—agreed to.

Clauses 21, 22—negatived.

Clause 23—Royalty payable by licensees :

Hon. Sir E. H. WITTENOOM : It was his intention to vote against this clause. It had been put in for the purpose of getting a royalty on the shell, but so far as he could see there would be a great deal of difficulty in saying whether it had been found in territorial waters or not. This was not in the Bill originally introduced by the Government. It was a fad of some private member. The hands of the Government were rather forced. If the Government wanted more revenue it would be wiser to endeavour to get it from license fees. It was not wise to burden the industry to too large an extent. It was said by the Colonial Secretary that all the revenue which it provided was £363 a year. Of course that was absurd. The Colonial Secretary must have forgotten the light and other dues which would bring in more than that amount. And then there had to be remembered all the risks which were attendant upon this industry as well as the fact that the industry brought a very

large business to Western Australia. All the boats were built at Fremantle and the stores were chiefly got there.

Hon. F. Davis: Are you prepared to increase the fees.

Hon. Sir E. H. WITTENOOM: Yes, but the question of whether the shell had been got within or outside territorial waters would be a controversial matter. How could it be proved?

The COLONIAL SECRETARY: Those engaged in pearl fishing could well afford to pay the royalty. The value of the industry was £300,000 per year, and, according to recent sales pearl shell had brought as much as £400 per ton. The average for 17 years had been £133 per ton. The State was only receiving in revenue directly from the industry £363 annually from license fees.

Hon. W. Patrick: You could increase the license fees.

The COLONIAL SECRETARY: The fees had been increased to bring in £2,172 a year and even that was a very small amount. There was no royalty on gold for one reason, that those engaged in that industry were all Europeans while the pearling industry was run principally by Asiatics, and Asiatics of the worst class. There were 2,518 persons engaged in the industry and of those 250 only were Europeans. The Asiatics were undoubtedly a source of weakness to the State.

Hon. Sir E. H. Wittenoom: You do not make use of them.

The COLONIAL SECRETARY: They were poor revenue contributers; they lived on fish and rice and spent very little money in clothes.

Hon. W. Patrick: But the white men get most of the revenue.

The COLONIAL SECRETARY: The State had to find a large amount of money in order to provide for the preservation of law and order, for the upkeep of gaols, police, magistracy, and the criminal court, and it got very little in return. He admitted there would be a little difficulty in collecting the royalty, but, with the assistance of the inspectors it would be possible to keep a check on those engaged in the industry. With regard to the light and harbour dues, a considerable proportion of these was paid to the officials who looked after those dues.

Hon. D. G. GAWLER: Hon. members should look at Subclauses 6 and 7. How would an unfortunate pearler get on if he had to work under such clauses? If the inspectors had the power which it was proposed to give them there a pearler's life would not be worth living. Clause 6 gave permission to an inspector to seize any pearl shell charged with the payment of royalty, and to keep possession of it until the royalty was paid. Then there was an immense amount of controversy as to what was the three miles limit, while the next subclause provided that the Minister might recover royalties by action. It was his intention to vote against the clause.

Hon. H. P. COLEBATCH: The Minister mentioned that no royalty was charged on gold and he said that the reason was probably that white men were engaged in its production. There were many absentee shareholders in our gold mines and probably the Government would be glad to tax them by way of a royalty, but the real reason why a royalty was not charged was that it would be recognised as an altogether inequitable charge to impose a royalty on gold per ounce, for the reason that the mines working high grade ore could afford to pay it whilst the lower grade mines could not. Exactly the same thing applied in connection with pearl shell fishing. It was understood that 3½ tons per boat per annum was regarded as a fair average take. The position was simply that those boats which were fortunate enough to get a take above the average might be able to pay the royalty without any hardship, whilst those which were not so fortunate would have no margin of profit out of which to pay royalty. In addition it would be an objectionable principle to call upon a person to prove a negative, as the Bill provided, as to whether the shell was obtained within or outside the limits of the territorial waters. The proper course should be to cast upon the Government the onus of proving where the shell was obtained.

Hon. Sir E. H. WITTENOOM: In view of the fact that a royal commission

appointed by the Federal Government was investigating this industry it would be unwise to anticipate what their conclusions would be. If the Government wanted a little more revenue they could obtain it by way of increased license fees. The Royal Commission was sitting to inquire into the classes of labour engaged, why white labour was not more generally employed, whether a royalty should be charged, and other matters; in those circumstances, it would be unwise to anticipate the commission's report.

The COLONIAL SECRETARY: Members seemed to think these powers were too drastic to give to an inspector, but it would be impossible to secure the payment of the royalty unless every possible provision was made for the purpose of searching and ascertaining whether vessels were carrying pearl shell on which royalty should be paid. Mr. Colebatch had argued that the onus of proof should be on the Government, but the hon. member would find that in the Police Act there were many offences in regard to which the person charged had to prove his innocence.

Hon. H. P. Colebatch: Only one.

The COLONIAL SECRETARY: That applied to a charge of being in possession of property supposed to be stolen. If a person was in possession of a book and the police arrested him he had to prove that the book was rightly in his possession.

Hon. H. P. Colebatch: First of all the prosecution has to prove that the article has been stolen.

The COLONIAL SECRETARY: Not necessarily. In the measure for the suppression of gold stealing the provisions were very much more drastic, and gave unlimited power to search. This clause would not impose a heavy burden on the pearling industry. Up to the year 1895 there was an export duty of £4 10s. per ton on pearl shell, and while it was in existence many of those engaged in the industry made their fortunes. The Government now proposed to impose a royalty of only 10s. per ton in excess of that export duty.

Hon. C. SOMMERS: One could sympathise with the Government in the desire to get more revenue from the pearling industry, but the method they were adopting would keep them continually in the law courts. It would be a difficult matter indeed to decide where pearl shell had been gathered, and that in itself would be a continual source of worry and litigation. The best way of getting the additional revenue which the Government wanted would be to impose heavy licenses sufficient to pay the Government for the expenditure they were put to on the North-West coast. Those engaged in the industry would then know what they had to pay and there would be no trouble.

Hon. Sir E. H. Wittenoom: They do not object to that.

Hon. C. SOMMERS: The Government would be well advised to adopt the suggestion to increase the licenses so as to bring in as nearly as possible the revenue which would be earned by this royalty.

Hon. W. PATRICK: The great difficulty in collecting the royalty would be the impossibility of defining the limit of territorial waters; indeed there was a difference of opinion amongst constitutional authorities as to what constituted the three mile limit. In order to collect this revenue the Government would need to issue a special plan clearly defining the limit of territorial waters, and it would be almost necessary to buoy the water so as to show the imaginary boundary.

The Colonial Secretary: You would not take a declaration from the pearlers?

Hon. W. PATRICK: The better course would be to raise the license fees to whatever the Government thought it was fair that the industry should pay.

Hon. Sir J. W. Hackett: Whenever has there been any difficulty in regard to the limit of territorial waters?

Hon. W. PATRICK: That difficulty had cropped up in a number of cases. It would be utterly impossible to collect this royalty without an infinite amount of hardship. He was in sympathy with the desire of the Government to get more revenue from the industry, but he thought they should collect it by means of an increased license fee.

Hon. J. W. KIRWAN: There would be a certain amount of difficulty in regard to the three mile limit, but the question

ought to be viewed from a common-sense standpoint. If the Government were to charge a royalty on shell collected three miles from the coast, why should they not charge it on shell collected a few yards beyond that limit? He believed it was possible to suggest a method of collecting the royalty on all shell brought into a West Australian port. This difficulty in regard to the three mile limit had cropped up in connection with Federal affairs. Duty was charged by the Commonwealth upon all goods consumed by steamers between Commonwealth ports. When that duty was first proposed it was said that as soon as the vessels got beyond the three mile limit they would be outside the jurisdiction of the Commonwealth authorities, and it would not be within the power of the Federal Government to charge duty on stores then consumed. Mr. Kingston, the then Minister for Customs, devised a means by which those duties were charged, and when the law was subsequently tested in the High Court the position taken up by the Government was upheld. The difficulty in regard to collecting the royalty on pearl shell could be overcome in a similar way. Even if the three miles limit was exceeded, still the pearl shell was practically collected in Australian waters. The vessel left an Australian port and came back with Australian shell, and there must be some means of collecting royalty on such shell. The State had power to grant licenses, and it seemed that some control might be exercised in the granting of these licenses, that it should be on the condition that all shell brought into Australian ports should be charged a royalty. He did not despair in the hope that some method would be found out. The administrative capacity of the Government and its officers was quite capable of meeting the difficulties referred to in the matter of territorial waters. To impose additional licensing fees to meet the requirements of the revenue rather than impose a royalty would mean that the man with ill luck would contribute equally with the man with good luck. A man with good luck could afford to contribute to the revenue more than the man with bad luck.

Hon. F. DAVIS: We had it on the authority of Mr. Colebatch that the average take was three and a-half tons. Taking the average price at £200 a ton, the revenue derived would be about £700 per annum. The average royalty charge of £17 10s. would not be an exorbitant price to pay.

The COLONIAL SECRETARY: There was no difficulty in regard to the administration of this clause. The person applying for a license must apply to the Minister, and the Minister could make certain stipulations; for instance, that the pearl fisher when he decided to fish within territorial waters should notify the inspector, and that when he decided to go outside territorial waters, he should likewise notify the inspector. There had always been, from time immemorial, trouble in connection with territorial waters, but the trouble had been got over, and it could be got over in the North-West. Each year a statutory declaration had to be made by the owner of the ship giving a return of the pearl shell collected by him during the year, and the inspector had very extensive powers. Taking it altogether, a fair amount of revenue would be derived from the operation of the clause.

Hon. Sir E. H. WITTENOOM: It was a pity that the Government should enforce a tax which would induce people perhaps to make a statement not in accordance with the truth. The question of territorial waters on the North-West coast with its curves would be most difficult. The Government were not asked to lose revenue, but they were simply asked not to impose conditions it was almost impossible to carry out.

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

Ayes	8
Noes	12
Majority against ..	4

AYES.

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

NOES.

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

Clause thus negatived.

Clause 24—Power to grant ship licenses to aliens and Asiatics in certain cases:

On motions by the COLONIAL SECRETARY the words "or Asiatic" in Subclause 1 also paragraphs (b) and (c) and the proviso were struck out, and the clause as amended was agreed to.

Clause 25—Duration of existing licenses:

The COLONIAL SECRETARY moved an amendment—

That the words "in the year 1912" in line 4 be struck out.

The Parliamentary Draftsman considered it inadvisable that these words should remain in the clause.

Amendment passed, the clause as amended agreed to.

Clauses 26, 27—agreed to.

Clause 28—Application for license:

The COLONIAL SECRETARY moved an amendment—

That in line 1 of paragraph (b) the words "Asiatic or" be struck out.

Amendment passed.

The COLONIAL SECRETARY moved a further amendment—

That in line 3 of paragraph (b) the words "or the profits of its pearling operations" be struck out.

Amendment passed, the clause as amended agreed to.

Clauses 29 to 104—agreed to.

Clause 105—Pearling ships to have at least one white man on board:

Hon. J. CORNELL: According to the Notice Paper it was the intention of the Colonial Secretary to have this clause struck out. It was only reasonable that at least one white man should be on board the ship. There was nothing in the clause to prevent an Asiatic being master of the ship if deemed necessary, but certainly one white man also should be aboard the ship. The question of the employment of Asiatics was rather for the Federal Parliament to deal with, but he maintained that the efforts of the State Parliament and of the State generally should be in the direction of encouraging the employment of white men.

The COLONIAL SECRETARY: It was not necessary to retain the clause in the Bill. If thought desirable the point could be covered by regulation.

Clause put and negatived.

Clauses 106, 107—agreed to.

Clause 108—Regulations:

The COLONIAL SECRETARY moved an amendment—

That in line 2 of paragraph (h) the word "Asiatic" be struck out.

Amendment passed, the clause as amended agreed to.

Clauses 109, 110, 111—agreed to.

First and Second Schedules—agreed to.

Third Schedule:

The COLONIAL SECRETARY: It was desired to move an amendment to this schedule. Having had a presentiment that the Committee might reject the clause for the imposition of a royalty, he had consulted his colleagues on the question, and it was resolved by the Government that if the royalty clause were rejected a compromise would be effected by an increase of the licensing fees, as indeed had been suggested by several members of the Committee to-night. The royalty clause had been defeated, and he desired now to move—

That the fee for ships' licenses be increased from £5 to £10.

The proposed amendment would serve to bring in about the same amount as had been expected from the royalty.

The CHAIRMAN: It was doubtful if the hon. member was in order in moving the amendment, seeing that it was increasing the imposition.

Progress reported.

BILL—SHEARERS AND AGRICULTURAL LABOURERS' ACCOMMODATION.

Second Reading.

Debate resumed from the previous day.

Hon. B. C. O'BRIEN (Central): I do not think this is a very debatable matter, and I would just like to say that I intend

to support the Bill. After the very fair manner in which Sir Edward Wittenoom criticised it—and we cannot doubt his judgment in a matter of this kind—I think we can well adopt the measure. There are just one or two remarks which were made by the hon. member to which I wish to refer. He mentioned that the Bill was introduced by a private member in another place. That is true, but the Bill was brought down last year in the same way, and it has the endorsement of the Government. It is a measure which I feel satisfied this Chamber will be only too pleased to pass. The matter of decent accommodation for shearers is one which every member should support. Sir Edward Wittenoom referred to the fact that in many cases the shearing season lasted for only five or six weeks. That is true enough, but the shearers are a body of men who ought to be just as well treated as any other class of the community. They have a long season. They start in Kimberley at the northern end of the State in the early part of the year and finish in the south. On many stations the shearing season lasts for only five or six weeks, and a few people take exception to having to provide good accommodation for that brief period of the year. Sir Edward Wittenoom told members that shearers are a good class of men and are clean-living men. I think we can all endorse that, and although they may work only five or six weeks on one station, yet they are occupied for five or six months in the year, and nobody will grudge them the same decent living accommodation as other classes of workers enjoy. In other lines of business one of the first considerations is to provide reasonable and decent living accommodation for the staff, and the same should apply to the shearers. In the Eastern States, and I can speak with a very good knowledge, all the big stock and station holders take a delight in providing nice accommodation for their hands, and particularly for the shearers. As a matter of fact they vie with each other in many cases—and I am speaking for the whole of the States with the exception of Queensland which I do not know too well, though I think it is no exception to the general rule—in providing good accommodation for shearers and shed hands. I feel sure there will be no strong objection to the Bill. Sir Edward Wittenoom outlined a few amendments which I think will be quite acceptable, and which will not materially alter the measure. I feel sure the House will receive the Bill in a favourable manner.

Hon. J. CORNELL (South): I welcome this Bill to a certain extent, and to a certain extent I regret its necessity. As an old shearer I can speak with a degree of knowledge with reference to the accommodation of shearers. This Bill is not aimed at good employers. Unfortunately there are some employers who have no consideration for their employees. They are not many, but there are a few, and legislation has to be introduced to provide for that few. I can remember in 1890 at the Wurnamurra station in New South Wales accommodation was provided such as is outlined in this Bill, that is to the extent of four beds in one room. I will not say they provided as many shower baths as are stipulated here, but I think members will view this measure from the standpoint from which it has been introduced. There is no desire to get at reputable employers but only to reach those who do not provide decent accommodation. As an old shearer, the Bill has my hearty support.

Question put and passed.

Bill read a second time.

BILL—INDUSTRIAL ARBITRATION.

In Committee.

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

Postponed clauses 38, 39—agreed to.

Postponed Clause 40—Industrial agreement may be declared common rule:

Hon. V. HAMERSLEY: The provision for the common rule was objectionable because the measure would apply to practically every calling in the State including domestic servants and agriculturists.

There was a number of people who did not want to be brought under these agreements; yet 15 workers could combine and approach the court and get an agreement declared a common rule, so that everyone engaged in that industry would be dragged in and bound to conform to it. There was a similar provision in the Federal Act but the High Court had decided that it was *ultra vires* so far as that law was concerned. The intention of the Government appeared to be to make the common rule apply to this State as it could not be made to apply to the States under the authority of the Federal Act. He was satisfied that to pass the clause would inflict injury on a lot of good industries.

Hon. J. D. CONNOLLY: The best argument for striking out the clause was supplied by the Honorary Minister on the previous night when he urged the retention of certain words which Sir Edward Wittenoom proposed to delete from Clause 37. If those words had been struck out there would have been justification for the retention of this clause. The common rule would not apply to an award but to an agreement, which was a great deal worse. A union need only consist of 15 persons and the majority of those persons could make an agreement with one employer. There might be 50 such employers throughout the State, but the little lot could make an agreement to suit themselves with that one particular employer, and then they would apply to the court and that agreement would be made a common rule, embracing perhaps a dozen employers and many hundreds of employees who never had a voice in the matter. There was no justice in a clause of that kind.

Hon. J. E. DODD: There was a difference between Clauses 37 and 40. In Clause 37 the court was not moved, but in Clause 40 the court was moved. When the Bill was originally drafted the words "hereinafter provided" were included in the clause, but he was at a loss to understand how they had disappeared. Apparently the clause had been altered since the Bill was originally drafted. The clause provided that the court might declare that the agreement should have the effect of the award, and be a common rule, and if the court declared it as such, reasons would have to be given to show why that was done.

Hon. H. P. COLEBATCH: Mr. Moss, who unfortunately was not present, had an amendment on the notice paper in regard to this clause to strike out the words "after due notice to and hearing all persons likely to be affected thereby." He (Mr. Colebatch) would be inclined to move that in the absence of the hon. member, were it not that it would seem to him to make the clause entirely unworkable. There might be thousands of persons who would be affected by the making of one of these agreements a common rule, and he would prefer to vote against the clause altogether. The clause was entirely inconsistent with Clause 37 and anyone who looked at it fairly would admit that the matter of whether or not fresh parties should come into one of these agreements had nothing to do with the original parties to the agreement. The people concerned were the new parties to the agreement, and he would strongly object to any person being bound against his will. It had been suggested by Mr. Hamersley that difficulties would arise in the matter of making agreements of this kind a common rule in regard to such an industry as domestic service. The Committee should consider the trouble that would be likely to arise in this connection. In the first place who was likely to form a union of domestic servants which would arrive at an agreement or move the court in the matter? Such a union was very likely to be formed by employees in large households where three or more servants were kept. We would first have to determine who was to be regarded as the employer. Was it to be the wife or the husband? In the case of large households it might be said that the wife would be the employer. She might have an independent income, and in many instances rather than go to the court, she would be glad to enter into an agreement and then, having done that, we reached the position that the court might declare that agreement a common rule for every household within the

metropolitan area. Then we should arrive altogether at a ridiculous position. The first thing that would be necessary would be to appoint an army of inspectors to go into every house in the metropolitan area or the area to which the award might be extended, to see that the conditions were being complied with. We had gone to extremes in departing from the original objects of the Bill, which was to create a court for the settlement of industrial disputes. Instead of that we had created a sort of tribunal, the chief functions of which would not be to settle these disputes but to create and extend them in all directions. The Honorary Minister mentioned that the court would make these declarations, whereas under Clause 37 it was merely a matter of the two parties agreeing. Clause 37 was entirely one-sided, for this reason, that where we had an agreement that was unfavourable to the employees we might always depend upon it that these employees would object to any other employees or employers being brought under that agreeement. It would certainly be to their interest to object. The employer, on the other hand, if he was working under an award which was unfavourable to him but favourable to the worker, would never object, supposing other employees wished to bring their employers under that, because the latter might be carrying on a competitive industry, and it was necessary that every other employer should pay the same high wages. Therefore that clause was entirely one-sided. It would always protect the worker from being dragged into an agreeement which was unfavourable to him, but never protect the employer. The only way to offer protection would be to strike out Clause 40 and make the position this: that so far as industrial agreements were concerned, they could only be binding on the parties who voluntarily consented to come under them. It was impossible to see how there could be an agreement otherwise. He did not see how we could reasonably and justly make an agreement binding on anybody except those who agreed to it. Those who did not agree could be dealt with by an award of the court which they could be made to obey whether they liked it or not.

Hon. D. G. GAWLER: As Mr. Colebatch had pointed out, it was quite possible for this clause to create great unfairness.

Hon. J. Cornell: All Mr. Colebatch's arguments apply to an award.

Hon. D. G. GAWLER: It was possible by a bogus agreement to force every worker under that agreement, and without giving them any notice which would enable them to be heard in objection to it. Suppose an industrial agreement was arrived at between an employer and certain workers, although other employers and workers had made their own amicable arrangements, they could be forced under that one agreement, and without any opportunity of being heard in opposition to it. Those whose consent was necessary under Clause 37 could themselves go to court and force others under an agreement without their consent at all. The clause did not provide how the court should be moved, or by whom it should be moved. He was opposed to the clause, principally because there was no opportunity for those who were affected by an agreement, which perhaps they knew nothing about, to be heard.

Hon. J. CORNELL: The clause strove to make industrial agreements a common rule, and the committee had an opportunity to make a name for themselves, but not by striking the clause out. No hon. member would object to a common rule in an industry if it was proved to the satisfaction of the court that a majority of workers in the industry had entered into an agreement with the employers. If members objected to that they were inconsistent, because by moving the court a union of 15 members, although there might be 400 members outside the union, could get an award and that award would be a common rule binding on those 400.

Hon. D. G. Gawler: Is that right?

Hon. J. CORNELL: It was in the old Act, and had worked well for 10 years. If his suggestion was carried into effect, and there were 400 workers in the industry it would be necessary for 20 to have entered into an agreement before it could

be made a common rule. The clause required amendment, and he suggested that it should be altered to provide that when it was proved to the satisfaction of the court that a majority of the workers in an industry or a district had entered into an industrial agreement with a given number of employers, the court might make such agreement a common rule.

Hon. H. P. Colebatch: Do you want a majority of the employees and the employers?

Hon. J. CORNELL: No, because it might be possible for one employer to employ the majority of employees in a particular industry or district. If the procedure he suggested was adopted the court would not be moved nearly as often as it otherwise would. Industrial agreements had been the brightest feature of the old Act, and they were likely to be the brightest feature of the new measure. The further parties could be kept away from the Arbitration Court the better, and it would be more satisfactory for all concerned if agreements could be come to by conference around a table.

Hon. J. E. DODD: The drafting of the clause was undoubtedly faulty. It was not in the form in which it had been originally submitted to another place. At the same time, fairly substantial reasons could be given why an industrial agreement should be made a common rule. If the court was given power to make an agreement a common rule, it naturally followed that good reasons must be given.

Progress reported.

House adjourned at 10.29 p.m.

Legislative Assembly,

Wednesday, 23rd October, 1912.

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

QUESTION — SCHOOL QUARTERS, RAVENSTHORPE.

Mr. HUDSON asked the Minister for Works: 1, Has application been made for improvements to the Ravensthorpe school quarters? 2, Has such application been granted? 3, Has the work been commenced? 4, Have instructions been issued to discontinue the work? 5, If so, why?

The MINISTER FOR WORKS replied: 1, Yes. 2, Yes. 3, No. 4, Answered by 3 and 5. 5, As result of further investigations, it was considered the accommodation provided was sufficient.

BILLS (2) THIRD READING.

1, Traffic.

2, District Fire Brigades Act Amendment.

Transmitted to the Legislative Council.

BILL—BILLS OF SALE ACT AMENDMENT.

Council's Amendment.

Amendment made by the Council now considered.

In Committee.

Mr. McDowall in the Chair; the Attorney General in charge of the Bill.

Amendment—Clause 2, line 6, strike out "notice" and insert "bill of sale" in lieu:

The ATTORNEY GENERAL moved—

That the amendment be agreed to.

The amendment was a wise one. All property included in the bill of sale, together with after-acquired property in-