ing inserted a definition of agricultural machines.

Mr. Gill: What about Clause 10?

Mr. A. E. PIESSE: That clause related to trailers. In many cases agricultural machines were conveyed as trailers, but in most instances they were drawn direct by horses and, therefore, under the clause they would have to be licensed. Would the Minister explain what was meant by "machine" in this connection?

The MINISTER FOR WORKS: It was not proposed to compel agriculturists to take out licenses for all agricultural machines, but certain of those machines would require to be licensed. If the hon. member would put his proposed amendment on the Notice Paper he (the Minister) would report progress.

Progress reported.

ADJOURNMENT—ROYAL AGRICULTURAL SHOW.

The PREMIER (Hon. J. Scaddan): I move—

That the House at its rising adjourn till Thursday next.

May I explain for the information of hon. members, as well as of the Press and the public generally, that it was my intention to deliver the Budget on Thursday next but, owing to the fact that show week, with its public holidays, has interfered somewhat with the work of the departmental officers, I have decided to hold it over till the Thursday of next week.

Question passed.

House adjourned at 10.35 p.m.

Legislative Council.

Thursday, 10th October, 1912.

The PRESIDENT took the Chair at 3 p.m., and read prayers.

PAPER PRESENTED.

By the Colonial Secretary: Papers in connection with the New Santa Claus leases at Randalls (ordered on motion by Hon. J. D. Connolly).

BILL—BILLS OF SALE ACT AMENDMENT.

Read a third time, and returned to the Legislative Assembly with an amendment.

BILL—INDUSTRIAL ARBITRATION.

In Committee.

Resumed from the 8th October; Hon. W. Kingsmill in the Chair, Hon. J. E. Dodd (Honorary Minister) in charge of the Bill.

Clause 4—Interpretation:

The CHAIRMAN: Progress had been reported after paragraph (e) of the definition of "industrial matters" had been struck out.

Hon. T. H. WILDING moved an amendment—

That after paragraph (c) of the definition of "industry" the following words be added:—"provided that there shall be excluded from the definition of 'industry' the agricultural and pastoral industries."

It would be quite impossible to carry on those two industries if the Bill was made to apply to them. That fact had been realised by even such a democrat as the late Mr. Seddon. The very character of the work on farms made impossible the limitations which the Bill proposed. For

instance, the handling of stock had to be done early in the morning and late in the evening. It was customary to work for four or five hours in the cool of the morning, rest in the middle of the day, and resume in the evening. It would be impossible to shift stock about, particularly sheep, all through the heat of the day, and to also keep the men out in the field under very trying conditions. There must always be give and take on the land. It would be impossible to keep a record of men's working hours, because all the men were working separately in the field, and there would be nobody to record the time they started and the time they knocked off. Often during the ploughing season the teams had to be knocked off for a fortnight at a time, but the men had to be kept employed in some way. Then there would be difficulty in connection with the carting of the wheat. If it was said that men should work only eight or nine hours per day, the day must commence from seven or eight o'clock in the morning, and that would mean having the men and the teams out on the plains during the excessive heat of summer, and it was well known that an hour's work during the heat of the day took more out of a horse than three hours' work earlier in the morning. Therefore, it was necessary to start the teams at five o'clock in the morning or earlier, so as to complete the journey early in the forenoon. Sometimes it happened when a property was threatened by bush fires that one had to remain away from home for two or three days at a stretch, and surely a farmer should not be asked on such occasions to pay his men time and a half for all hours worked after the specified number. Work on a farm was light, the men spending most of their time riding on machines, and therefore it was not necessary to limit their hours as it was with more laborious occupations. It must be realised that we had to look to the agricultural industry for the future progress of the State. This Bill was going to interfere too much with agriculture and would prevent the employment of labour, with the result that instead of growing wheat farmers would have to run stock on their holdings. The grading clauses, too, would work great injustice, because a man on a farm had to be something of a carpenter, a wheelwright, and a blacksmith—in fact, an all-round handy man.

Hon. J. F. CULLEN: The Minister should carefully weigh the arguments advanced by Mr. Wilding. He could conceive of no greater injury to the progress of the State than the bringing of the agricultural industry into line with the industries of the city and town. It was plain sailing to deal with factories, but it was entirely different to deal with an industry where practically every man was an all-round man. It was impossible to define the line between the different portions of the work. A man driving a team one day might be working at an engine or machine on the next day, or might be doing odds and ends of work in which it would be impossible to register hours and allot the different rates of pay. The aim of those in the agricultural industry was to make all-round men, and they had to be paid accordingly. It was recognised in another place that the shearing and agricultural industries could not be put in the same category, and a majority had decided in favour of dealing with the conditions of shearers in one Bill. Just as a special measure was necessary in that case, if there were evidences of real grievances in the agricultural industry, and he had heard of none yet, a special measure should be introduced. Many settlers would be 300 or 400 miles from the tribunal. They were without mail communication with the centres of population for perhaps weeks. If every little occurrence in the agricultural industry was liable to be made a case for litigation in a court in Perth, friction would be multiplied and the lot of the average settler would be rendered unprofitable and almost impossible. There were not nearly enough agricultural workers to meet the demand, and no grievance was likely to arise for a long time.

Hon. A. SANDERSON: This was one of the questions which placed him in an almost impossible position. He had expressed his views on the second reading.

When we heard the representatives of the agricultural industry talking of the injury the Bill would do to them he would ask what did they think of the injury already being done to other industries? No argument had been advanced which should exempt them from taking their chance with the rest. If compulsory arbitration applied to the mining and timber industries why should it not apply to the agricultural industry? He had thought over this matter for 20 years and the arguments had not convinced him that the agricultural industry should receive special treatment. Perhaps it would be better for him to walk out of the Chamber and not vote.

Hon. J. W. KIRWAN: Mr. Sanderson was to be complimented on the logical position he had taken up. If arbitration was good for one it was good for all, and if bad for one it was bad for all. No argument had been adduced as to why compulsory arbitration should not apply to the agricultural industry, and anyone who voted in favour of the Bill should support its application to all industries. There were great difficulties in the way of applying the Bill to the agricultural industry, but the court must be given credit for possessing common sense. It was for the court to make rules to overcome the difficulties. There were other industries in which the difficulties had been almost as great, if not greater, and yet the court had overcome them. The same arguments had been used with regard to the inclusion of waitresses, whose calling made it essential that they should work early in the morning, in the middle of the day, and until rather late in the evening. The difficulties in their case had been overcome and the difficulties in this case would likewise be overcome. He was sure Mr. Sanderson would not leave the Chamber, but would have the courage of his opinions and record his vote. The mandate from the country had been in favour of an arbitration measure, and he would be astonished if the system was made to apply to one industry and not to all industries. The good sense of the House should reject the amendment.

Hon. J. E. DODD: This matter was freely debated last session. It was no new principle. Under the present Act workers in the agricultural and pastoral industries could approach the Arbitration Court. If this privilege were abolished it would simply mean transferring the power to the Federal court. The shearers had taken their case to the Federal court.

Hon. J. F. Cullen: That was not because they have not the power here.

Hon. J. E. DODD: But hon. members were trying to give more power to the Federal court. No attempt had been made to take a case to the State court in regard to the agricultural workers, but there was an attempt recently being made to take a case to the Federal court. Certainly if the workers in these industries could not approach the State court they would go to the Federal court. It must be remembered that if we gave the power to the State court to deal with these industries they would not act in a foolish manner. The court would not say that a man stripping wheat must work eight hours only. When the interpretation clause had been dealt with he proposed to postpone the intervening clauses and deal with those relating to the court in order to ascertain whether the president must be a judge. So much depended on this that it was as well to settle it before dealing with the other provisions of the Bill.

Hon. Sir E. H. WITTENOOM: Though members might not agree to compulsory arbitration they were prepared to meet the Government as far as they possibly could, but this was one thing members thought it wiser to leave out of the Bill on account of the irreconcilable nature of the work and hours of labour. It was easy to make an award fixing the hours for shearers, but that was not the pastoral industry. When a man did eight hours as a navvy or lumper or timber worker, he did enough for the day, but on a farm a man was half the time riding or putting harness on horses, which was not laborious work compared with the work done by the lumper or the navvy or the timber worker. In fact ten hours

on a farm would be required to equal eight hours in the other industries.

Hon. J. W. Kirwan: Would not the court take that into consideration?

Hon. Sir E. H. WITTENOOM: If the court granted anything like the demands made in the log asked for by the agricultural labourers the award would be an impossible one. A man while ploughing sat in a comfortable seat for most of the day, and was his own master all the time. The hours of the farm labourer differed from those worked by men in other industries. Horses could not be worked in the heat of the day. In the summer it was necessary to start work about six o'clock and knock off from ten o'clock in the forenoon until late in the afternoon. The hours in the pastoral industry were similarly guided by the heat of the summer. A court might not understand these matters, and might cripple the agricultural and pastoral industries to a very large extent. The remarks of the Honorary Minister in regard to the effect of the amendment on our local tribunal were sound. We should certainly vote for these cases to be taken to the State Arbitration Court, though it would be better to leave this out of the Bill altogether and adopt the suggestion of Mr. Cullen to bring in a special Bill when the time arose for it, but in the circumstances, if the matter was to be referred to any court at all it should be referred to the State court. While he would vote with Mr. Wilding, still he thought the suggestion of the Honorary Minister one that could be adopted.

Hon. J. CORNELL: One could not understand why the amendment was moved unless it be from ulterior motives. If the principle of arbitration was effective in one industry it logically followed it could be effective in others. In all industries the great bone of contention was the hours of labour. It was contended that the wages on which a man and his family could live to a great extent were based on the hours of labour, but seeing that workers now got the same wages for eight hours work as they formerly got for twelve hours work, the question of hours did not seem to apply. It was certainly impossible to apply the eight hours principle to agricultural work, but if the principle was good for one section it was good for the whole. If eight hours with overtime was fixed in regard to one industry it was just and equitable to apply it to other industries. It was an old, stock argument to say the agricultural industry could not bear it.

Hon. Sir E. H. Wittenoom: So far as work went the agricultural labourers did not work on the average more than eight hours a day all the year round.

Hon. J. CORNELL: Agricultural labourers were on the job. The engine-driver on a mine might remain for two hours and not turn a handle, yet he was on the job all the time. The farm labourer who took a keen interest in his horses was infinitely more valuable to the farmer than the man who did a little more work in the time but did not give the same consideration to the horses.

Hon. Sir E. H. Wittenoom: Lots of horses drive the man.

Hon. J. CORNELL: Having been employed for 24 years in the agricultural and pastoral industries, he had never known of a horse driving a man. Regarding the argument about the hot weather, he was acquainted with parts of New South Wales and Queensland which were as hot as the northern parts of this State, and there was as much ploughing done in the month of February in New South Wales as there was in March. He had also worked horses in the north-west of this State with the temperature at 125 deg. in the shade. It had been pointed out that the industry was so intricate that perhaps we could not get a competent court to deal with the question, and Sir Edward Wittenoom had suggested that when the time came we might bring in a special Bill. If, however, the provision was embodied in the measure at present before the Committee it would not become operative until the time arrived for its necessity.

Hon. Sir E. H. Wittenoom: Who says so?

Hon. J. CORNELL: It could be made operative when the workmen became dissatisfied.

Hon. J. F. Cullen : It is not the workman, it is the agitator.

Hon. J. CORNELL : It pleased him to hear that remark. He (Mr. Cornell) was as big an agitator as a farm labourer when he was 21 as he was to-day. What did these men agitate for? They did it in 99 cases out of 100 with the intention of benefiting their fellow men, and in the hundredth case perhaps to benefit themselves. Why did Mr. Cullen go among his constituents and say, "you ought to agitate for this; you ought to agitate for that." It was particularly for their benefit and also for his own benefit in this Chamber. The question regarding the agitator, therefore, was beside the issue. It might be pointed out, however, that while at one time the agitator had to go abroad in order to carry out his work, at the present time the newspapers, which gave utterance to the same views, did the work for him. Regarding the provision under discussion, he was sure it would not be put into operation until the necessity for it arrived. It would be there ready, and the employers equally with the employees could avail themselves of it. If we struck it out and there was an upheaval—and there were special facilities in the agricultural industry for an industrial upheaval at harvest time—it would mean a lot to the farmers, therefore, it would be better to have the machinery ready to settle any dispute when it came along.

Hon. H. P. COLEBATCH : The impression he had gained was that the Honorary Minister had suggested that the Committee should proceed with the constitution and procedure of the court before dealing with Clause 4. That course might be followed now, and as far as he was concerned, his vote on this particular clause would be influenced by the constitution and procedure of the court. If we were to assume that the measure was to be passed in its present form he would be compelled to vote for the amendment because he considered the court as constituted in the Bill entirely unsatisfactory, and although members might not be able to throw out the Bill altogether, they should certainly use their influence to protect the primary industries of the country, and for this reason, that in many industries when an award was given, the employer merely had to adjust his circumstances to that award, and he was able to get round on it, whereas in the agricultural industry an employer had no option of that kind. His prices were fixed by outside concerns and he was not able to adjust himself to the award of the court. It would be fatal to place these industries under a court as the Bill suggested. He, therefore, moved—

That the further consideration of Clause 4 be postponed until after Clause 100 had been dealt with.

The Committee would then know what court it was that these questions were to be referred to.

Hon. J. E. DODD: There would be no objection to deferring the consideration of the clause until after the Committee had dealt with Clauses 41 to 58, inclusive.

Motion passed, the further consideration of the clause postponed.

Clauses 5 to 40—postponed.

Clause 41—agreed to.

Clause 42—Members of court:

Hon. J. D. CONNOLLY moved an amendment—

That all the words after "of" in line one be struck out and the following inserted in lieu:—"a president nominated from time to time by the Governor from among the judges of the Supreme Court."

That would retain the court, so far as the president was concerned, in exactly the position it occupied to-day. In all the Arbitration Acts in force in Australia and New Zealand the rule had been followed that the president should be a judge of the Supreme Court. It would be extremely unwise to appoint as president one who was not invested with the powers and privileges of a Supreme Court judge.

Hon. J. E. DODD: It was to be hoped the amendment would not be carried, although he felt sure that it would be, having regard to the second reading debate, and also to the debate which had taken place on this question last year. He could see no reason why we should confine ourselves to a selection from

among the judges. Personally he had nothing whatever to complain of as a whole with the decisions given in the Arbitration Court. Those decisions would have been given in a similar manner by whoever else might have filled the post of president—including mistakes, if any, which had been made. There was no reason why we should limit ourselves to the judges for this appointment. A judge was still a man, and was still subject to the environment which had encompassed him before he became a judge. Moreover, a judge filling the post of president of the Arbitration Court would have to load his mind with all industrial matters, in addition to his previously acquired store of legal knowledge. We should not ask any man to overload his mind in this way. Mr. Moxon, who, as employers' representative, had had considerable experience of the Arbitration Court, was responsible for the suggestion that a professor of economy should be secured for the post of president, contending that such a president would give more satisfaction than was to be expected of a judge of the Supreme Court. He (the Honorary Minister) agreed with Mr. Moxon in that suggestion. By limiting ourselves to the selection of a Supreme Court judge for the post of president of the Arbitration Court, we would be conferring preference to unionists upon the legal profession.

Hon. A. SANDERSON: It was extraordinary that the Honorary Minister should take up a dissatisfied attitude and say he was sure the measure was going to be destroyed by the Legislative Council.

Hon. J. F. Cullen: He has not said that.

Hon. J. E. DODD: In explanation it was necessary to say that he had given utterance to no such remark. It was not at all his view that the amendment, if carried, was going to destroy the measure. He was not here in any threatening mood at all.

Hon. A. SANDERSON: Notwithstanding the explanation of the Honorary Minister this clause was regarded, not only in the Council but outside, as one of the most important in the Bill. He could not see that a judge had any special qualifications for the post of president of the Arbitration Court, except that a judge was in an independent position. Whoever was appointed to the post ought to be put in a similar position, for in the Arbitration Court the president was all-powerful, his two partisan colleagues affording him little or no help in arriving at a decision.

Hon. J. E. Dodd: Can you not make a layman independent?

Hon. A. SANDERSON: That of course, could be done, and he, for one, would assist in doing it; but if the alternative was as between an independent judge of the Supreme Court and a layman who was not independent, how could one be expected to do other than vote for the judge? He was not wedded to the principle of appointing a judge of the Supreme Court. To say that the more stupid a man, and the more inclined he might be to ignore the difficulties of this question, the better qualified he was to sit and decide what other people were to pay, was a most grotesque proposition. He would not support the Honorary Minister's proposal that a layman should be appointed with a seven years' tenure. Let the salary be made £1,200 a year, and the appointment for a lifetime, and he would be prepared to favourably consider it.

Hon. J. F. Cullen: To take a partisan nomination, as it is bound to be.

Hon. A. SANDERSON: What he had said was that he would be prepared to consider it favourably; but he would not consider for a moment the appointment of a man on a seven years tenure.

Hon. H. P. COLEBATCH: The amendment was deserving of support. He believed that it was possible to substitute law for force in the settlement of industrial disputes. If we were going to substitute law, it must be administered by someone who understood, not merely this particular measure, but the principles of law. This was not, as the Honorary Minister had suggested, a claim for preference to unionists. It was on all-fours with the principle that an engine-driver, carrying the lives of passengers in his hands, should have a certificate, and be specially qualified for the work. If it

was necessary for an engine-driver to understand his business and hold a certificate it was necessary also that a man occupying the position of president of the Arbitration Court should understand law.

Hon. M. L. MOSS: Like others who had spoken, he would support the amendment. He had already given his views at some length on this question, not only during this session but during last session also, and he saw nothing whatever to induce him to alter his opinions previously expressed. Indeed he was rather strengthened in his opinions from the observation made by the Honorary Minister this afternoon when that gentleman stated that there was nothing to complain of in respect to the way the presidents of the Arbitration Court had given their decisions in the past. It was a strong, fair, and candid statement for the Minister to make. Before pulling down an existing institution and putting up something in its place, some justification was required for the alteration, and, as the Honorary Minister had said there was nothing to complain of in the decisions of the past, clearly it would be well to leave well alone. The judges were not by any means overloaded with work. One had been away the whole of last year, and still the work was carried on with the greatest facility.

Hon. J. F. Cullen: The Honorary Minister meant overloading one judge with these complex cases.

Hon. M. L. MOSS: It would be impossible to get a layman to so familiarise himself with all the industries of the country as to be able from his own knowledge to give decisions satisfactory to the employers and the workers. There was not a man in the community who could acquire so intimate a knowledge of every industry as to be able to carry out his duties as president of the Arbitration Court to the satisfaction of everybody. If there was one thing more than another which was essential to investing this court with confidence in the eyes of every person in the community, it was that we should have as president a man thoroughly independent. He would not agree with Mr. Sanderson's proposition to put a layman in the position for life and give him £1,200 a year. He was making no reflection at all upon the present Government, but was speaking quite generally, when he contended that the Government who appointed a person to such a position as this could not make an appointment which had not a considerable amount of party colour. Whether a partisan appointment was made by a Liberal Government or a Labour Government the result would be just as disastrous to industrial peace. Mr. Connolly had correctly stated that a judge was president of each arbitration court in Australia, but it was not only in connection with matters of this kind that judges had been called upon to perform important duties in the past. In most cases where the Constitution was on the British model, judges had been compelled to go into the political arena to deal with disputed elections, they being fixed upon as the fairest arbitrators to be found in the community. Judges held their position on the bench subject only to a liability to removal for misbehaviour, and then only by the vote of both Houses of Parliament. The fact that a fair-minded man like Mr. Dodd was prepared to say that the decisions of the judges in the past had given every satisfaction was a very strong recommendation to the Committee to preserve the existing state of affairs. The Bill proposed to create a dictator who could interfere with everything from the domestic circle to the most complex industry in the community, and dictators, wherever they had been tried, had always proved a failure. The most satisfactory man for the position of president was the most independent man, and the most independent man in the community was a judge of the Supreme Court.

Hon. J. W. KIRWAN: The amendment practically implied that judges had a monopoly of wisdom, fairness, and independence, and that it was impossible to get other men possessing those qualities and capable of acting rightly between man and man. That was an absurd position to take up. We all had respect for the Supreme Court judges, but to say that there were no other men who had wis-

dom, independence, fairness and honesty, was almost a slight on the rest of the community. Mr. Sanderson had said that he would be quite satisfied if Mr. Dodd was president of the Arbitration Court; peculiarly enough, a prominent member of the Chamber of Mines had within the last fortnight made an exactly similar remark, and, on the other hand, there were probably individual members of that Chamber who would be equally satisfactory to the employees.

Hon. J. D. Connolly : So far as mining is concerned.

Hon. J. W. KIRWAN : One might fairly assume that the mining industry had not a monopoly of fair-minded men. Mr. Colebatch had said that the whole question should be dealt with as a matter of law. If the Arbitration Act was to be a matter of ordinary law there might be something in what the hon. member said, but the Arbitration Court was altogether different from ordinary courts, for, amongst other differences, the law of evidence did not obtain, and lawyers were not permitted to practice in it. Therefore, why should not a layman be found in the ranks of employers or employees who would be capable of giving these matters impartial consideration ? The average lawyer was not a business man. he knew nothing whatever about business, his training was altogether in another average lawyer was not a business man, on the other hand, was in the habit of dealing with matters of this kind, and would far more readily find a solution of the problems presented to the court than would a trained lawyer. It was commonly well-known that the judges who had been appointed president of the Arbitration Court had complained that their position was totally different from that in the ordinary court, and that they were in foreign surroundings. Probably if they were consulted they would be the first to admit that they were not as competent for arbitration work as other men.

Hon. M. L. Moss : It does not matter what they say; they are there to carry out the law.

Hon. J. W. KIRWAN : If judges said they felt they were not conpetent to carry out these duties it was a matter worthy of consideration. If they took the position of president with reluctance it was evident they felt themselves unfitted to deal with matters of this kind. He believed there were men in the State who would have more reliance in their own powers than the average judge who had never dealt with business affairs. He was satisfied that if each judge was consulted he would express his satisfaction at being relieved of the possibility of being placed in this position, and would admit he was not the person most competent to fill it. The Bill did not say a Supreme Court judge should not .be appointed. If it happened that a judge was the best qualified man it would be possible to appoint him, but the Bill proposed to give to the Government of the day the fullest power to select the man who, in their judgment, would best decide on matters of business between man and man. The Government every day had to make appointments carrying no less responsibility than this one. and why should their power be limited in regard to the appointment of a president of the Arbitration Court? The court was not a court of law in the ordinary sense of the term.

Hon. R. J. Lynn : Do you take any exception to the findings of judges in the past ?

Hon. J. W. KIRWAN : There were cases in which the judge through lack of knowledge of an industry had committeed errors of judgment whilst fully intending to be perfectly fair. He did not believe for a moment that the judges had been biassed. but surely it was possible to get other men who were equally free from bias. He was glad that the Minister had raised this question at this early stage, so that the matter might be fully weighed, and on the Council would rest the responsibility for its decision.

Hon. J. F. CULLEN: It had been argued that a business man would be better able to deal with the majority of the cases that came before the Arbitration Court. A business man whose attainments would warrant his selection, would

be essentially a specialist in some particular line, and the ablest man in one line of business would not attempt to set himself up as an expert in other lines. The risk was that we would get as president of the court a jack-of-all-trades, who would have very little claim on the public confidence. We should leave well alone. Every representative man in the State would admit that the one feature of the court least open to question in the past had been the president. The judge had commanded the confidence of the whole community. In the Government's endeavour to improve the measure the House would help them, but if successive Governments made appointments one section of the community would be liable to suspect favouritism. We should leave well alone.

Hon. J. CORNELL: Previous speakers had not grasped the significance of the amendment, though some had touched on it. The amendment not only proposed that the president should be judge, but that the president should be the court.

Hon J. D. Connolly: This deals only with the president.

Hon. J. CORNELL: A layman would be as qualified and independent as a judge. Even a lawyer was liable to make mistakes. The appointment of Mr. Justice Higgins and Mr. Justice Isaacs by the Deakin Government to the High Court had never been questioned on the grounds of partisanship. In the eastern goldfields engineers' case the decision was against the weight of evidence and against the proposals of either party, and that decision had been a factor in keeping the men away from the court. Either the court did not know the circumstances of the case, or there was a strong savour of bias. The men were actually reduced when there was no necessity for it, and subsequently the employers agreed to give them the wages which had been paid prior to the case. He was not averse from a judge being president of the court, but he opposed the idea of restricting the office to three or four individuals. If provision was made that a man qualified to be a judge might be appointed it would not be so restrictive, but the amendment would leave no alternative than to appoint a judge. There were lawyers in whom he would have every confidence as president, and if a legal man was insisted on he hoped this modification would be made.

Hon. D. G. GAWLER: Mr. Kirwan asked that the choice should be left open so that a judge or a layman could be appointed. The objection was the opportunity of partisanship. Appointment by the Governor meant appointment by the political party in power. It was only natural if that power remained that the party in power would do their best to appoint a supporter, and the same would apply to a Liberal Government. That would be a dangerous power in the hands of any Government. The opportunity for partisanship should be removed by restricting the appointment to a judge of the Supreme Court.

Hon. J. E. Dodd: Cannot you use the same argument with regard to the appointment of a judge?

Hon. D. G. GAWLER: No. So far every judge had shown himself above party feeling. Mr. Justice Higgins was a living illustration of this provision in a Labour enactment. It would be impossible to administer the law with a layman as president and without a legal mind. It was practically impossible for a layman to deal with Clauses 69, 92, 94, and 95. Clause 69 set forth that the president might exercise certain powers in chambers, powers dealing with interlocutory proceeding to be taken before the hearing, the costs of such proceeding, the issues to be submitted to the court, the persons and unions or associations to be served with notice of proceedings, particulars of the claims of the parties, admissions, discovery, interrogatories, inspection or production of documents and so forth. He defied any lay-president to overcome the difficulties which would confront him to administer that.

Hon. B. C. O'Brien: The bulk of the measure has been initiated by lay minds.

Hon. D. G. GAWLER: Lay minds initiated all legislation but did not carry it out. Clause 92 contained provisions for enforcing industrial agreements, Clause

94 provisions with regard to property liable to execution, and Clause 95 dealt with the removal of a prosecution for an offence from a court of summary jurisdiction to the court of arbitration. These were matters which must be administered by a legal mind. If the appointment was limited to a judge of the Supreme Court, political partisanship would be impossible. The Bill would not suffer if the amendment was carried.

Hon. F. DAVIS: It had been his experience to take part in the settlement of a number of disputes and that experience had shown him that there were men with a knowledge of business matters who were well able to deal with industrial disputes.

Hon. J. D. Connolly: What about the clauses referred to by Mr. Gawler?

Hon. F. DAVIS: A layman with a good general knowledge could deal with those matters. He did not have the same profound admiration as some men for members of the legal profession, and he did not hesitate to say that there were men outside the profession who were equally as able as those who were in it.

Hon. M. L. Moss: Have you read Clause 69, and if you have can you tell me what labour man could deal with the matters that are mentioned there?

Hon. F. DAVIS: There were men who would be able to deal with those matters satisfactorily, men with sound commonsense and a wide knowledge of the affairs of the world. It had been said that every section of the community had confidence in the decisions of a judge of the Supreme Court, but that was saying something which in his opinion was not accurate. It did not follow that because a judge of the Supreme Court gave a decision every worker was satisfied with it.

Hon. Sir E. H. Wittenoom: A greater number would be dissatisfied with the decision of a layman.

Hon. F. DAVIS: That, however, was not his opinion. By far the larger number of people who constituted the State were workers, and if a business man were appointed they would have as much, if not more, confidence in the decisions of that business man than in the decisions of a judge of the Supreme Court. A judge was not necessarily infallible.

Hon. D. G. Gawler: Nobody is.

Hon. F. DAVIS: It was possible for a business man in his early youth to have been a worker for wages, and to know thoroughly every detail of a worker's life, and possibly that man afterwards may have embarked in one or more business ventures, and so got a thorough grasp of the conditions underlying business.

Hon. W. Patrick: What kind of business?

Hon. F. DAVIS: No particular kind of business.

Hon. Sir E. H. Wittenoom: Why does Mr. Justice Higgins give such satisfaction to the workers?

Hon. F. DAVIS: Justice Higgins was not entering into the question just then. If a man had had a training as a worker and as an employer, and the employers and the workers were the chief people who were concerned in this measure, that man would be the most competent to fill the position of president of the court. A judge of the Supreme Court had all his life long been connected with one profession and mixed with one section of the community only.

Hon. M. L. Moss: You want a jack-of-all-trades.

Hon. F. DAVIS: A judge had not the general knowledge that was required to make a satisfactory president of the court.

Hon. D. G. Gawler: Your working man would not have all the qualifications to administer this Act.

Hon. F. DAVIS: What he was suggesting was that a man who had had experience in all phases or in many phases of industries could better act as president, because he had a wider knowledge of the conditions under which men laboured than a judge of the Supreme Court, who had been all his life in one particular groove, and who might be unconsciously biassed in one direction.

Hon. D. G. Gawler: Your president has power to award imprisonment up to three years; that is rather a big power to give a layman.

Hon. F. DAVIS: Why should not a layman have that power; he had as much

common sense as a judge. It had also been said in the course of arguments that the president of the court would practically be a dictator, and on that ground it was contended that only a judge should be appointed.

Hon. M. L. Moss: I am agreeable to give the right of appeal and you people are not.

Hon. F. DAVIS: At the present time a judge had extensive powers and the powers asked now did not exceed to any great extent the powers which were given under the present Act, and no one had heard of any great outcry about the exercise of those powers in the past. Generally speaking the powers of the court had not been abused. Therefore it could not be seen that any evil effects would follow by giving the powers it was proposed to give the president.

Hon. D. G. Gawler: Do you think that evil effects would follow if he were a judge of the Supreme Court?

Hon. F. DAVIS: No, but better results would be obtained by appointing a layman with a good general knowledge of the affairs of the world.

Hon. Sir E. H. WITTENOOM: It was agreed that it would be almost impossible to get any man to fill this position who would give satisfaction to everybody. Were we able to get a really good business man with sound common sense, no doubt then that man would be as good, if not better than a judge of the Supreme Court. But the difficulty was to get such a man, and another difficulty was to know who was to decide in making the selection and the appointment. Therefore, weighing all the difficulties, it seemed to him and to many others that we could not do better than appoint an expert who was trained in the taking of evidence because, after all, it resolved itself into a matter of evidence. If one had been brought up in all the serious and different phases of labour he would naturally have a great leaning towards labour. If he had been brought up amongst other classes it was natural to infer that his leanings would be towards those classes, but he contended that by appointing a judge that judge would be in an independent position and he would have his name to maintain, and he would not care so long as he conducted himself properly what the opinion of the people was in regard to his decisions. Beyond that a judge was an expert in the weighing of evidence, and after all it came to a question of evidence, and the judge would have beside him the selected advocates of each side to guide him.

Hon. F. Davis: Could not a business man under those conditions do just as well as a judge?

Hon. Sir E. H. WITTENOOM: Yes, provided he was not biassed and had the same experience in the weighing of evidence as a judge. That was the great point, and when we came to the crux of the whole question we must decide that no one could be the president of the court but a member of the Supreme Court bench.

Hon. A. SANDERSON: Regarding the point raised by Mr. Moss concerning the chairman of similar tribunals in the different States of the Commonwealth, he had looked the matter up in the official *Year Book* and had found that Western Australia was the only State in the Commonwealth which insisted on a member of the Supreme Court bench being at the head of the Arbitration Court.

Hon. Sir J. W. Hackett: But they have not arbitration courts in all the States.

Hon. A. SANDERSON: They have the same system.

Hon. M. L. Moss: And they have never appointed anyone but a Supreme Court judge in those places.

Hon. A. SANDERSON: In New South Wales the person appointed was chosen by the parties. In Victoria the wages boards elected the president.

Hon. J. F. Cullen: But those are boards, not courts.

Hon. W. Patrick: You cannot compare a wages board to an arbitration court.

Hon. A. SANDERSON: One could support the idea of a layman being appointed if the conditions were made equal. How could the Minister expect members to vote with him when the alternatives he gave were either a Supreme Court judge for life or a layman appointed for seven

years? Why should not the layman be in as independent a position as the judge?

Hon. J. F. Cullen: Then you would have a partisan appointed for life?

Hon. A. SANDERSON: Once strong Labour partisans got into an independent position, and made a close study of these industrial questions, they would see what a hopeless state they were in, and would take the earliest opportunity of resigning, as long as their pensions were assured. This question of the presidency of the court was one of the most important portions of the Bill, and he could not understand why the Government would not consent to make the layman as independent as a judge. If the Government would not give an assurance on that point, he would have no alternative but to support the amendment.

Hon. J. D. CONNOLLY: It was difficult to follow the argument of Mr. Sanderson that the appointment of a layman should be supported if the layman was given the same independence as a judge; that would be just as unsatisfactory as the present proposal. If a layman was appointed, it would be because of his experience in industrial matters, and where was such a man to be found, unless he was a strong partisan? In order to have gained that experience, he must have taken a strong stand either for the workers or for the employers of labour, and such a man must be unconsciously biassed; he could not dissociate himself from his old view of things.

Hon. D. G. GAWLER: For the information of Mr. Sanderson, it might be mentioned that the *Commonwealth Year Book* stated that the Arbitration Acts in force at the end of 1911 were those of South Australia, Western Australia and the Commonwealth, and that, failing the making of industrial agreements, disputes were settled by reference to the court, which consisted "of a judge of the Supreme Court of the State, or, in the case of the Commonwealth, of the High Court." Mr. Sanderson must have been erroneously referring to wages boards, in which case it was true that the chairman was appointed by the members of the board.

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

Ayes	15
Noes	6
Majority for	9

AYES.

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

NOES.

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

Amendment thus passed.

Hon. J. E. DODD: Mr. Colebatch and Mr. Kirwan had paired on the amendment—Mr. Colebatch for and Mr. Kirwan against.

The CHAIRMAN: The Chair can take no cognisance of pairs.

Hon. J. E. DODD: Now that the Committee had decided that a Supreme Court judge was to be president of the Arbitration Court, it was desired to make it clear that the court should be as at present constituted, namely, to have the other two members of the court nominated by the industrial unions of employers and employees respectively. He proposed to amend the clause providing that it should consist of three members.

The CHAIRMAN: The hon. member proposed to alter words which had already been struck out of the clause. It was not competent to do so. Any amendment must be moved in addition to the words just inserted. The clause as amended now read, "The court shall consist of a president nominated from time to time by the Governor from among the judges of the Supreme Court," and any amendment could only add words after "Supreme Court." It would be competent for the hon. member to move to make the clause read, "A president nominated from time to time by the Governor from among judges of the Supreme Court and of two other members to be appointed."

Hon. J. D. CONNOLLY: There was an amendment on the Notice Paper to strike out Clause 43 for the purpose of inserting a clause providing that for the hearing and determination of industrial disputes, the president should sit with two assessors appointed in the prescribed manner by the parties to each industrial dispute referred to the court, one of the assessors to be a person appointed by the party, or all the parties whose interests were with the employers, and the other to be a person appointed by the party or all the parties whose interests were with the workers.

Hon. Sir J. W. Hackett: That is the wages board system.

Hon. J. D. CONNOLLY: Largely so. He could not move to insert the clause in lieu of Clause 43 until the end of the Bill, but he would suggest that the debate on the question of the appointment of assessors might take place now, and then the new clause could be formally put in the Bill later on.

The CHAIRMAN: It was not competent to discuss Clause 43 now, but as the question at issue was the appointment of permanent members of the court, or temporary assessors, if the Minister moved an amendment, which it was competent for him to do, to add after "Supreme Court" certain words appointing permanent members, the sense of the Committee could easily be taken on that amendment.

Hon. Sir E. H. Wittenoom: Why not report progress and consider the position?

Hon. J. E. DODD moved a further amendment—

That at the end of the clause as now amended the following be inserted:—"And two members appointed by the Governor; one member shall be appointed on the recommendation of the industrial unions of employers and one on the recommendation of the industrial unions of workers."

The idea was to make it clear that the court could not be constituted as it was at present constituted. Mr. Connolly's proposal was to have assessors. To secure assessors to act in every industrial dispute on behalf of the workers would be almost impossible.

Hon. Sir E. H. Wittenoom: If they like they can have the same representative each time.

Hon. J. E. DODD: Then the position would be no different from the present position, and there would be no need for Mr. Connolly's amendment. Members must realise the difficulties attached to appointing assessors for the workers. They would not be able to get away from their work to sit on arbitration cases.

Hon. M. L. MOSS: In view of the decision of the Committee, that the president should be a judge of the Supreme Court, it would be absolutely necessary to recast Part IV., and put it back into the form of the present Act. The proper course was to postpone the clauses in Part IV. or to report progress, and take advice from the Parliamentary Draftsman.

Hon. J. E. DODD: It was not the duty of the Government to adopt such a procedure. The Committee having seen fit to amend the Bill in such a way as to cause it to be practically redrafted in relation to Part IV., surely it was not the duty of the Minister in charge of the Bill to accept the responsibility of redrafting the measure in order to send it back to the Assembly. He was prepared to let the Committee do this.

Hon. M. L. MOSS: Members were supposed to have the Parliamentary Draftsman at their disposal; but being quite independent of the Parliamentary Draftsman, he was agreeable to recast Part IV. in accordance with the ideas of the Committee. The suggestion he had made to the hon. member was one that might readily have been acted on, because it was obvious Part IV. would need to be recast. At any rate, there should be a vote taken upon the question as to whether the assessors should be permanent or temporary, as outlined in Mr. Connolly's amendment.

The CHAIRMAN: The amendment before the Committee was that moved by the Honorary Minister.

Hon. J. E. DODD: It would be well to postpone consideration of this part of the Bill and take up the consideration of the

clauses previously deferred, unless Mr. Colebatch was anxious to go on with Clause 100. He was willing to meet members in any way.

The CHAIRMAN: Does not the hon. member wish to have his amendment put?

Hon. J. E. DODD: It would be well to allow it to stand over for a time. It was now decided that the president of the court should be a judge of the Supreme Court. It was with the object of getting that point settled that the previous clauses had been deferred. Now we could go back to those clauses, and in the meantime he would see what could be done in regard to Part IV.

Hon. Sir J. W. Hackett: The agreement was that after the question of the President of the Court was settled we were to go back.

The CHAIRMAN: The previous decision of the Committee was to postpone the consideration of Clauses 4 to 40 until after the consideration of Clause 58. He could not proceed with the consideration of Clauses 4 to 40 until Clause 58 was finally disposed of. The question now was that certain words were to be added at the end of Clause 43 as amended.

Hon. J. D. CONNOLLY: The Minister might withdraw the amendment and allow the clause as amended to be passed, and then on Clause 43 we could discuss the question of assessors. As a matter of fact, the constitution of the court was only half settled, and it would be a waste of time to adjourn the debate upon this matter at this stage.

Hon. J. E. DODD: Should Mr. Connolly's amendment be defeated we would be placed in exactly the same position. He hoped it would be defeated. However, to allow the discussion on the question of assessors, he would withdraw his amendment.

Amendment by leave withdrawn.

Clause as amended put and passed.

Clause 43—Tenure of office of president:

Hon. J. D. CONNOLLY: The clause ought to be struck out, if only because such striking out was consequential on the amendment made in Clause 42. It was his intention to subsequently move the addition of a new clause in lieu of Clause 43, providing for the appointment of assessors for the assistance of the president. In the existing Act provision was made for the calling in of assessors, but so thoroughly partisan were the lay members of the court that they had taken the place of assessors and, in consequence, the provision had never been exercised. The strongly partisan character of the two lay members of the court had effectively precluded them from conducing to the settlement of disputes. Under his proposed new clause, in the case of a dispute in, say, the bootmaking industry, a working bootmaker would be appointed on the one hand, and on the other an employer in the same trade, and, between them, these two would be of great assistance to the president in the hearing of the dispute, supplying him with information regarding the trade customs and trade terms. After all, the only assistance the president of the court required was precisely that which would be furnished by assessors from the trade in which the dispute existed. When, at the conclusion of the dispute in the bootmaking industry, the president proceeded to take the hearing of a dispute in, say, the tailoring industry, new assessors would be appointed from the tailoring trade. The Honorary Minister would probably object to the proposed new clause because it savoured somewhat of the wages board system.

The CHAIRMAN: The discussion which appeared likely to arise at this stage would not be quite in order. Clause 43 dealt with the tenure of office of president. The discussion initiated by Mr. Connolly should take place on the considering of the proposed new clause which that hon. gentleman intended to move. It would have been competent to discuss this point on the amendment moved by the Honorary Minister. This, however, had been withdrawn.

Hon. J. E. Dodd: The trouble was that the carrying of that amendment would have necessitated the recasting of many of the clauses.

The CHAIRMAN: The amendment already carried meant the recasting of practically all the clauses.

Hon. M. L. MOSS: Would it not be competent to suspend the Standing Orders and get an expression of opinion from the Committee as to whether these assessors should be permanent, or be appointed for each dispute?

The CHAIRMAN: The committee had lost their opportunity when the amendment moved by the Honorary Minister was withdrawn.

Hon. Sir E. H. Wittenoom: Can we not reinstate it?

The CHAIRMAN: Not at this stage.

Clause put and negatived.

Clauses 44 to 46—negatived.

Clause 47—Ordinary members to be appointed on recommendation of unions:

Hon. M. L. MOSS: This would give an opportunity of expressing an opinion in regard to the appointment of assessors. He was against the appointment of assessors altogether. Only in very rare cases would the assessors be found to agree, and on all other occasions the judge would still have all the work to do.

Hon. J. D. CONNOLLY moved an amendment—

That all the words after "court" in line 1 be struck out and the following inserted in lieu:—"for the hearing and determination of industrial disputes, the court shall sit with two assessors appointed in the prescribed manner by the parties to each industrial dispute referred to the court. One of the assessors shall be a person appointed by the party or all the parties whose interests are with the employers, and the other shall be a person appointed by the party or all the parties whose interests are with the workers."

The CHAIRMAN: The hon. member could move to insert other words after the words had been struck out.

Hon. J. E. DODD: The Committee could discuss the principle whether or not we were to have assessors, and if the amendment was carried, he would then report progress, so that the matter could be considered, and possibly have certain clauses redrafted. He was opposed to the principle of appointing assessors for reasons which he had previously given. A good deal had been urged as to the independence of the present court. It was impossible to secure the independence of any assessor to deal with different industrial matters. There would be no fixed salary. An assessor for one dispute would be paid an amount for being the assessor in that dispute, and he would then be dependent on his employer for obtaining further employment.

Hon. D. G. Gawler: Why should not the Government pay the fees?

Hon. J. E. DODD: If the Government were to pay the fees as they did now, what was the good of the amendment? One assessor might adjudicate in several industrial disputes, but if the proposal of Mr. Connolly was carried there would be a good number of different assessors in the court at different times; if that was not so why have the amendment at all? If a number of assessors were employed these men would be dependent on the employer for the time he was adjudicating in the court and there would absolutely be no independence at all.

Hon. M. L. Moss: They would be just as independent as an arbitrator under the Public Works Act.

Hon. J. E. DODD: An arbitrator under the Public Works Act was in a different position. He was taken from his work to adjudicate on the value of certain work done, but these assessors would be taken from their work to adjudicate on their work.

Hon. J. D. Connolly: In Victoria they have five assessors on each side.

Hon. J. E. DODD: That was the objection he had. There was no independence on the part of the workmen engaged on wages boards. There was also the familiarity that a prominent assessor obtained by attending constantly in a court, which was of value. It was to be hoped the principle contained in the amendment would not be adopted.

Hon. D. G. GAWLER: The amendment virtually brought into existence the principle of a wages board. It provided for assessors to sit in each industrial dispute *ad hoc*. This being on the same basis as a wages board the remarks made by Mr. Knibbs, the Commonwealth Statistician, on the efficacy of wages boards were interesting. Mr. Knibbs said, "It is claimed that the introduction of the

wages board system affording protection from unfair competition to employers, and the assurance of fair wages to employees, has led to improvement in working conditions, and that the appreciation of the workers is evidenced by the number of applications for the granting of boards." Under the system in vogue in the other States, particularly in New South Wales, the boards met, a chairman was chosen, they discussed the matter and signed the dispute on the spot.

Hon. F. Davis: It takes two years sometimes to do that.

Hon. D. G. GAWLER: Whether an arrangement was come to between the parties on the spot it did not matter, but the board gave a decision in the particular dispute. With regard to the fees, the argument of the Minister was that it was almost impossible to get men to be independent in a case like this, because the members of the board would be dependent on the employer for their wages.

Hon. F. Davis: They would be dependent on the employer for the time off to adjudicate.

Hon. J. D. Connolly: They generally select the secretary of a union.

Hon. D. G. GAWLER: Surely the hon. member did not mean to convey that the employer would not allow the employee to get away to attend on the board. In New South Wales the fees were paid by the Government.

Hon. J. E. Dodd: Would the men be able to keep their jobs?

Hon. D. G. GAWLER: The Honorary Minister was raising a serious complaint against the employers which was not justified by suggesting that men acting on boards would be victimised by the employer. We ought to take cognizance of the experience of the other States.

Hon. F. DAVIS: In the ordinary course of events any man who appeared at court, and gave a decision as to the value of work in a particular industry, would find it impossible to get work in that particular industry, and in that particular district afterwards. A man as an assessor might be employed as such for one, two, or even five weeks, and for doing that he might have to suffer for years.

Hon. J. D. Connolly: Would that not apply to witnesses to-day?

Hon. F. DAVIS: Not so much. A report was largely based on the evidence and the decision and views which the assessor gave, and the employer would blame the assessor for any decision where there were higher wages or better conditions awarded. There was not the least doubt that the employee would be penalised and in the circumstances it would be very difficult to get men to act.

Hon. D. G. Gawler: The Bill introduced by Mr. Crooks in the Imperial Parliament provided for these boards.

Hon. F. DAVIS: In the other States men were often victimised by being brought into conference with employers and expressing their views strongly. These assessors suffered severely. They were victimised and penalised by employers. Therefore, it was highly undesirable that assessors should be appointed but rather that there should be permanent men appointed to give decisions in the court.

Hon. C. SOMMERS: Surely Mr. Davis did not mean the Committee to believe that men who acted as assessors would be victimised.

Hon. F. Davis: I do.

Hon. C. SOMMERS: Unions were powerful and would not permit, nor would the public permit an injustice being done in this respect. The assessor might be drawn from the secretaries of trades unions. The expense of paying these assessors it was proposed should be met by the Government, which was an excellent idea. We would get expert advice, but we could not expect permanent men to have a knowledge of every trade in the State.

Hon. H. P. COLEBATCH: The amendment would have his support. The inconsistency of members opposing it was extraordinary. In another stage of the debate we were told that the country was overrun with people competent to act as advocates in each case. If that was so, surely there must be plenty to act as assessors. He failed to see where any difficulty was likely to come in. As regarded victimisation one might as well say that

witnesses would be victimised. Assessors would be paid a fixed amount by the State, the same as the president. The assessors, whether temporary or permanent, were entitled to be partisans.

Hon. M. L. Moss: No, they are not.

Hon. H. P. COLEBATCH: They were appointed on the recommendation of the different parties. A curious situation might arise if the member appointed on the recommendation of one of the parties consistently failed. If the member appointed by the workers consistently gave awards that did not please them, what position would arise? He would be in office for three years and could not be removed. That position could not arise with temporary assessors. He could not see the value of assessors unless they were to assist the judge with the technical details of a dispute, and a permanent man could not have a knowledge of the wide range of industries.

Hon. J. CORNELL: The retention of the present system or the abolition of laymen altogether would be preferable. Rather than that the president should adjudicate on the points on which the assessors could not agree, it would be better if the president dealt with the whole thing.

Hon. M. L. Moss: I agree with you there.

Hon. J. CORNELL: If a judge was competent to deal with intricate industries, two laymen would be equally competent.

Hon. D. G. Gawler: The judge is competent to weigh between the other two.

Hon. J. CORNELL: Mr. Justice Higgins had proved competent without assessors. In reply to Mr. Jenkins he could say that it was one of the hardest things possible to get witnesses to appear in the court through their fear of victimisation. At the outset laymen might not be proficient, but as time went on they would become proficient in all industries. An adverse decision had been given in the case of the Norseman miners, and Mr. Somerville had continued to represent the workers. Rather than accept the Bill with the amendment he would ask the workers to drop the measure.

Hon. J. E. DODD: It was ridiculous to say that an employee would not be victimised if he gave an award adverse to his employer; at any rate no such worker would have any chance of advancement. The question was simply one of the policy of the present Government as opposed to the policy put forward by the leader of the Opposition. The amendment was an attempt to insert a wages board provision in the Bill.

Hon. A. SANDERSON: It seemed that the amendment was an attempt to graft a wages board system on to the Arbitration Bill.

Hon. J. D. Connolly: The wages board system is different altogether.

Hon. A. SANDERSON: Then that was not the hon. member's intention?

Hon. J. D. Connolly: It would be impossible.

Hon. A. SANDERSON: The Minister considered the amendment was an attempt to do so.

Hon. J. Cornell: The only difference is with regard to the numbers.

Hon. A. SANDERSON: Mr. Connolly had given his assurance that it was not his intention to graft a wages board system on to the Bill.

Hon. F. Davis: It will have that effect.

Hon. A. SANDERSON: It would not be fair to do that. We had done enough now to ensure the Bill being rejected by another place. After having secured the independence of the president of the Court we might put the rest through without any great amendment. He hoped Mr. Connolly would explain his intention.

Hon. J. D. CONNOLLY: It was idle for the Honorary Minister to repeat that a person who acted as assessor would be victimised. He could give instances of victimisation from the other side.

Hon. J. E. Dodd: That does not alter the argument.

Hon. J. D. CONNOLLY: Could the Minister give an instance where an assessor had been victimised?

Hon. J. E. Dodd: Assessors are generally independent men.

Hon. J. D. CONNOLLY: Why?

Hon. J. E. Dodd: Because they are generally secretaries of unions.

Hon. J. D. CONNOLLY: Then why not have a secretary in this case?

Hon. J. Cornell: He would not have the knowledge.

Hon. J. D. CONNOLLY: If the parties were satisfied with his knowledge nothing more was required. There could not be any more victimisation than there was at present. So long as the workers were satisfied they could appoint the same man.

Amendment (to strike out the words) put and a division taken with the following result :—

Ayes	11
Noes	7
Majority for	4

AYES.

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

NOES.

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

Amendment thus passed.

Sitting suspended from 6.19 to 7.30 p.m.

Hon. J. D. CONNOLLY moved a further amendment—

That the following words be inserted: —"(*1.*) *For the hearing and determination of industrial disputes, the court shall sit with two assessors appointed in the prescribed manner by the parties to each industrial dispute referred to the court.* (*2.*) *One of the assessors shall be a person appointed by the party, or all the parties whose interests are with the employers, and the other shall be a person appointed by the party or all the parties whose interests are with the workers.*

If the amendment was carried, the clause would be required to be recommitted so that verbal alterations might be made, because as it stood it did not read quite correctly.

Hon. J. E. DODD: It was his intention to vote against the clause as it stood, in the hope that the court might be composed of a judge only, in preference to a judge and assessors. The only way to accomplish that would be by voting against the clause.

Hon. E. M. CLARKE: What provision would the Minister make for bringing a case before the court? That was to say, who would conduct it? Lawyers in another clause were to be excluded from appearing before the court. Who, therefore, was to appear for the different contesting parties?

Hon. M. L. Moss: That comes in Clause 64.

Hon. A. SANDERSON: If we voted for the proposed amendment, it would mean in favour of assessors, but the Minister's attitude was that he would prefer to have a single judge, and urged the Council to vote against assessors. In these circumstances the Committee should support the Minister. With the great conflict that was going on in the country, he would appeal to Mr. Moss to take up the attitude that the country had endorsed industrial arbitration, and to content himself with one or two amendments, such for instance as the appointment of a judge.

Hon. J. D. Connolly: Do not forget that the Bill was introduced with assessors in it.

Hon. A. SANDERSON: No notice was taken of Bills until they reached the Legislative Council.

Hon. J. D. Connolly: Read Clause 47 as printed.

Hon. A. SANDERSON: What he preferred was to take the statement which which the Minister had just made.

Hon. Sir E. H. Wittenoom: The Minister has abandoned his position.

Hon. A. SANDERSON: The Minister was in charge of the Bill, and he had said that the Committee having struck out the judges' assistants, we should allow the single judge to remain. It was his intention to support the Minister.

Hon. Sir E. H. WITTENOOM: The constitution of the court, as it was originally proposed by the Government, namely,

a judge with two assessors, met with his approval. It was therefore, only a question how the assessors were to be placed. He wanted these assessors elected by each party to the dispute, instead of the appointments being made permanently. No judge, let him be as highly qualified as he liked, could know all the details of a dispute, unless he had someone with him who was familiar with these details. He was not in favour of appointing a judge alone.

Hon. E. M. CLARKE : What did the Minister purpose doing ? Did he wish to have Clause 47 passed or did he wish to have a judge alone? He was in a dilemma as to how he should vote.

Hon. J. E. DODD : The proposals of the Government were that there should be a president and two ordinary members, who were to be permanent paid members. The amendment moved by Mr. Connolly had wiped that out of the Bill, and the provision now before the Committee was that two assessors be appointed to deal with each industrial dispute. In preference to having a judge and two assessors to deal with each industrial dispute, he (Mr. Dodd) preferred to have a judge alone, just as in the Federal Court, Mr. Justice Higgins sat alone. The judge of the Federal court had power to call in expert assessors, just as in the Bill before the Committee, that power was given in another clause.

Hon. A. G. JENKINS : In the way the Bill was drawn, if the Government intended to carry Clause 67, it did not matter whether the assessors were appointed permanently or not because Subclause 10 of Clause 67 gave the judge power to call in two experts to sit as assessors. If the judge was in a difficulty doubtless he would call in assessors. Perhaps the judge could do well without assessors, but if he was in any difficulty, he would certainly call these experts in.

Hon. J. CORNELL: The question was whether we were to have a free court or a court of a shandygaff description. Under Clause 67 assessors would only advise the president, but under Mr. Connolly's amendment they could deliver an award and all that would be left for the judge to do was simply to act as the mouthpiece of the two assessors. Under the present Act and under Mr. Connollly's proposal the court consisted of two laymen and a judge; the two assessors might agree on nine points and disagree on the tenth, which the judge was called upon to decide, yet that single point might have a direct bearing on the other nine. The judge was in the best position to deal with the whole case, because the responsibility devolved upon him of cross-examining the witnesses, weighing the evidence, and framing the award. The Labour members would have nothing to do with assessors as members of the court, but there was a possibility of them agreeing to a judge alone constituting the court.

Hon. Sir E. H. WITTENOOM: A judge would be placed in a very awkward position if he had to sit on the court alone. A judge could not know everything, and the duty of assessors would be to assist him in arriving at a decision. He was in favour of a judge alone if the judge was well advised, but the judge could not decide these questions properly without expert advice to assist him.

Hon. J. D. CONNOLLY : The assessors under Clause 67 did not form any portion of the Court.

Hon. A. G. Jenkins: They are there to advise the judge.

Hon. J. D. CONNOLLY : The assessors were not there at all when the court sat. The same power to appoint assessors was contained in the present Act, but it had never been brought into use, and it could be well understood that unless a judge was in real difficulty he would not resort to that step. When the judge first commenced the hearing of a case he did not know whether it was necessary to have assessors or not.

Hon. A. G. Jenkins : He can call them in at a moment's notice.

Hon. J. D. CONNOLLY : How was the the judge to get the assessors at a moment's notice, seeing that they had to be nominated by the parties to the dispute? The amendment contained the same principle as Clause 67, except that under the clause the employers and employees each nominated their representative on the

court for three years, whilst under the amendment they would nominate their representative for each case. They would have the opportunity of selecting an expert for each particular dispute. It had been argued that the judge of the Federal Arbitration Court had never called in assessors. Perhaps it was because a case must have been commenced before the judge saw the necessity for having assessors, and he would have to stop the case, ask the parties to nominate assessors, and then start the whole hearing over again. There was more need for assessors in the State Arbitration Court than in the Federal Court, because the trades concerned in disputes in the State court were more technical in character. A great deal of the trouble in regard to the interpretation of awards centred in the definition of the different trade terms, and it was necessary that there should be assessors to assist the judge in that very important particular.

Hon. A. Sanderson: A judge has power under Clause 67 to call in two experts.

Hon. J. D. CONNOLLY: Clause 67 merely provided that the judge might call in assessors, and as had already been pointed out that had never been availed of either in this State or under the Federal Act.

Hon. A. SANDERSON: If Mr. Connolly was in charge of the Bill representing the Government of the day, one would feel inclined to support his views, but when the Committee had the assurance of Mr. Moss that the Government had a mandate from the people, how could the Committee give support to the views put forward by Mr. Connolly?

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

Ayes	6
Noes	13
Majority against ..	7

AYES.

Hon. J. D. Connolly	Hon. T. H. Wilding
Hon. R. J. Lynn	Hon. Sir E. H. Wittenoom
Hon. C. Sommers	Hon. V. Hamersley
	(Teller).

NOES.

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

Amendment thus negatived.

Hon. M. L. MOSS: By the decision of the Committee all that remained in the clause now were the words "Of the two ordinary members of the Court." Members should vote against the clause now as an indication to the Government that assessors must go and that the procedure adopted in the Fedreal Act should be followed, that of merely having a judge of the Supreme Court to constitute the court. There was scarcely enough work in the Supreme Court for three judges, so that by putting the whole of the work of the Arbitration Court on one judge the Supreme Court bench would be sufficiently well manned to carry out the Supreme Court work and yet allow for the work of the Arbitration Court being carried on satisfactorily. The decision of the Committee should be an indication to the Government that Part IV. should be re-cast on the lines of having one judge only constituting the court.

Hon. Sir E. H. WITTENOOM: Though it was useless to do so, he still protested against leaving a judge without any assistance. No matter how satisfied a judge might be that he could decided industrial disputes without having compulsory assistance, the decisions arrived at would not be satisfactory. It should not be left to the discretion of the judge to exercise the right of calling in expert assistance or not.

Hon. J. E. DODD: Being thoroughly in accord with everything Sir Edward Wittenoom had said, the Government provided in the Bill for permanent assessors, but the Committee had seen fit to vote against that and to vote for assessors to be appointed to deal with each industrial dispute. This was most undesirable; assessors should be completely independent of the whims of any employers.

Hon. J. D. Connolly: You have to send an expert every time into court as an advocate.

Hon. J. E. DODD: That was altogether different. The proposal of the hon. member was simply to introduce the wages board system as opposed to compulsory arbitration, and to get in by a side wind what could not be got in by some other way. The majority of the members of the Labour party preferred to have a judge only than to have assessors who might be subject to the whim of employers at any time.

Hon. J. D. CONNOLLY: It should not go forth that the amendment would in any way preclude employees from putting their representative in the court as an assessor. The amendment was that an expert with knowledge of a particular trade should be placed on the court as assessor during a particular dispute. Under the present Act lawyers could not appear before the court; the trade concerned must be represented by an expert advocate, and it did not seem difficult for these advocates to get employment somewhere.

Hon. J. E. Dodd: The advocate is usually a union secretary.

Hon. J. D. CONNOLLY: Then the union secretary could sit as assessor, merely changing his place from the floor of the court to the bench. It would not be necessary to change assessors for every dispute so long as the parties were satisfied.

The CHAIRMAN: Is the hon. member discussing the amendment just disposed of?

Hon. J. D. CONNOLLY: It was just by way of explanation.

Clause as amended put and negatived.

Progress reported.

ASSENT TO BILLS.

Message received notifying assent to the following Bills:—

1. Roman Catholic Church Property Act Amendment.
2. Prevention of Cruelty to Animals.
3. Unclaimed Moneys.
4. Fremantle-Kalgoorlie (Merredin-Coolgardie Section) Railway.

BILL—EDUCATION ACT AMENDMENT.

In Committee.

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

BILL—PUBLIC SERVICE ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This short Bill is introduced for the specific purpose of removing the disability which our temporary officers, otherwise qualified for permanent appointments in the public service, are under. Section 34 of the principal Act, which it is proposed in the Bill shall be amended, precludes the appointment to a permanent position in the professional and clerical divisions of any person above 25 years of age unless such person is at the time of the appointment already in the service; and in respect to the general division the age of disability is fixed at 50 years, with the qualification that in the case of special duties the Government may extend the time from 50 to 55 years. A person temporarily employed is not under the Act, or entitled to be regarded as in the public service. His services are liable to be dispensed with at any time. It is now proposed that, for the purpose of permanent appointments, persons temporarily employed shall be regarded as already in the service, and it is therefore proposed to amend Section 34 of the principal Act by the addition of the following words:—

> For the purposes of this section persons temporarily employed shall be deemed to be already in the Public Service.

By this amendment the Public Service Commisssioner is empowered, when he has satisfied himself by investigation that a person temporarily employed in the public service is qualified in every respect other than age, for the position, to appoint such person to the position. Under the existing law he cannot do this.

Since the passing of the Public Service Act of 1904 a large number of temporary hands have been taken on in the various departments. It may be as well to point out that the chief cause of the building up of the huge temporary staff has been that until last year the taking on of temporary hands rested solely with the Minister. The Public Service Commisssioner had no say in the matter at all. All he could do was to fill the vacant position when requested by the permanent head of the department to do so. If, instead of moving for the filling of the vacant position permanently, the head of the department, or the Minister, made application for temporary assistance under Section 26, the functions of the Public Service Commissioner ended with his certificate that there was not available an excess officer to fill the position. But once a temporary officer was taken on, experience has shown that in most cases his employment was continuous; to all intents and purposes it was a permanent appointment. Under this procedure many men have been retained as temporary officers year after year. There have been cases of men occupying temporary positions for as long as 13 years. The reason for this is easily apparent. The permanent head, knowing he has a capable temporary officer, naturally desires to retain the services of that man rather than to ask the Commissioner to fill the vacancy, when to do so would mean, perhaps, that he must lose the temporary man who had given every possible satisfaction. In consequence of this system some of these temporary hands have grown old in the service. Many of them are nearing 40, some are approaching 50 and others are still older; yet they are not under the Public Service Act. The fact of these men having been retained for so long should be accepted as evidence of their qualification for the duties they are performing, and I think hon. members will agree that after years of honest and faithful service these men are entitled to some consideration. Under the Act it is not possible to show them any consideration, in consequence of the age limit. Instances might be cited of men of lengthy service as temporary officers having been compelled to go out of the service to make room for others less fitted to perform the duties. Indeed, there are instances in which temporary officers have been retained for the purpose of teaching those permanetly appointed, and tutoring them in their duties. Then there is the consideration of efficiency of service. Obviously the standard of efficiency must be limited if a capable temporary officer, well versed in the duties, is to be put off to make room for someone else who, after his appointment, has to learn his duties from the man he has superseded. In carrying on the public business we should apply the same rules which we would adopt in a private business. Is there any employer in any business in life who would dispense with the services of a man thoroughly competent to perform his work, simply because that man had reached the age of 50 years? Hon. members will probably desire to be assured that the proposal now submitted will not build up what may be termed a heavy load of vested interest. I am able to assure hon. members on that point. If the amendment be passed, a temporary officer appointed to a permanent position under the provisions of the measure will be entitled to the provisions of the Act only from the day of such permanent appointment. It is not proposed that he shall be given any privileges in respect to his term of service as temporary officer; even though he may have been 15 years in the service as temporary officer, that period will not count in respect to privileges. The amendment is in no way revolutionary; it is merely a delayed act of justice to a number of deserving public servants who have given of their best to the State. At the same time the amendment renders it possible for the State to retain in a permanent capacity men fitted by experience to perform their duties. I beg to move—

That the Bill be now read a second time.

On motion by Hon. M. L. Moss debate adjourned.

BILL—STATE HOTELS.

Second Reading.

Debate resumed from the 2nd October.

Hon. W. KINGSMILL (Metropolitan): I have but a very few remarks to make on the Bill. When the first instalment of this class of legislation was before the House—I think it was last session, when the Dwellingup State Hotel had a little Bill all of its own brought in—I expressed the opinion that the Government were going somewhat farther than they were justified, and I told the leader of the House that while I was going to support the Bill out of special consideration for the unfortunate and thirsty people of Dwellingup, I did not intend on any future occasion to back up the Government in their proposed action. I do not know that these State hotels can be classed as altogether a success. I have heard some things about the way in which State hotels are conducted which I was very sorry to hear. Indeed, I heard one story about a State hotel which is almost worth repeating. It appears that at one of the State hotels a customer had occasion to find fault with the quality of the liquor supplied. He said, "See here, so and so, this whisky is not good enough; you ought to be ashamed of yourself for offering it." The publican said, "See here, my man, the whisky is good enough for you, and the likes of you." Whereupon the customer rejoined, "Do not speak to me like that, or I shall make it my duty to see that the inspector of liquor visits this hotel." Upon which the publican retorted, "I do not care for you or the inspector of liquor. I would have you know this is a State hotel, and that the King can do no wrong." To what extent that story is true I am not prepared to state. It was given to me as absolute fact, and if it is not true, it bears, at all events, the stamp of probability on its forefront. But, speaking seriously, I think the action of the Government in proposing to break the laws of the country in their own favour, to disregard local option polls which have been taken, while others are bound by the decision of the people, is a wrong principle. It is my intention, for these reasons, to vote against the second reading.

Hon. M. L. MOSS (West): I shall vote against the second reading for the reasons given by Mr. Kingsmill, and for one additional reason, namely, that at every opportunity at which I can prevent the Government nationalising anything I shall do so. The other day I voted against the purchase of the trams, and I am going to vote against this Bill, because in my opinion the Government are interfering with too many things which do not concern them. While they are humbugging their time away looking after the sale of grog, running steamers, going down to the Perth markets to sell butchers' meat, and that sort of thing, they are neglecting the large affairs of the State for which they have been put into office: the financial requirements of the country, the administration of public departments and the preparing of the programme of legislation to be brought down. These are the things His Majesty's Ministers are put in office to carry out, and if they go humbugging about with the sale of meat and the running of State hotels, they cannot give to State affairs the attention which those affairs demand. It is an important matter when we come to think of it that local option polls have been taken in all the various districts of the State, 48 of them, and 47, I am informed, voted against increases of licenses.

The Colonial Secretary: You are wrong there.

Hon. J. D. Connolly: He is not more than one out.

Hon. M. L. MOSS: I stand corrected as the Minister probably knows more details, but I think I am correct in saying that in a very large majority of the instances the people voted against increases of licenses. This is a very small Bill which contains a very large principle. I am not prepared to permit the Government to waste their time in nationalising any more of these businesses. This is a matter which can well be left to private enterprise. When dealing with the liquor question there is a number of important duties that the Government can carry out with benefit to the State generally. For instance, if all the provisions of the licen-

sing laws with regard to the inspection of liquor were rigidly carried out, and there was a certainty that the public would get good liquor, the Government would be carrying out functions which would be of great advantage to the public at large. I have said repeatedly it is no good passing those drastic sections of the Licensing Act unless an attempt is made to administer them. No legitimate attempt is being made to do that at present. Sunday trading is rife in the community. I have been an eye-witness to it when waiting on the street corners for trams. I have seen people in a state of helpless intoxication, and I had an experience when waiting in Market-street the other night. I saw two men going into an hotel, one of whom was in such a helpless state of intoxication that I deemed it my duty to interfere. I followed the man into the hotel and said to the attendant behind the bar, "Do not supply that man with liquor." I followed it up by informing a constable and the constable seemed to resent my action. I said, "Take my name and if you do not do your duty you will hear about it." That is one instance of what can be seen about Perth and Fremantle, and I suppose in other parts of the State. If the Colonial Secretary will give instructions that all these prohibitions in the licensing law be properly carried out, the Government will have enough to do.

The Colonial Secretary: The law is carried out.

Hon. M. L. MOSS: I am sorry to contradict the Minister, but it is not carried out. Half the crime which is being committed in this country is being committed as a result of people getting too much drink and too much bad drink, and there should be a more rigid inspection of these places. If the inspectors will go round and do their duty without regard for the consequences to the licensees, and if the police will do their duty and try to stop trading after hours and Sunday trading, and prevent liquor from being supplied to intoxicated people, they will have enough to do, and there is a wide field open for exertion in these directions. It it is a menace to the country for the Government to commence to dabble in a good many of these private enterprises and a considerable menace when they attempt to run the State hotels all over the place. It is in direct opposition to the local option polls, and as far as I can do it I shall prevent this menace from reaching the statute-book.

Hon. J. D. CONNOLLY (North-East): I, too, intend to vote against the second reading of this Bill because it is one of those dangerous and unnecessary pieces of proposed legislation. It is only some eighteen months ago that we devoted the greater part of two sessions to the consideration of a consolidating licensing law, and we therein provided for the principle of local option, and among other things for the taking of a vote of the people as to whether new licenses should be increased in any district. That poll was taken in due course 18 months ago, and in every district, except the Gascoyne district, the vote was against the granting of new licenses. I am not forgetting, of course, the condition contained in the Bill whereby a new license may be granted outside a radius of 15 miles of an existing house. All those things are included, and the ink is hardly dry on the measure when the Government bring down a Bill to ignore the licensing court altogether and to establish State hotels practically wherever they please.

The Colonial Secretary: That is not so.

Hon. J. D. CONNOLLY: It is not quite as wide as wherever they please, but it is approaching that.

The Colonial Secretary: It is wherever the residents please.

Hon. J. D. CONNOLLY: What say have the residents?

The Colonial Secretary: They have a voice.

Hon. J. D. CONNOLLY: I know what is in the Licensing Act. I have had reason to know every line of it. The conditions contained in the Licensing Act are that a poll is to be taken in April of every third year to give the people an opportunity of saying whether they want additional licenses or not. Suppose that in a particular district the people vote in favour of new licenses, it is then for the bench to say if in their opinion the license

should be granted. Then the districts are very large. Take the metropolitan district, which extends from Claremont on the one side to the Swan river at Guildford on the other. Assuming that the majority of the people in that district have voted in favour of a new license, it still has to pass the licensing court. The court has to be satisfied that another license is wanted. Assuming that a license is applied for somewhere near Parliament House, the onus under the Act is thrown on the applicant for the license to obtain the consent of the majority of the people in the immediate neighbourhood. There is a very big difference between that and what the Colonial Secretary refers to. Let us see how the people have to be consulted under this measure. This Bill throws the onus on the majority of the residents within three miles radius to come forward and say they do not want a new license. Why in the name of common sense should the State be given better privileges to run a public house than a private individual? Yet the Government under this Bill propose to take very special privileges. They propose, except with regard to some publications in the *Government Gazette*, to establish State hotels wherever they desire.

Hon. M. L. Moss: They have to take a poll.

Hon. J. D. CONNOLLY: No, they are relying on a poll taken in April, 1911, under the local option provisions, but there is no provision in this Bill whereby the local residents can be protected which is contained in the present Act.

The Colonial Secretary: They can come forward for their own protection.

Hon. J. D. CONNOLLY: That is going back to the old Act which was repealed in 1911, wherein the onus was thrown on the people in the district. That system was that the licensing bench sat and defined a district. It was for the people in that district to protect themselves, if they could, by getting a majority of signatures and presenting it to the bench. That may have to be done every three or six months.

The Colonial Secretary: To oppose the license?

Hon. J. D. CONNOLLY: Yes, that was under the old Act, which was repealed in 1911, and a good provision was put in that the local residents should be protected. It is no argument to say that if we plant a State hotel in a residential area, or among schools and churches, that the district as a whole voted for new licenses. They may have had very little voice in the poll. The Minister told us that this Bill would enable an hotel to be established at Rottnest. I was instrumental in the opening up of Rottnest and of making it a pleasure resort—a park for the people for all time instead of allowing it to continue as a penal settlement. No license should be granted in a public park, for that is all Rottnest is, any more than we should grant one in King's Park, without the direct consent of the people.

The Colonial Secretary: Would you allow an hotel at Rottnest?

Hon. J. D. CONNOLLY: No, it was never my intention to allow any license at Rottnest; there is no need for it. People can get on very well without a drinking license. People who cannot get on without it had better keep away from Rottnest. We have to consider the women and children in a case of this kind. A public park is largely for them. In Rottnest a licensed house can be established under this Bill by two publications in the *Gazette*, because the only residents at Rottnest are Government officers. The rest of the people who go there are only visitors. I think this is an ill-considered measure, a Bill conferring great powers. If the licensing law is to be amended it should be brought down in a comprehensive measure so that the whole thing can be dealt with, and it should not be brought down in piecemeal fashion like this. There is a bigger principle contained in this Bill. It involves the question of the nationalisation of the liquor traffic. That is a very big principle and one that should be put directly to the people and directly to Parliament, and not be brought in by a side wind like this.

Hon. F. Davis: That was put once to a referendum.

Hon. J. D. CONNOLLY: Nothing of the kind. I may be told that State hotels have been established before this. They have been established; one was established at Gwalia without any Bill being passed. I maintain that the Government acted unconstitutionally and deserved to be put out of office on that account alone. It was the James Government, I think, that was responsible for that and I consider it was a very high-handed proceeding.

Hon. H. P. Colebatch: They went to the court and got a license.

Hon. J. D. CONNOLLY: The nationalisation of the liquor traffic involves a big principle.

Hon. J. Cornell: It was a very wise provision.

Hon. J. D. CONNOLLY: I do not know whether it was. I know Gwalia, and I am not sure whether the liquor sold by the Government is any better than the liquor sold by private individuals. There is more sly-grog selling in Gwalia than in any other place I know of. It goes on in other places and is a very hard thing to prevent. The reason I mention it is in order to show that the establishment of State hotels does not prevent sly-grog selling any more than when the liquor trade is run by private people.

Hon. H. P. COLEBATCH (East): Although I am not entirely in accord with the remarks of the two previous speakers it is my intention to vote against the second reading of this Bill. I am not opposed to the establishment of State hotels, but I am opposed to the manner in which the establishment of State hotels is contemplated. I should like to say a few words in endorsement of the remarks of Mr. Moss in regard to the necessity for the more stringent enforcement of the existing laws, particularly against what, to my mind, is the most abominable offence of serving liquor to drunken men. It is all very well for the Colonial Secretary to tell us that the laws are rigidly enforced, but in this one respect they are almost entirely ignored. I know that this is an offence which is committed every day of the year in almost every town in the State. There is scarcely a town in the State in which liquor is not served to drunken men.

Hon. M. L. Moss: And they only put the drunken men out when they have not another shilling in their pockets.

Hon. H. P. COLEBATCH: It is within my recollection that during the last four or five years there have not been half a dozen prosecutions for this offence, and in many parts of the State it is not now regarded as an offence. I venture to think some of the publicans have themselves even forgotten that they are forbidden by law to serve liquor to drunken men. Although this has not a direct bearing on the Bill, I hope my remarks will have the effect of trying to awaken, not only the public officials, but the public generally to the fact that this is an offence in regard to which the public ought to unite and endeavour to put it down. So far as the Bill is concerned, in Clause 2 reference is made to the local option poll, and it says that the Government shall not be entitled to establish an hotel except in a district in which the majority has voted that all new publicans' general licenses in the district shall be held by the State. I should be inclined to support this Bill from that point of view if it went on to say also in a district where the people had voted for an increase. It seems to be a most specious form of argument to say that we will not put an hotel in a district, but that if you want new hotels they are to be State hotels. I would refer hon. members to the third paragraph of the same clause in regard to which the Minister interjected that this provided for an expression of the will of the people. It does nothing of the kind. When the Government intend to establish an hotel they have to advertise in the *Government Gazette* and in a newspaper circulating in the district, and then it becomes the duty of some private person to interest himself in the matter and obtain signatures of persons residing within a radius of three miles of the site of the proposed hotel. In the ordinary course of procedure a petition of that kind would go before the licensing court which would take evidence from the secretary of the roads board or the town clerk of the district with a view of ascertaining

whether or not all those people whose names are on the petition were within the three-mile radius, or how many were within that limit, and whether they constituted the majority. Under the Bill certain people sent in a petition to the Minister and, apparently, the Minister who desires to establish the hotel is to be made plaintiff and judge in his own case, and he is to decide whether those people live within the three-mile radius or how many of them live within it, and whether they constitute the majority.

Hon. J. D. Connolly: How would you get at a majority in the metropolitan area?

Hon. H. P. COLEBATCH: They would have to send the police out to get a census. This Bill as it stands is another illustration of that principle which is so objectionable, of making each Minister a law unto himself. A promise was made a few days ago that a comprehensive Licensing Bill would be introduced. If that is to be submitted, what is the use of bothering about this small Bill now? For that reason I intend to vote against the second reading.

Hon. A. SANDERSON (Metropolitan-Suburban): This question came up for discussion in the course of the election I contested, and I expressed myself ready to support the experiment in connection with the establishment of State hotels. Fortunately for myself, however, I put in a proviso that I would not go quite so far as had been suggested. I ask the Minister now if he considers this a fair way of dealing with the problem? We have been promised a comprehensive Bill to deal generally with the liquor question and surely we can then deal with the matter as a whole. We should not now consider this one aspect of the question. I have a perfectly free hand, so far as my constituents are concerned. I said I would not pledge myself until I saw the Bill, and having seen it now I intend to vote against the second reading. The local option question in the metropolitan area was followed at that election with special interest, the Government nominee being a particularly strong supporter of the new principle of State control of the liquor traffic. I said that, so far as the bare majority was concerned, I was opposed to that, but I would be prepared to give the establishment of State hotels a trial. It is an unfair way, however, to introduce the matter by means of an isolated measure, especially when we shall shortly have to discuss the general question.

On motion by Hon. A. G. Jenkins, debate adjourned.

House adjourned at 8.51 p.m.

PAIR.

Hon. H. P. Colebatch | Hon. J. W. Kirwan

Legislative Assembly,

Thursday, 10th October, 1912.

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

PAPER PRESENTED.

By the Minister for Lands: Lands and Surveys Department, Annual Report for 1911-12.

QUESTION—OBSERVATORY GROUNDS.

Mr. GEORGE (for Mr. Allen) asked the Premier: 1, Are the Observatory grounds closed to the general public? 2, If so, will the Government take steps to open them for the use of the citizens?