Legislative Assembly,

Wednesday, 20th October, 1909.

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

QUESTION—STATE BATTERY, BOOGARDIE, SALARIES PAID.

Mr. TROY asked the Minister for Mines: What is the monthly salary paid respectively to the manager and assayer of the Boogardie State Battery?

The MINISTER FOR MINES replied: The usual salary paid to the manager is £30 per month but at present the engineer attached to the State Batteries is in charge with the object of improving power costs. His salary is £33 6s. 8d. per month and the costs have been materially reduced. The assayer's salary is £5 per week, but the position will be abolished on the appointment of a permanent manager.

QUESTION—ELECTORAL ENROLMENT, LEGISLATIVE COUNCIL.

Mr. BOLTON (without notice) asked the Attorney General: 1, Has an instruction been issued by the Electoral Department to members of the police force and others engaged on the compilation of the roll for the Legislative Council that persons paying less than £27 per annum as rent are not eligible for enrolment? 2, What is the amount of rent per week to be paid to enable persons to obtain the franchise?

The ATTORNEY GENERAL replied: The matter contained in the first question was mentioned to me by the hon. member yesterday afternoon. Since then I have made inquiries and am unable to find that any such instructions were issued. As to the second portion of the question, the qualification of electors is set forth in the Constitution Act.

Mr. Bolton: Then I take it no instruction has been issued?

The ATTORNEY GENERAL: No, none.

BILL—SETTLED LAND ACT (1892) AMENDMENT.

Introduced by the Attorney General and read a first time.

MOTION—MAIL CONTRACT, PORTS OF CALL.

Mr. W. PRICE (Albany) moved—

That in the opinion of this House the proposed mail contract between the Commonwealth Government and the Orient Steamship Company will prove detrimental to the best interests of the State.

He said: I hope this motion will not be taken as a cheeky one by any member on this side of the House, nor as a weak one by the Premier or any member on the Government side of the House. I think it will be generally admitted that the mail contract is of considerable importance to this State. At the present time we are isolated, and until the time arrives when we have railway communication we will have to seriously consider any proposal dealing with the despatch of mails between this State and the Eastern portion of the continent. Unfortunately, the requirements of this State rarely receive in the other sections of the Commonwealth that consideration which our importance warrants, and I regret to say that local influence often plays an important part in such matters as the one now under review, namely, the fixing up of a contract for the delivery and despatch of mails between the various States. Therefore, it behoves us to conserve our own interests—not the interests of any one section of the State, but the interests of the whole of the State. I regret to find that in respect to this very simple matter a certain amount of inter-town jealousy has crept in. I think the question should be approached and dealt with on the broader view of the interests of the whole of the people of the State; because, after all, the despatch and receipt of mails affect not only those

in Perth and Fremantle, but the people right through the State. As showing the inter-town or inter-district influence which has been brought to bear in connection with this mail contract, I may mention that I have before me a copy of a telegram from a legislator in the Eastern States, in which he says that he has seen the Postmaster General, and that the best is being done in the interests of Fremantle. "You need have no fear," the telegram continues, "of any other proposition being seriously considered." In other words we have here evidence of a legislator in another place who is working, not in the interests of Western Australia generally, but in the interests of one section of the State; and who is endeavouring to so use his influence as to arrange a contract which shall be in the interests of one section of the State without considering the rights of any other section. At the present time the mails from the Eastern States arrive in Fremantle on Mondays and, in consequence, business people, particularly of the metropolitan district, are enabled to despatch their correspondence by the outgoing mail on the following Tuesday. The mail from the East arrives here some time during Monday, from about 10 o'clock till 3 o'clock in the afternoon. In the winter time it is sometimes 6 o'clock before it arrives. That is the existing position. I may point out that under the proposed contract there is a provision by which the Orient Steamship Company, which holds the present contract, and which is seeking a renewal under different conditions, are to provide an extra 2,000 cubic feet of cold storage accommodation on their mail ships. They desire to fill up that accommodation with freight. To do so it is proposed that the vessels should spend one extra day in Melbourne; and instead of leaving Adelaide, as at present, on the Thursday, they will leave on the Friday; and instead of arriving at Fremantle on the Monday, they will arrive on the Tuesday. An effort was made to curtail the proposed stay in Melbourne. That, however, has been dropped, and the company have agreed that their vessels shall stay there for two days. We can well understand that the gentlemen most interested in this matter, and who are on the spot where the contract is being fixed up, have used their influence to secure this second day without any consideration for this part of the Commonwealth. Under the existing contract for five or six months during the year it is but rarely that the mails are delivered here until late in the afternoon. Those hon. members who have business communications from the Eastern States know that often they are not delivered until Tuesday morning. That is under the existing contract whereby the boats leave Adelaide on the Thursday. Therefore we may reasonably assume that when the boats are leaving a day later our correspondence will not be received here until late on the Tuesday; that is, assuming that the mails are carried to Fremantle, and delivered there as at present. The company, I understand, are prepared to do the best they can to deliver the mails early on Monday night, so that they shall be distributed on Tuesday morning. The company are prepared to do this provided that no penalty is imposed upon them for any failure so to do. I need hardly assure members that no company is likely to go to the expense that would be incurred in extra fuel to force its ships across the Bight to give us an early mail delivery, if it is to gain nothing by it. In this case the company has nothing to gain, it has everything to lose, because no penalty is to be imposed if the boats fail to reach Fremantle before Tuesday afternoon; and, in the circumstances, I would suggest that an effort be made to induce the company that has the contract, or the Postmaster General who has control of the contract, to provide that these mails, instead of being carried on to Fremantle, shall be dropped at Albany. By that means the ship would arrive at Albany early on Monday morning—some time between Sunday midnight and Monday morning, and, consequently, would be enabled to have the mails dropped there in time to catch the ordinary train that runs from Albany to Perth, arriving in Perth on Monday night. The mails might be sorted on the

way up, and be ready for delivery immediately on the arrival of the train in Perth, and the business people of the State would not have to risk the mail boats being delayed by the elements in coming round the Leeuwin, and they would be sure of being able to answer their correspondence by Tuesday's outgoing mail. The time occupied between Albany and Fremantle is from 24 to 26 hours. Therefore, if a mail ship arrives in Albany late on Monday morning and happens to strike bad weather coming around the Leeuwin, she will be more than 26 hours in reaching Fremantle. Mail ships coming from England on the outward voyage usually arrive close upon their schedule time, and most of the mails are delivered in the morning, and the ship is out again before midday. As a consequence, the outward ship would leave for the Eastern States before the ship coming from the East would arrive in Fremantle, and there would be no possible chance of replying to any correspondence that might be received by the mail from the Eastern section of the Commonwealth. It may be urged against my suggestion that there would be extra expense involved; but, as a matter of fact, so far as the State is concerned I fail to see where any extra expense would be involved, nor do I see where any extra expense would be involved so far as the Commonwealth Postal Department is concerned. I do not suggest that the boats should go into the inner harbour at Albany: they might lie out in the outer harbour: but inside two hours the mails could be on the train on the way to Perth; and by that means, if sorted on the way down, they would catch the goldfields express that leaves Perth on Monday night, and this would ensure to the people of the goldfields that their mails would be delivered a day ahead of what would be the case if the present proposal in regard to the contract is adhered to, because then in no case would the mails for the goldfields leave Perth earlier than Tuesday. Furthermore, the business people of the metropolis and of the port of Fremantle would be sure that their mails would be delivered on the Monday night, or early on the Tuesday morning. I do not intend to labour the question. I have dealt with the salient features of it, and I think that what I have laid before members will be such as to show there is urgent need for us to take up this question, because the proposed contract will be dealt with in the course of a few days if it has not already been dealt with. I do not know that it has been, but certainly there is no time to be lost in the matter.

The Premier: Has the contract been signed yet?

Mr. W. PRICE: It is not signed yet, but it is about to be signed. The latest information in regard to the signing of the contract is that the final arrangement was held over pending the receipt of certain information from the directors of the Orient Steamship Company in England; that information being in connection with the time occupied between Adelaide and Fremantle, and also as to whether the directors were prepared to abide by a time schedule between the two ports. I understand they are prepared to abide by the proposed time schedule between the two ports, provided there is no penalty imposed upon them for any failure to abide by it; and therein lies the crux of the whole question. To gain an extra two knots in crossing the Bight means an increase of 50 per cent. to the coal consumption, and that is a serious item in the expense involved in bringing the ships across; and no company is likely to go to that expense simply to convenience the people of Western Australia when it has nothing to gain by it. The arrangement is such that these boats practically fill up so far as their cargo space is concerned before they leave Adelaide, consequently the company is not likely to go to the enormous expense involved in forcing its ships across here so as to have the mails delivered in time to convenience the people of this State in replying to their correspondence. I do not intend to delay the matter further, but I trust that the facts I have brought forward will bring to the minds of hon. members the urgent necessity for dealing with the matter in the interests of the people generally

throughout the State and particularly in the interests of the merchants in the metropolitan and goldfields areas.

The PREMIER (Hon. N. J. Moore): This motion is rather difficult to deal with owing to the way in which it is worded. I understand that the contract itself is really for the delivery of mails from Brindisi to Adelaide, with the proviso that the boats shall stay six hours at least in Fremantle both coming and going, and that if the contract is observed the company shall be paid a yearly subsidy of £170,000. While we recognise this is a matter purely for the Commonwealth Parliament to deal with, at the same time we, as residents of the State and contributors to the subsidy, are entitled to voice our opinions in regard to the matter, more especially if it should be found that the suggested arrangements for the service between Brindisi and Adelaide would interfere with the conveniences that now exist. One clause of the contract is to this effect, that if at any time the Postmaster-General should, for any reason whatever, desire to alter the particular days, times, or hours appointed for the departure from or arrival at Brindisi or Adelaide, he shall give the contractors three calendar months' notice. It is further provided that if the Postmaster-General shall deem it necessary or expedient in the public interests that the mails should be conveyed between the United Kingdom and Adelaide by any other route than via Suez the contractors shall, as soon as reasonably practicable after receiving notice from the Postmaster-General to that effect, convey the mails by means of the mail-ships by such route between Plymouth, or some other convenient port or place of the United Kingdom, and Adelaide, calling at Fremantle. It will be within the memory of members that when the agreement was made in 1907 between the Commonwealth Postmaster-General—Mr. Mauger I believe it was—and the Orient Company, it was to take effect from February, 1910; and it was then noticed in the particulars we received from the Eastern States that Fremantle had not been referred to. I wired over at the time asking whether a provision for calling at Fremantle could not be insisted on, and whoever was the Postmaster-General at the time replied to the effect that the provision had been inserted. The actual period of transit is as between Brindisi and Adelaide, that is to say, from the point where they take the mails from the railway at Brindisi to the point when they put them on the rails at Adelaide. As far as this present proposal is concerned I have not been officially communicated with. I noticed some weeks ago there was a paragraph in the papers to the effect that the Prime Minister was communicating with the Premier of Western Australia in connection with the matter, but no official communication has been received by me dealing with the question. At the same time it has been the subject of considerable correspondence on the part of some of the public bodies here, notably the Perth and Fremantle Chambers of Commerce, who have pointed out the inconvenience that would arise if the steamers arrive at Fremantle on Tuesday morning as suggested, inasmuch as sufficient time would not be left to allow for replying to their correspondence by the out-going P. and O. boat which would arrive that day. It necessarily follows there would be considerable inconvenience, but whether the suggestion made by the member for Albany would obviate it or not is one I have not had an opportunity of thoroughly going into, though I would point out that the time-table he has set out for catching the goldfields train would entirely depend upon the weather conditions. We know that at the present time the mail boats generally arrive at Fremantle about midday, though occasionally they are considerably later. As a matter of fact, I have ascertained from the Commissioner of Railways that he estimates that a special train would cost something like £125, and in addition to that there would be extra provision for letter sorters, involving something over £25.

Mr. W. Price: I do not propose a special train.

The PREMIER: It would be of no value without a special train. I would suppose the best way to expedite matters

would be immediately the mails arrived to arrange to take them away by special train. The ordinary train leaving Albany at six o'clock arrives at Perth at 10.20 p.m. That is about 16 hours. A special train would arrive in 13 hours. On the other hand, calling at Albany would entail on the Orient Company an additional three hours' run. I do not suppose if the boats went into Albany they would go into the inner harbour. In that case they would probably have the mails transferred to a tender in Frenchman's Bay. This work would occupy three or four hours. I have not had an opportunity of going into the matter very closely, but at the same time there is no reason why members, if they have suggestions to make in regard to this question, should not be heard. Public bodies have protested against the proposal, and the only alternative would be, I presume, for arrangements to be made with the local shipping companies to despatch their boats to the Eastern States a little earlier than they do now. If that request were made probably the companies would require a subsidy, which it would not be reasonable for Western Australia to be compelled to pay. The suggestion made by the member would be all very well if the steamers ran to time like a railway does, but at present I do not see what saving would be effected by his proposal. I understand that so far as the arguments between the two ports is concerned, that is not a matter for this House. If the steamers called both at Albany and at Fremantle it would be all the better for Western Australia, as the more ports they call at along our coast the better. It seems to me, however, that the Company have the thick end of the stick. What consideration would the Orient Company demand for adding some three or four hours on to their time between Fremantle and Adelaide? They would probably want some substantial *quid pro quo*. It is questionable whether the suggestion would work out on the lines the member has suggested. I find the agreement was entered into in November, 1907, between the Federal Postmaster-General and the Orient Company. It was provided that the agreement should not be binding until approved of by resolution of the Commonwealth Parliament. I presume that condition has been complied with. The agreement is to take effect from February, 1910. Certain other provisions are made in which it is set out that the mail steamers shall be 11,000 tons gross register, and capable of steaming at not less than 17 knots per hour. Four of those vessels are now running. It seems to me the crux of the whole question is in the clause that provides that each of the voyages between Brindisi and Adelaide shall be completed in 638 hours, and each of the trips between Adelaide and Brindisi shall be completed within 650 hours. It is also set out that the terms "638 hours" and "650 hours" shall thereafter in the agreement be referred to as the period of transit. It appears, therefore, that all that can be done is to use moral suasion. There is another clause in the contract which stipulates that the boats shall stay for six hours at Fremantle each way, and it seems from the agreement that the whole thing rests in the hands of the Orient Company. It is further provided—

> "The period of transit shall include the time allowed for all stoppages of the mail ships at the intermediate ports, and the mail ships shall stop on both the inward and outward voyages at Fremantle for six hours and no less, and at Colombo for such period as may be necessary for the purpose of delivering, receiving, or exchanging mails, and in no case less than the period (not exceeding 12 hours) appointed by the Postmaster-General in that behalf."

I do not know what we can do in this matter. Protests have been lodged by various commercial bodies, and by many private business firms. If we carry a motion such as the one before us we are reflecting on the whole contract. What we are complaining of, however, is that the time of arrival in Fremantle will interfere with the business arrangements of the majority of the people of the State, and we suggest that landing the mails at Albany would obviate it.

Mr. ANGWIN (East Fremantle): The member for Albany, in introducing the motion, started by saying he had no desire to stir up inter-town jealousy. I do not know to whom he refers, or whether he intends to suggest that Fremantle is one of the towns which might be jealous. It would be a matter of impossibility, so far as Fremantle is concerned, to stir up any jealousy as to the mail port, for, as members know, the mail boats call there now, and the stability of the port was assured. The member followed up his introductory remarks by saying he had before him a paper which published a telegram, which was sent by a gentleman who held a high position, and which said that the best was being done in the matter in the interests of Fremantle. Perhaps the hon. member has sent a wire to Albany stating that the best was being done by him in the interests of Albany. I would not blame him if he did so. The telegram he referred to came from a gentleman who represents the Fremantle constituency in the Federal Parliament, and who evidently desired to let the people there know he was doing something for them. One of the greatest points the hon. member tried to make was that by the mail steamers dropping the mails at Albany the goldfields population would be greatly benefited. I fail to see how it would be possible for any arrangements to be made at the present time whereby the mails, if dropped at Albany, would arrive any earlier on the goldfields. The member for Albany said the mails would be sorted on the journey. As a matter of fact the mails are sorted before they reach Fremantle, as direct mail bags are made up for Fremantle, Perth, Kalgoorlie, Coolgardie, and other large towns on the goldfields. The mail for each of these towns is put in a special bag.

Mr. Seaddan: No.

Mr. ANGWIN: Special bags containing the mails for the towns I have mentioned are delivered from the mail boats, and are sent on directly to those towns. I do not profess to have the general knowledge and information of the member for Ivanhoe, but the statement I make now is perfectly correct, for I made inquiries concerning the matter only to-day, and was informed by an official that there were direct mail bags for the towns I have mentioned. Therefore, so far as the sorting of mails is concerned, no time would be gained. Let us go back for the past six weeks, and see what time the mail boats would have reached Albany if that had been the calling place, and then we can ascertain whether it would have been possible for the mails from those boats to catch the train for Perth, leaving Albany at 6.10 a.m. On the 12th September the "Otway" passed Breaksea at 12.25 p.m.; that clearly shows that even such a fine new vessel as that would have to gain considerable time between Adelaide and Albany in order to enable her mails to catch the 6.10 a.m. train for Perth. On the 19th September, the P. & O. Company's steamer, "Morea," passed Breaksea at 9.30 a.m.; on September 26th, the "Orient" passed at 12.15 p.m.; on October 3rd, the "Mooltan," one of the best ships belonging to the P. & O. Company, passed at 3.50 p.m.; on October 9th, the "Osterley," one of the new Orient boats, passed at 2 p.m., and on October 17th, last Sunday, the "India" passed at 1 p.m. With the exception of one boat, which made a particularly fast passage, and passed Breaksea at 9.30 a.m., none of the vessels I have mentioned would have reached Albany in sufficient time to catch the 6.10 a.m. train on Monday. The member admitted himself that it would take probably just inside of two hours to get the mails brought ashore. In addition to that time lost by taking the steamers off their course it would take at least another two hours to get into the anchorage from Breaksea. Consequently from the time the vessel passed Breaksea until the mails were landed some four hours would elapse.

The Honorary Minister: Extra time would be taken on account of approaching the port at night.

Mr. ANGWIN: It would mean that in order to drop the mails at Albany the boats would have to gain some 10 to 12 hours on the trip from Adelaide.

Mr. O'Loghlen: What about running a special train from Albany?

Mr. ANGWIN: The member for Albany says it would be unnecessary to run

a special train for the mails. Even if a special train were run it would make no difference, as it would be unable to catch the Kalgoorlie express train at Spencer's Brook at 8 o'clock. If the mail steamer did not get into Albany in sufficient time for the early morning train then the journey to Spencer's Brook could not be performed in time to catch the train there. So far as Perth is concerned there would be some little difference, but up to now the effect is felt only once a fortnight. We have had the P. & O. boats calling on Tuesday and the Orient boats on Thursday. So far as the people in the metropolitan area are concerned they will, perhaps, be put to some little inconvenience if the boat from the Eastern States comes in late. As far as the other parts of the State are concerned it will make no difference whatever. The time it takes from Breaksea to Fremantle is, as a rule, between 22 and 24 hours. Under the new regulations, in all probability this will be reduced by an hour or two, and thereby the trip will be shortened, but if it is going to take at least four hours for the mail steamers to deliver mails at Albany and then another 17 hours to deliver them in Perth, there will be no advantage gained by the change. As far as the State is concerned it will not benefit one iota. This matter does not affect me in any way; I merely rose to show that the arguments used as far as the goldfields are concerned prove the proposal to be an impossible one to carry into effect.

Mr. O'Loghlen: If the steamship company does not object, would it not be an advantage to have the steamers calling at both ports?

Mr. ANGWIN: I am not arguing from that point of view; I am dealing with the question of the mails. We have a frequent mail service at the present time. There is a mail going to the Eastern States to-morrow, another on Friday, and another on Saturday, and I do not see how trade will be inconvenienced to any great extent. There is always this intermediary mail service either two or three times every week, and this should show clearly that there would not be any very great inconvenience caused by the alteration of the date of sailing. While we in Western Australia are in the minority, there is no doubt that we will have to fight strongly to retain our rights, and as long as we are in that position we will have to keep on fighting. I agree with the hon. member that the people on the other side of Australia, whenever anything comes forward affecting the interests of this State almost in every instance they get the best end of the stick; but we must remember that the Eastern States are paying the greatest portion of the mail subsidy, and no doubt they are entitled to more consideration than we are, and we will be compelled to agree whether we like it or not. In my opinion the motion before the House is one that should have been moved prior to the arrangement of the contract two years ago. Now it cannot have any effect even if we carry it, and in my opinion it is a motion which is quite unnecessary.

The HONORARY MINISTER (Hon. J. Price): Before we interfere in a matter of this kind we want to be fairly sure of our ground, and I respectfully submit that the member for Albany has to some extent, possibly unwittingly, misled the House. I notice when calculating the time occupied from Adelaide to Albany he gave the speed of the mail steamers as 17 to 18 knots, but when he comes to calculate the speed from Albany to Fremantle he coolly takes it at not over 14 knots. I want to say that the figures given as to the times of the larger P. & O. steamers passing Breaksea are absolutely accurate, and go to show that it will be almost impossible for the mail steamers under the new contract to arrive at Albany in time to catch the morning train, and in rough weather it is practically certain that the steamers would never do it. Then again we have this important point—and living at the seaboard as I do I know the views of the masters of vessels on the subject of the hours of arrival at a port—a ship master always likes to make his port during the hours of daylight. The arguments of the member for Albany depend upon the mail steamers making the port of Albany during the hours of darkness, and that

is a thing that every skipper does his best to avoid. If the contract were so altered that the vessels were required to make Albany during the hours of darkness then the Orient Company would need considerable consideration for the extra risk that would be involved.

Mr. O'Loghlen: We should not anticipate.

The HONORARY MINISTER: But we must look at the matter in a reasonable light. The facilities which already exist in connection with the mails to the Eastern States are extremely good. We have the European mail steamer leaving for the East invariably from Tuesday to Thursday, and then we have the intermediate service leaving on Wednesday or Thursday,, and again we have the regular Saturday service of inter-State vessels like the "Kyarra," the "Kanowna," the "Riverina," and the new steamer "Karoola." I would point out that only last week the "Karoola" made a record trip from Fremantle to Adelaide, and I would add that these vessels are in no way inferior to the mail steamers in the way of speed. I want to ask the hon. member in whose interest is he moving this motion. Is he acting as the spokesman of the mercantile community of the metropolitan area, or the State generally? At any rate I am glad to see that he is developing an interest in the merchants of the metropolitan area.

Mr. Scaddan: He is moving it for the same reason that you and the member for East Fremantle are opposing it.

The HONORARY MINISTER: If the hon. member hoped to pass the motion, he should have given correct data, and I submit that the data that he has supplied has not been correct. Again it is a serious matter to attempt to interfere with what comes within the province of another Legislature, and when we attempt to do that kind of thing without full and correct information, it is not a wise procedure. The members who represent the metropolitan constituencies have not been requested to act in this direction. Only this morning I spoke to the manager of one of the biggest institutions in Western Australia whose name is a household word throughout the State, and he said that as far as he could see his firm would suffer no particular inconvenience by the proposed arrangement, adding if anything urgent was required his firm could send a telegram which only cost a shilling for 16 words, and that in addition there were always two or three mails each week. I submit that if this motion is to be carried it should be carried on exhaustive information, and that at the present moment is not before the House.

Mr. Scaddan: What about Busselton?

The MINISTER FOR WORKS (Hon. F. Wilson): Possibly we might be able to make some arrangements for these mail steamers to call at Busselton. We are building a large jetty there into the ocean, and it may be found convenient to have them call there; but I did not rise to say anything with regard to the port of Busselton; I simply rose to suggest the advisability that the motion should not be pressed. It seems to me that the wording of the motion is rather unfortunate. We have it stated that, "the contract which it is proposed to enter into between the Commonwealth Government and the Orient Steamship Company will prove detrimental to the best interests of the State." Without considering whether or not Albany is to be benefited by the alteration, I want to draw attention to the terms of the contract. We have already had a contract in existence for a good many years with the Orient Company and the P. & O. Company to and from the old country, and the terms are not nearly as liberal as those proposed in the new agreement. This new agreement states in the first instance that the Orient Company shall provide five new mail steamers of not less than 11,000 tons with greatly increased speed. It reduces the number of hours that the journey shall take between Brindisi and Adelaide, and further stipulates what we had in our old agreement that the mail steamers must call at the port of Fremantle. If therefore the conditions of the agreement which it is proposed to enter into are more satisfactory and more liberal from a West Australian standpoint, than those of the old agree-

ment, I think we would do wrong in passing a motion worded such as this one, that "it would prove detrimental to the best interests of the State." I can quite understand that the old condition of affairs which existed in Western Australia before Fremantle was a port, and when the steamers used to call at Albany will appeal to the residents of Albany and the electors of the hon. member who has proposed the motion, and I can quite understand their anxiety, and indeed they have never been backward in their wish to get these mail steamers to again call at Albany and cut out Fremantle. The hon. member has not suggested that; I must give him credit for that at once. But it is a well-known fact that the people of Albany feel that they have a right to the mail steamers, and that if they could see an opportunity of getting the mail steamers to call once more at Albany, even if Fremantle were cut out, they would seize the opportunity. I do not think it would be to the interests of Western Australia that that should be done. I believe we must have the mail steamers calling at Fremantle, the chief port, the centre of population, and the coastal terminus of our railway system. I will also go this far and say, could we get a concession from the company by arrangement with the Commonwealth Government, under which they should call at both ports, no one would take the slightest objection to it. But I think it would be unreasonable for us, because we cannot arrange that additional facility, to pass a resolution which states that the agreement now proposed to be entered into is detrimental to the interests of Western Australia. The idea of calling at two ports in Western Australia would be, of course, to encourage trade and would be not so much a question of delivering mails; because, it goes without saying, we can get our mails delivered at either Fremantle or Albany and distribute them in pretty well record time. But the idea would be to encourage trade in order that cold storage stuff could be shipped on board the mail boats at both ports, and in that respect I should be only too glad to lend my assistance, for what it might be worth, to get the steamers to call at both Fremantle and Albany. But never could I be a party to any action which would interfere with the stipulation in this contract that the mail steamers should call at Fremantle both coming and going. That question has been thrashed out long ago. I remember when Albany was talking secession over this very same question; and I remember that Fremantle had to put up a big battle on its own account. Fremantle won because it was the centre of population.

Mr. Taylor: Because it had four members in Parliament whereas Albany had but one.

The MINISTER FOR WORKS: It was scarcely that, it was a question of population, and facilities, and better arrangement than in the old days. We had the travelling public to consider, and to land passengers at Albany and bring them overland by train to Perth was not anything like so convenient as landing them at the port of Fremantle, next door to the capital city. I hope the hon. member will see fit to withdraw his motion. He has called attention to the question from the Albany point of view. He has, I am afraid, hardly put up a strong case so far as the railway time table is concerned. I cannot see that there could be very much saving of time on the ordinary train service. The ordinary train takes 17 hours from Albany to Fremantle and this would not give very much saving if we add the additional time occupied in landing the mails and the time lost in coming into Albany from the straight line from Adelaide to the Leeuwin. Take the time thus represented and compare it with the 22 hours occupied in the running round to Fremantle, and I think there will not be very much difference. The disability lies, of course, with the commercial community, to whose requirements the hon. member has justly called attention. These merchants and others who have to communicate with the Eastern States are afraid that they will not be able to do so properly because, under the new time-table, both steamers will probably arrive at Fremantle on the same date. However, I think that may be

overcome; if not by giving an earlier hour of departure from Largs Bay than is projected, then perhaps by some arrangement with the interstate steamers under which the latter would leave Fremantle on Wednesdays or Thursdays instead of Saturdays, and carry mails to the Eastern States. This would enable them to arrive within 24 hours of the mail steamer itself. I do not think we would be doing any good by passing a resolution of this description to-night; it is too drastic in its wording. While we are all in sympathy with the hon. member in his endeavour to do the best he can for his port, and are all willing—providing no attempt is made to interfere with the steamers calling at Fremantle—to assist him in getting them to call at Albany as well, yet the passing of this motion could only be detrimental, as it is condemnatory of an agreement certainly more in the interests of Western Australia than was the old agreement.

Mr. BUTCHER (Gascoyne): I cannot help feeling that the member for Albany is entitled to be commended for his action in bringing this matter before the House. I am quite sure, notwithstanding the remarks of the Minister for Works and of the member for Fremantle, that the business people of Western Australia will thank the member for Albany for what he has done. It is obvious to me, as I should say it is to any thinking person, that as the mail steamers take 24 hours on the journey from Breaksea to Fremantle, by landing the mails at Albany, if it does entail a loss of two or three hours, we would necessarily get our mails delivered 22 hours earlier than under the existing conditions.

The Minister for Works: How do you make that out.

Mr. BUTCHER: It has been shown clearly that they will lose two or three hours by landing at Albany; now that reduces the time from 24 hours to 22 hours, and the mails will be delivered some 22 or 23 hours earlier than at present. This must be to the advantage of business people in Perth and other centres.

The Minister for Works: But if it take 24 hours to come from Breaksea, how are you going to save 22 hours by going into Albany?

Mr. BUTCHER: It is done in every other part of the civilised world where mails are landed at a principal port. They are always delivered by express train. There is, I believe, such a train waiting at Adelaide to take the mails on. I know it is so at Naples. Why then should we not have an express train to deliver mails here?

The Minister for Works: That could not save 22 hours.

Mr. BUTCHER: Well it would save 12 or 13 hours anyhow, and the Kalgoorlie mails could be taken on from Spencer's Brook. I consider the hon. member's motion, although not worded quite as it should be, is deserving of every consideration; and I feel sure that the collective wisdom on that side of the House will be able to frame an amendment which will be acceptable to the House. I feel strongly on the matter. It is clear that in the interests of business people we should have our mails landed in Albany instead of being carried right round to Fremantle before distribution.

Mr. GEORGE (Murray): In reference to this matter, I do not like the motion as worded, stating as it does that the contract is detrimental. I would have preferred to see a motion stating that it would be in the interests of the State for the mail steamers to land the mails at Albany. And so it would be in the best interests of the State in more ways than one as far as Perth and Fremantle are concerned. We should get our letters earlier than at the present time, while the goldfields people would get their letters very much earlier; they would save perhaps 24 hours.

Mr. Angwin: That is, if the mail steamer is in early.

Mr. GEORGE: It does not matter whether the mail steamer comes in in the morning or afternoon; whenever it comes in you have from 24 to 30 hours for the steamer to get to Fremantle from Albany.

Mr. Angwin: From 22 to 24.

Mr. GEORGE: Well say 20; it does not make any difference to the argument. It simply means that if the Railway Department can make an arrangement—and they can, there is no question about that—if they have their trains to bring the mails on, Perth and Fremantle people will have a better opportunity of dealing with the mails than they have at present, while the goldfields people will get an advantage of something like 24 hours.

Mr. Angwin: An utter impossibilty.

Mr. GEORGE: This is not a party question, it is rather more of a business chat. As far as Albany is concerned, the proposed arrangement would benefit Albany. And in benefiting Albany it must benefit the State. But beyond the benefit to Albany is the benefit to the people who require their letters. When I was in business, if I could manage to get my letters in time to reply to the Eastern States the same day, it was of great advantage to me. Otherwise I had to telegraph. As for the question of the cost of a special train, that is a matter without the scope of my experience. I have no doubt that the present Commissioner will try to get as much as the late Commissioner used to get, and even more.

Mr. BATH (Brown Hill): I agree with hon. members who have spoken that there is no very great advantage to be gained by the motion, seeing that it is merely declaring that something is detrimental to the interests of the State, unless we express our opinion as to how the mail contract can be altered with advantage. It is one of the greatest drawbacks to Western Australia that such a magnificient port as we have in the South of the State at Albany should be utilised to such a small extent as it is at present. In addition to mail contracts there are many ways in which, without the expenditure of any great amount of money we could utilise that port, not only with great advantage to the State generally, but also with great advantage to the many producers of Western Australia. I know of no place in the State better fitted as a port for export trade for a large area on the Great Southern Railway. It is a port that could be fitted up with no great expenditure and utilised almost immediately with economy to the producers and advantage to the State generally. I move an amendment—

That all the words after "Company" be struck out, and the following inserted in lieu, "should be amended by adding Albany as a port of call for the landing of mails from the Eastern States."

That will define exactly how we think the contract can be amended with advantage, and it will disabuse the minds of members that the idea is to replace Fremantle as a port of call. It will merely add Albany as a port of call for facilitating the landing of mails in Western Australia.

Mr. Angwin: It has to be proved that it will facilitate it.

Mr. BATH: That has been demonstrated by hon. members.

Mr. Angwin: I have not seen it.

Mr. BATH: I can quite understand the hon. member cannot see it. I do not think any amount of discussion would assist his vision in that respect.

Mr. ANGWIN (on amendment): The hon. member has made no attempt to show what is to be the gain to the State by the proposition he has brought forward. In the first place, the Orient mails only come once a fortnight. Now, according to the arguments of some hon. members, the State is going to gain considerably if Albany be made a port of call once a fortnight for these mail steamers, but at present every Monday or Tuesday morning there is an inter-State boat of the A.U.S.N. Company, the Adelaide Steamship Company, or McIlwraith's or Huddart, Parker's line calling with mails at Albany. I maintain the stopping of the mail boats at Albany as provided in the amendment will prove detrimental instead of beneficial. The member for Gascoyne said it would save 24 hours, but then he divided that by two and made it 12. If he kept on much longer, I do not know what the saving would be, but the hon. member failed to show that it was possible for the time to be saved, and forgot to realise that under the new conditions of additional speed to be made the mail boats will deliver the mails from

Breaksea in all probability within from 20 to 22 hours. The hon. member also forgot to show that if the mails were dropped in the outer harbour at Albany into a tender it would take the mail boat off its course at least four hours. The member for Albany admitted it would take two hours to get the mails ashore, so that means that it will take the mail boat at least four hours off its course. Then again, 17 hours will be taken up by the train in reaching Perth. These 17 hours with the four hours will be an hour more than the steamer will take to come direct to Fremantle without calling at Albany. The member for Murray has pointed out how beneficial it would be to run special trains but it is a different matter talking like that in the Chamber from what the hon. member would do if he were running the railways. I believe that if he were Commissioner of Railways to-day and any person suggested to him that a special train should be put on from Albany and run direct to Kalgoorlie—and of course if it is right to go to Kalgoorlie, it is right to go to Leonora—the hon. member would jump at the person making the suggestion, so as to make that person get out quickly. I think he would frighten that person. The other argument advanced by the hon. member, that the Commonwealth could call on the State to provide for these special trains, was one for which the hon. member had no justification. The hon. member knows, in the first place, that the Commonwealth would not go to the expense; he knows they would not pay for the running of these trains; but even if they would, I maintain it is a matter of impossibility to get the mails to the goldfields 24 hours earlier in the manner the hon. member stated. If they are delivered at Fremantle on Tuesday morning at five o'clock and if a special train were run they would be delivered in Kalgoorlie at night.

Mr. Seaddan: They will not do that.

Mr. ANGWIN: I agree with the hon. member. If they will not put on a special train from Fremantle how can we expect the Commonwealth to put on a special train from Albany?

Mr. Seaddan: There is no hope of it.

Mr. ANGWIN: I am glad the hon. member agrees with me. There is no hope of it. Therefore, it is a matter of impossibility to deliver the mails at Kalgoorlie any earlier than would be the case by the arrangement arrived at to convey the mails direct to Fremantle. If it could be shown there was something to be gained in this matter, if it could be shown the State was going to benefit materially in regard to the delivery of mails, I certainly would have no opposition to this proposition; but I fail to see it, and I have failed to hear any just argument to show we are going to save one hour in regard to the delivery of mails. The sorting on the train referred to, no doubt, might save a few moments for a place like Coolgardie. It might take a few moments to do that, and it might be done on the train, but there are direct mail bags. For instance, the mails from the Eastern States for Fremantle are in the Fremantle bag, and the mails for Perth are in the Perth bag, and the mails for Kalgoorlie are in the Kalgoorlie bag. The whole of the sorting for the districts is done before the mails leave the Eastern States. I see no reason for the amendment that has been moved, because I have not heard any argument put forward to show that anything is to be gained by the change contemplated.

Amendment put and passed.

Question as amended agreed to.

BILL — PERMANENT RESERVE REDEDICATION (No. 1).

Read a third time and transmitted to the Legislative Council.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 8th September.

The ATTORNEY GENERAL (Hon. J. L. Nanson): While it may be an advantage—no doubt it is—that the far-reaching and momentous principles involved in this measure should receive full discussion and consideration in this

House, I cannot think that if all this Bill will mean, if it becomes law, is realised by members, a majority will be found in this Chamber prepared at this stage in our industrial history to place the measure on our statute book. The Bill introduces very far-reaching and fundamental changes in the law relating to employers' liability and workers' compensation, and it is not perhaps sufficiently realised that it would impose a burden upon practically all employers of labour, without exception, and at a time in our industrial history when it cannot be considered convenient to make such a departure. At any rate, before this House consents to a Bill of so wide and far-reaching a character, it is essential that there should be the very fullest examination and consideration, not only as to the way in which this measure will affect employers but also as to how it will affect employees. Under the existing law, as members are well aware, the benefits of the Workers' Compensation Acts are limited to certain dangerous occupations, such as working on the railways, in the mines, factories, and in engineering and building works. But should the present Bill become law, a worker in any employment will be entitled to compensation should an injury occur to him in the course of his employment, and if such injury should result in his permanent disablement or in his death, no matter whether such injury has been caused by the serious and wilful misconduct of the workman, none the less the employer will be compelled to pay compensation. One has only to state a principle of that kind to make members pause and ask themselves whether the principle is altogether an equitable one. I shall be told, as no doubt the member who introduced the Bill has already told us, that a provision of this kind is to be found in the Workers' Compensation Act passed by the Imperial Parliament in 1906. But although one has to admit that is the law in the United Kingdom I cannot hold that it is any sufficient argument to say that we should assent to a provision of this kind simply because it has been made the law in another country.

Mr. Angwin: There are more workers there than there are here.

The ATTORNEY GENERAL: Unquestionably there are. Seeing that the population of the old country is from 40 to 50 millions, the point raised by the hon. member seems to be rather a self-evident proposition.

Mr. Bath: You are ready to quote English measures when they suit you.

The ATTORNEY GENERAL: When I think there are circumstances in the old country which are such that the example might be regarded as one which could be followed in Western Australia, I do quote similar English law. In this instance I contend that the conditions are not sufficiently similar. However, I am perfectly willing to admit that the fact that this provision is found in English legislation is one that may be advanced in its favour; but I join issue with the member for Brown Hill as to the applicability of the argument in the present case. The object of the provision extending the payment of compensation to all workers is to compel employers to insure their employees against accident. I am free to admit the advantage of compulsory insurance, but I doubt whether sufficient consideration has yet been given to the question of whether we should adopt the English or the German system of compulsory insurance. As members are aware, in Germany, where what is generally admitted to be the best system of insurance is in force, the contributions to the insurance funds are made, not only by the employer, but also by the employee, and, in addition, a certain proportion is also found, I believe, by the State. Personally I am disposed to favour the German system, and I cannot altogether see that there are insuperable objections to it in a country like Australia, where labour is so largely organised, and with those organisations growing more perfect year by year, there should be no great difficulty in obtaining a contribution equitable to all parties. At any rate, whatever may be our opinion as to the relative merits of the two systems, it would be well, I think, to have a close and detailed examination of both systems, and

to ascertain in regard to the German method the means adopted for enforcing and securing the contributions of the employer and the employee. When the Workers' Compensation Act of 1906 was before the Imperial Parliament, the question of preceding any measure of that kind by a measure of national insurance was referred to by more than one of the speakers who took part in the debates on that Bill, and we find that one member, Mr. John Wilson, who represented the industrial constituency of Mid-Durham, said—

> "If the right hon. gentleman had started de novo, instead of trying to patch here and to patch there, a perfect measure might have been brought into the House; a measure which partook of the nature of a national insurance Bill, under which every man working in this country for his living should have a free right of access to the funds of the nation, to compensate him for any injuries he has received. The right hon. gentleman, the Home Secretary—(who was in charge of the Bill)—was quite right to charge the members of this House who opposed the Bill in 1897 with opposing compensation to working men. The right hon. gentleman did him the honour to say that he (Mr. Wilson) was the most consistent fighter upon that Bill. He would have opposed the Bill for the same reasons. He believed the support of injured workmen should be a lien on the funds of the nation, and the sooner that came about the better it would be. That was the point they desired to arrive at, and that was the point they intended to arrive at. This liability should be a charge on the consolidated fund of the country."

It is an arguable proposition that in Western Australia, before we extend compensation for injuries to every class of employment—that is what this Bill contemplates—we should first settle the question of an insurance fund. I take it that what it is proposed to do at present is to compel the employer to insure himself against the risk of having to pay compensation, and although that may answer perfectly well in the case of a large employer and may give to the employee a measure of protection, yet when one comes down to a different class of employer, the small man, it is very doubtful whether he will insure to the extent that some members probably anticipate. The result will be that although in a great many cases we shall be giving to the employee a statutory remedy, still it will be one which may be of very little use in practice when he is engaged by the small man, for in nine cases out of ten, or, I should say, in many cases, the small employer may quite conceivably be unable to meet the liability imposed on him. It is one thing to give to the employee a claim to obtain a certain amount of money from the employer, but as every member having experience of business is aware, it is another thing altogether to obtain funds out of a man if he has nothing with which to pay. When one thinks how at the present time there are in Western Australia in the country districts large numbers of men making a start as farmers; men practically without any capital other than what has been advanced to them through the Agricultural Bank; men with everything they possess mortgaged either to the bank or to other lenders, he will realise that the chances of an injured employee to obtain compensation from such an employer will not be very great, unless he is assured that there is some fund from which he can draw the compensation in the event of such becoming due.

(*Sitting suspended from 6.15 to 7.30 p.m.*)

The ATTORNEY GENERAL: Before tea I was dealing with what may be expected to be the general effect of this Bill if it becomes law. I now propose to deal with the measure more in detail. It will be noticed that Clause 2 of the Bill strikes out the existing definition of "worker," "injury," and "factory" and gives a new definition to "worker," and also the term of "injury." "Worker" is defined by stating what the word does not mean, namely, that in the first instance it does

not include a person employed otherwise than by way of manual labour, who receives more than £350 a year. But subject to this exception the definition includes a person who is employed, not only in manual labour, but in clerical work or otherwise. If, therefore, this Bill becomes law, every person who employs a domestic servant, a gardener, or a clerk—employments not considered dangerous—every such employer will be liable in the case of injury to the employee to pay compensation, and if he be a person of any means at all he will find it necessary to protect himself by taking out an indemnity policy with an accident insurance company, otherwise the whole of the risk of that employment will be upon his shoulders. Of course, it may be argued that this risk is no more than an employer is entitled to be saddled with; but before we make so vast a change in this country we should give the very numerous employers here the opportunity of making themselves heard, otherwise, if we pass a Bill of this kind, without any very strong preliminary demand for it outside this Chamber, we are doing what is tantamount to imposing a tax probably of not less than 10s. per employee per annum on every employer throughout the State. I remember when this Bill was introduced in England there was a great outcry from the employers as to the liability with which they were being saddled. It was pointed out that in the case of domestic servants, all that the employer would have to pay was a premium of 2s. 6d. each year for each servant. But I believe I am correct in saying that after the Act had been in force in England for some little time it was found that the claims against the companies who had insured against this class of risk were so numerous that it became necessary to very materially increase the premium charged to employers; and, I think, when we consider the circumstances of this State, when we have all the insurance companies once more banded together to maintain rates and to try and make up for some of the money they were supposed to have lost some years ago, when there was a rate war amongst them, if we remember that these companies are banded together, I think we may be sure, whatever rates may be imposed, they will be something more than 2s. 6d. per employee per annum, which was imposed in the mother country at the commencemnt. Probably the very lowest rate at which any risk of this kind would be taken, would be not less than 10s. per annum. A very important departure in this Bill is, that the term "injury," following the precedent of the English Act, is made to include a disease contracted in and peculiar to a particular employment, and I can quite understand that a provision of this nature will very naturally appeal to the sympathy of very many, if not all, members of this House, because it does seem desirable that when a man is employed in an industry which, no matter what precaution may be taken, is more or less injurious to his health, some method should be devised by which, when he loses his health and strength, he should be able to secure some amount of compensation for the sacrifice he has been compelled to make. But we must be careful before introducing a provision of this kind to look at every possible effect of it. The Bill adopts Section 8 of the English Act, so as to provide special compensation for sickness to miners through their work, provided the disease is due to the employment in which the worker was engaged, either at the time of becoming ill or during the 12 months preceding his engagement. In the English Act, the diseases to which the Act is made applicable, are diseases incurred in manufacturing industries rather than in mining, industries which are not in existence in this country at the present time, and would not, therefore, be applicable. I take it that the object of the member for Dundas in introducing this provision into the Bill is more particularly to meet the disease popularly known as miner's consumption. In one important respect the Bill goes even further than the English Act, in that it is not only made applicable to the disease set forth in the schedule to the Bill, but may also be made applicable to any other disease which the Governor-in-Council may proclaim. I cannot but think if we are to extend this measure of protection it should only be extended with

the full consent of the Parliament of the country. In our existing Workmen's Compensation Act we have a provision by which that Act may be extended to industries other than those mentioned in the Act, provided there is an address from both Houses of Parliament in favour of the extension and if we are going to adopt legislation to protect the worker against disease it would be a power, I think, that should not be vested merely in the hands of the Government of the day. If it is to be extended provision should not be made without the consent of Parliament. However, that is a detail. Moreover, if an employee becomes ill through any of the diseases mentioned in the Bill, or subsequently brought within the scope of the measure by proclamation, the employer is liable, not only at the actual time of the employment, but for a period of 12 months after the time the workman has ceased to be employed by such employer. Another very important direction in which the Bill goes beyond the English legislation is as to the period at which payment for incapacity to work begins. In the existing Act of this State the first two weeks of incapacity are not made subject to compensation.

Mr. O'Loghlen: The very worst two weeks.

The ATTORNEY GENERAL: In the English Act if the incapacity is less than two weeks no compensation is paid in respect to the first week. In the Bill now before the House it is sought to make compensation payable in all cases from the moment of the accident. As illustrating how the demand in this direction has grown, I may say that when Mr. Chamberlain was introducing the Imperial Act of 1897, he contended that there would be no grounds for legislative interference for the protection of the employee if the incapacity did not continue for more than three weeks, and he argued that in connection with accidents, the consequences of which were not felt for a longer period than three weeks, a worker might very properly be expected to make provision for himself. In the Bill which we are at present considering, the principle laid down by Mr. Chamberlain is altogether abolished. In the existing English legislation it certainly has been whittled away and has diminished from three weeks to one week, but the principle is still in force. My contention that even if this Bill went no further than the English legislation it would be still going very considerably further than the circumstances of this State at the present juncture warrant; but not content with adopting the provisions of the English measure in some not unimportant particulars, the hon. member, who is responsible for the Bill, has even gone further. I think there can be very little doubt, to allow compensation for the briefest possible period of disablement, will tend to encourage malingering and will unduly harass the employer, at any rate it will encourage the payment of compensation in exceedingly frivolous cases. In considering this Bill I think hon. members should not lose sight of the fact that employees are already protected to a considerable extent by the Common Law, and the Employers' Liability Act.

Mr. Hudson: Very much so.

The ATTORNEY GENERAL: The more they study this Bill the more will hon. members realise that it is intended to go very much further, to extend the law, and to give the right of compensation in cases where workmen have to-day no legal claim except in regard to certain specified industries. Of course there are provisions in the Bill other than those to which I have already referred, and to which exception may be taken. There is, for example, the power to enable the employee to be given a lump sum without the consent of the employer; and another provision, Subclause (c) of Clause 8, which if adopted may, conceivably, enable an employee to be paid compensation twice over for what is practically the same accident.

Mr. Hudson: Nothing of the sort.

The ATTORNEY GENERAL: Well, I think it is open to argument. But there can be no doubt that if the Bill should pass the second reading it will require very exhaustive discussion during the

Committee stage; and it is a matter for the consideration of hon. members whether in a session already very heavily laden with work, in which already bills of considerable importance are before the Chamber, we should endeavour to do more this session than deal with the general principle of, and have a general second reading discussion on, the Bill. The Government readily afford to the member for Dundas the opportunity for having such discussion. If the Bill reaches the Committee stage a great amount of valuable time is sure to be taken up, and yet the possibility of the Bill becoming law this session will remain somewhat remote. I would appeal to hon. members on the other side of the House to recognise that while one may be in sympathy with the general tendency of a measure of this kind it is unreasonable to suppose that it can be hurriedly brought into operation. Public opinion has to be educated in regard to it, and information has to be obtained as to the possible effect, not only on the employer, but also on the employee. It seems to me it will become a question for hon. members to decide whether they are in favour of the main feature of this Bill, which I take to be the extension of the principle of workmen's compensation to all industries, or, in other words, of compulsory insurance, to every class of employment. If hon. members are not in favour of so wide an extension of the principle of the Bill then they may very properly argue that the existing Workers' Compensation Act, Section 4, gives opportunity for extending workmen's compensation in particular directions. While I realise that there is an indisposition to throw a Bill out on the second reading, yet if hon. members are not in favour of extending workmen's compensation to every possible class of labour I think I am justified in contending that if only for the sake of preventing a very large waste of time they would be warranted in voting against the second reading of the Bill. If, on the other hand, they are of opinion that at this stage of our industrial history compensation should be extended to every possible class of labour in the country, then they must vote for the second reading. But I very much doubt, even if that be done, whether there is any justification for expecting that a measure of such far reaching consequences should become law during this session. There is one consideration, and a very important one, to which attention should be given; it is the probable effect, if the Bill becomes law, on the ability of persons brought within its scope to secure employment. This contention applies more particularly to workers whom it is sought to protect against diseases incidental to their employment. While there is very much to be said in favour of the contention that a person engaged in unhealthy employment should be protected to some extent, yet we cannot shut our eyes to the fact that, particularly in the mining industry, the effect of such legislation may be to exclude all but the healthiest and most robust from such employment, and to throw into the ranks of the unemployed many who could not pass the severe medical tests which, we may be certain, the insurance companies would demand before they would consent to issue policies covering that class of risk.

Mr. Gill: What about the old country?

The ATTORNEY GENERAL: It does not apply to the mining industry in the old country. I would like to hear from the hon. member how this provision is working in the old country. It is quite possible that he will find, if he looks into the matter, that it is having the effect of throwing a considerable number of people out of employment. At the present time in the old country one of the greatest social problems is that of unemployment. It is a danger with all this industrial legislation that it has a reflex action. And while it protects one class of worker it may make things very difficult for the man who is prone to disease, who has a liability to disease: just as, in the same way, we find that legislation for fixing the rate of wages by law has a tendency in Australia to throw out of employment men who have once passed their prime.

Mr. Underwood: Where does that obtain?

Mr. Heitmann: The same old gag.

The ATTORNEY GENERAL: If, as some members say, it is the same old gag, they will not object to contentions of this kind being inquired into; because if there be nothing in the contention then the case they are advancing will be materially strengthened. If, on the other hand, there be something in the contention, then something of material service will have been done for the benefit of those workers whom this legislation may injuriously affect. I cannot but think, however sympathetic we may be towards legislation designed to protect the health of the wage earner—and his health is his principal capital—we should not pass such legislation without further serious consideration of its reflex action. If the result of such legislation is, as I have contended, to increase unemployment to some extent, it is possible that this boon of compensation may be purchased too dearly. At the same time it is perhaps well that the Bill has been brought forward, if only because it affords an opportunity for discussing the vastly important questions with which it deals. I take it that no one in the House supposes for a moment that the law in this State as regards compensation to workmen is always going to remain in its present condition. We may, I think, accept as a foregone conclusion that it must sooner or later be liberalised, and liberalised very materially. So far as the Bill introduced by the member for Norseman is concerned there may not be on this side of the House sufficiently strong objection to its main principles as to prevent it reaching the Committee stage. The reason why I would urge the hon. member not to press it to the second reading during this session is rather that fuller inquiry may be made into the working of similar legislation in New Zealand and the mother country, together with Germany, Italy, France, and Austria, and throughout the continent, where similar legislation is in existence. I am not suggesting that we should appoint a Royal Commission with a roving commission to travel over the continent of Europe; but it would be no difficult matter to obtain from the blue books and other sources of information knowledge of the effect of legislation of this kind in other countries. The Bill seems to be one which, whether it passes the second reading or not, is eminently suitable for inquiry by select committee and, possibly at a later stage, by Royal Commission. There is one other feature to which, I think, we should give consideration, namely, that the industrial circumstances of the State at the present time are not entirely as favourable as we could wish. We are only just beginning to recover from the dislocation caused to our industries by our entering the Federal compact, and it might be well to delay for some little time the initiation of an experiment that must have very far reaching consequences. I do not know that hon. members on the other side of the House pay, perhaps, very much attention to that phase of the question; they consider, probably, that members on this side will give to it all the attention it deserves, and therefore that it is not necessary for them to do so.

Mr. Heitmann: We would be afraid to adopt your argument, because we do not know how far we could follow you.

The ATTORNEY GENERAL: If the hon. member has confidence in the measure it will not give him very much alarm if it be delayed for a period for investigation. If an attempt be made to rush the Bill through Parliament it can only result in failure.

Mr. O'Loghlen: Is it a party question?

The ATTORNEY GENERAL: I do not know that a measure of this kind should be made a party question. I consider it should be made a matter for investigation. There are members on the Government side of the House who are sympathetic towards it, and why I make my appeal to members opposite for an investigation is that what may now seem the longest way round, may ultimately prove to be the shortest method of reaching the goal they set before themselves.

Several Opposition Members: Question!

The MINISTER FOR MINES (Hon. H. Gregory): I fully anticipated another member would have followed the remarks of the Attorney General in regard to the nature of this Bill. It is not my inten-

tion to deal with any portion of it other than where it specially refers to mining. We have now a Workers' Compensation Act, passed in 1902, which provides for special compensation being paid to any worker in the case of an accident, when following his calling. There are no undue or harassing conditions in that Act, and provision is made so that employers are able to insure their employees with the various insurance companies operating in the State. No doubt the Act has proved a great blessing to a great number of our workers. But that Act has safeguards. If we were to agree to many of the amendments suggested in the Bill now before the House I think those safeguards would be swept away, and the measure would not work so smoothly or as well as the Act we have at present. From my standpoint the main feature of the Bill is the clause dealing with the schedule providing that in the event of any person suffering ill-health or death from silicosis or anthracosis that person, or his representatives, may recover compensation. The hon. member who introduced the Bill stated that a Bill with similar provisions had been passed in the New Zealand Parliament last year. A somewhat similar measure was also passed in 1906 by the British Parliament, but to a considerable extent both measures vary from the schedule set down in the Bill now before the House.

Mr. Hudson: Only in minor details.

The MINISTER FOR MINES: I disagree with the hon. member. According to advice I have received, silicosis cannot be shown to be the cause of death. Certainly a person suffering from silicosis would be more liable to get phthisis or consumption than a person not suffering from it. Silicosis is occasioned by a person inhaling sharp particles of quartz which adhere to the lungs and penetrate them and render the subject more liable to phthisis or consumption than the person not suffering from silicosis. My advisers have not heard of a death from anthracosis, and it is very rare, if at all, that we find a person's death recorded as due to silicosis. It is provided in the New Zealand Act that any person suffering from pneumonoconiosis, a disease of the lungs due to the inhaling of irritating particles, may get compensation. Silicosis would be a somewhat similar disease, but I hardly think death would be likely to result unless the patient contracted phthisis or consumption.

Mr. Heitmann: They rarely get phthisis without that.

The MINISTER FOR MINES: We want to be very careful in what we are passing. If we are to have legislation we want it to be effective I presume. In the English Act provision was made for compensation with regard to various diseases, but dealing with mining compensation is only provided for where the patient is suffering from ankylostomiasis, and that is a disease occasioned by a worm in the bowels or intestines and is caused by the insanitary condition of mines. It is a disease than can be eradicated from a mine because it is due to the carelessness of the employer in allowing his mine to get into an insanitary condition. The English Act is different to the New Zealand Act. The New Zealand Act came into force at the beginning of this year, and what was the result? In the first place the employers desired to insure their workmen against the provisions of the Act, just as our employers can insure their workers now, but the insurance companies refused to insure the workmen. In New Zealand they have a State Insurance Department.

Mr. Swan: What is wrong with having it here?

The MINISTER FOR MINES: If we are to pass legislation of this sort there are poor employers as well as rich, and we want to be able to show these people that we are not going to dislocate trade. We want to let the people know, if they dare to employ labour, that they can insure.

Mr. Foulkes: Tell us what happened in New Zealand.

The MINISTER FOR MINES: I was saying that in New Zealand the insurance companies refused to insure the workmen, and the manager of the State Insurance Department refused to insure them. He demanded that the workmen should pass

an examination to show that they were not suffering; and if this Bill is passed, if any man has in his employ another suffering from any consumptive complaint, he will be liable to pay that man compensation. There is not the slightest doubt in my mind that it would be retrospective in that respect; it cannot be otherwise. The moment the Bill becomes law, if we pass it, then any person suffering from any pulmonary complaint, who can prove it is due to silicosis or anthracosis, will be able to demand compensation from the person employing him at the time. The Bill says that the employer can bring into court a previous employer if he can prove that the disease occurred while the man suffering was employed by some other person; but how will it be possible, except by a post mortem examination, in the first place, to discover whether a man is suffering from silicosis or not, and how will it be possible to prove how and where it took place? In New Zealand the companies demanded that each and every one of their workmen should pass an examination. The men would not agree to it, with the result that there was a strike or lockout, whatever one likes to call it, for a considerable time and a large number of men were out of employment; and in the end the Government had to come forward and instruct their State department to insure all these workmen at the rate of £3 9s. 6d. per £100. They instructed their State department to insure these workmen and they guaranteed the State department from any loss. The Government themselves took up the insurance of these men and that is the position to-day in New Zealand.

Mr. Taylor: And what is the loss?

The MINISTER FOR MINES: I do not know what they were charging previously for insurance, but it is too early yet to say whether there has been any loss. I only want to point out what has actually happened, and what we must look forward to here, if we pass this Bill as it is now, or with an amendment to include miners' complaint, which the member for Dundas most likely desires, so as to make it a little more complete than it appears to be at present. What is to follow if we pass the Bill in its present form? Every person employing miners upon the goldfields will at once take care that he has no workman employed who is likely to contract, or who has contracted, any pulmonary complaint.

Mr. Heitmann: And what is to become of that poor unfortunate?

The MINISTER FOR MINES: That is what I want members to consider—what is to happen to that unfortunate man who is thrown out of employment?

Mr. Heitmann: What are you doing?

The MINISTER FOR MINES: I do not know what will happen to him.

Mr. Heitmann: You will not recognise that any phthisis exists.

The MINISTER FOR MINES: A person must be very stupid to make statements of that sort.

Mr. Heitmann: Yes you are, you are very dense and very brutal.

Mr. SPEAKER: The hon. member must not use that expression; he must withdraw it.

Mr. Heitmann: I withdraw, but I believe it is true all the same.

Mr. SPEAKER: The hon. member must withdraw it unconditionally.

Mr. Heitmann: I will withdraw it at the order of the House.

The MINISTER FOR MINES: We all know there is a certain amount of phthisis in Western Australia; our statistics show it; I do not admit however that there is that number of deaths or number of people suffering from it amongst our mining community that many persons would make us believe. I am making inquiries and am prepared to show that there is a great deal of exaggeration in regard to these statements. In the Eastern States, and especially in Victoria, there has been a very large amount of the disease.

Mr. Angwin: Have you read the pamphlet issued by the West Australian Medical and Health Departments?

The MINISTER FOR MINES: I do not know what it is. I have statistics showing the number of deaths that have occurred, but I do not want to get on that phase of the question yet, as I desire to point out what is likely to happen if this

Bill becomes law. If we pass this Bill every person employing labour on the goldfields will demand that those persons who, in the slightest sense, suffer from pulmonary complaints shall be dismissed. No person would take the responsibility of employing a man who was suffering from the disease for he would feel he would have to pay compensation to him. It would naturally follow, as night follows day, that the men who are weak in the chest would be immediately dismissed.

Mr. Underwood: Better to put them out of work than to kill them.

The MINISTER FOR MINES: I do not want members to consider that I desire nothing should be done to meet the cases of these men.

Mr. Underwood: It is murder to send them underground.

The MINISTER FOR MINES: There has been great trouble in the Eastern States in regard to this matter. The Premier of Victoria is now considering the best method of stamping out phthisis, but up to the present time nothing definite has been done. Meetings of miners at Ballarat and Bendigo have been held, and consideration has been paid to the question of what action shall be taken by them in the event of there being introduced legislation somewhat similar to that being introduced here. Would the men agree to an examination, and the prevention of men suffering from consumption from going underground.

Mr. Heitmann: Those men have to work on now as they have wives and families dependent upon them.

The MINISTER FOR MINES: We might be able to bring forward legislation to restrict the employment underground of men suffering from pulmonary complaints, and we must also consider whether we cannot do something for those who are prevented from following their avocation there, so that they would be able to get employment elsewhere.

Mr. Bolton: That is what we want to do.

The MINISTER FOR MINES: I desire to point out what will follow the passing of this legislation.

Mr. Collier: The men are all prepared to accept this legislation, notwithstanding the danger of losing their employment.

The MINISTER FOR MINES: I do not know what the men here are doing with regard to the matter. As far as I know they have not yet come to an agreement to have a medical test before employment. I do not know whether they would agree that no person suffering from pulmonary complaints should be allowed to be employed underground. My idea is that the Mines Regulation Act should be so amended as to give power to prevent a person suffering from consumption from being employed underground.

Mr. Heitmann: Why do not you bring the amendment in, you do nothing?

The MINISTER FOR MINES: I hope we are always trying to build up, and meet the existing state of affairs.

Mr. Heitmann: You are doing nothing.

Mr. SPEAKER: The hon. member will have an opportunity of making a speech later on.

The MINISTER FOR MINES: I am not endeavouring to say anything that reflects on the hon. member.

Mr. Heitmann: You have done that long enough.

Mr. George: Do not take any notice of what the member says.

The MINISTER FOR MINES: We are bound to have the same trouble as that which occurred in New Zealand.

Mr. Scaddan: Get over it the same way as they have done there.

The MINISTER FOR MINES: That would mean a very serious loss to the community, and probably we will be able to get over the difficulty without that loss being sustained. On investigation we will be able to find a means whereby we shall be able to prevent persons suffering from pulmonary complaints from working in mines, and to find those persons a means of engaging in some other calling at which they would be able to regain their health. There is not the slightest doubt that a person suffering from consumption and employed underground must be a great menace to the man working along-

side him. That must be admitted. It would not be hurtful legislation to prevent men suffering from the disease from being employed underground. The question is, what is the best course of action for us to take in the circumstances? In regard to the number of deaths from consumption in Western Australia during 1907, statistics show there were 206 deaths from phthisis, while in 1908 there were 193. In the Metropolitan and South-Western Divisions there were in 1907, 135 deaths, while on the goldfields, that is taking the Central, Eastern, Northern, and North-Western Divisions, there were 71 deaths.

Mr. Collier: You know that men suffering from the disease come down to the City.

The MINISTER FOR MINES: In 1908 there were 121 deaths in the Metropolitan and South-Western divisions against 72 in the Central, Eastern, Northern, and North-Western. The number of deaths from phthisis in Western Australia was .780 per 1,000 in 1897, and .712 per 1,000 in 1908. The figures for 1907 were not classified so well as they were in 1908, and do not give the number of miners who in that year died from phthisis. In the year 1908, however, the deaths were 4 males and 6 females between the ages of 15 and 20, 9 males and 12 females between the ages of 20 and 25; altogether under the age of 30 the deaths numbered 29 males and 37 females, while of that number 9 males and 11 females had been less than 5 years in the State at the time of their death. The number of miners recorded as having died from phthisis during that year was 27.

Mr. Scaddan: That was the number following the occupation of miners at the time of their death.

The MINISTER FOR MINES: They were recorded as miners.

Mr. Scaddan: They come away from the mines when they feel they are breaking up.

The MINISTER FOR MINES: I have asked that we should have medical examination in regard to these matters. It is usual in the event of any person dying within a short time after leaving the mine for him to have his occupation registered as that of a miner. The statistics for last year show that out of a total of 93 deaths recorded 27 were miners. The total death roll from consumption, which numbered about 200 for the year before last, and 190 for last year, was very high, and every effort should be made by the Government and by Parliament to mitigate the evils of the dread disease. We have a sanatorium in Coolgardie now, and efforts are being made to combat the disease.

Mr. Hudson: Could not this question be dealt with when the Bill reaches the Committee stage?

The MINISTER FOR MINES: I want members to understand that we desire more inquiry in regard to this matter. If the Bill is passed as it stands, it would mean a very great dislocation of the mining industry, and it would do injury to a large number of the men employed in the industry. We have no State insurance, and the question is what method of insurance is likely to be adopted if the Bill becomes law. Some action must be taken. Some members may have had experience of the working of the German law. Personally, I have not, but I know that the employer is responsible for any accident which may occur to any of the workmen he employs, and that there is a fund subscribed to by the employer, by the workmen, and by the State, under which provision is made whereby, in the event of any person being incapacitated through illness, at any time during his lifetime, he shall receive compensation. It is questionable whether we should not insist upon some similar plan being followed here, so that a person injured could be compensated. I do not say that it should be limited to the mining industry, for we should do the best we can for the whole of the community. It surely would be possible for us to evolve a scheme by which every worker and employer in the State should join in making provision for those incapacitated by illness. The old age pension scheme does not apply to such cases as these, and I agree with what the

Attorney General has said, in the first place, that if we pass the measure it will mean a very great dislocation of trade, and in the second place, that inquiry should be made with a view of ascertaining if we cannot promulgate a scheme to give greater security to the men employed in all callings, so that those suffering from pulmonary complaints shall not be allowed to work alongside others. It should be further provided that compensation be granted to those persons so prevented from working, in order to enable them to make a living in some other and more healthy calling. I feel satisfied that if the Bill is passed, the weak and aged, and those ailing will be ruthlessly thrown on charity, on their relatives, and upon the State. I think a Bill of this sort demands the fullest and gravest inquiry before we pass it. We should try and find out what effect such legislation will have, and I feel satisfied if we make inquiry we will be able to build up that scheme which the Miners' Association have been urging, by which the employer, the employee, and the State shall all contribute, and by which funds will be raised to enable compensation to be paid to those persons who are unable to follow their calling. I hope the hon. member will not press the Bill at the present time. I do not care whether it is by a Royal Commission or a select committee, that an inquiry is made, but I think an inquiry should be made with the view not only of bringing forward legislation which will be helpful to our employees, but which will assist towards the establishment of a fund such as I have referred to, from which to pay compensation to those who may lose their calling.

Mr. GEORGE (Murray): I move—

That the debate be adjourned.

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

Ayes	.. .. ..	21
Noes	.. .. ..	24
Majority against	..	3

Ayes.	
Mr. Brown	Mr. Male
Mr. Butcher	Mr. Mitchell
Mr. Cowcher	Mr. Monger
Mr. Davies	Mr. N. J. Moore
Mr. Draper	Mr. S. F. Moore
Mr. George	Mr. Nanson
Mr. Gregory	Mr. Osborn
Mr. Hardwick	Mr. J. Price
Mr. Hayward	Mr. F. Wilson
Mr. Jacoby	Mr. Gordon
Mr. Layman	(*Teller*).

Noes.	
Mr. Angwin	Mr. O'Loghlen
Mr. Bath	Mr. W. Price
Mr. Bolton	Mr. Scaddan
Mr. Collier	Mr. Swan
Mr. Daglish	Mr. Taylor
Mr. Foulkes	Mr. Troy
Mr. Gill	Mr. Underwood
Mr. Gourley	Mr. Walker
Mr. Holman	Mr. Ware
Mr. Horan	Mr. A. A. Wilson
Mr. Hudson	Mr. Heitmann
Mr. Johnson	(*Teller*).
Mr. McDowall	

Motion thus negatived.

Mr. DAGLISH (Subiaco): I intend to say very little with regard to this Bill, and probably would not have spoken but for the remarks of the Attorney General, who expressed the opinion that the issue before the House was the question whether all the workers proposed by the clauses of this Bill should or should not be included. I am not prepared to commit myself absolutely to the full text of the amendment before the House, but I am prepared to commit myself to what the Attorney General and the Minister for Mines have stated, and that is that the Workers' Compensation Act is capable of extension, and that there is cause for inquiry as to the direction in which that extension should be carried out. The Minister for Mines further made admissions with regard to the existence of miner's complaint in the other States, and, presumably, although not very strongly, has admitted the existence of miner's complaint to some extent, at all events, in Western Australia. My contention is that if there be such a disease, the disease undoubtedly being the result of the occupation followed by a miner, then the House has to consider whether the individual himself who has been unfortunate enough to contract that disease should bear the cost of it, or

whether the industry which is responsible for the contraction of the disease should pay for the consequences. That is my opinion, and any hon. member who admits that the Workers' Compensation Act can, with advantage, be extended must first of all give the House in Committee an opportunity of considering in what direction, and to what extent, that extension can be made. I am not prepared to go with the hon. member who introduced this Bill so far as to include, perhaps, all the workers brought under the definition of the word "worker." I do not know that this House need worry itself about the risk a Government clerk takes of falling over a bit of red tape and breaking his neck, or of getting concussion of the brain by knocking his head against a departmental report. These cases really are not very serious and I do not think require much attention from the House, but, undoubtedly, the question of the prevalence of complaints which affect the livelihood of miners, and ultimately may affect their existence, is one that deserves most sympathetic consideration on the part of hon. members. The Minister for Mines has expressed some fear with regard to the effect a measure like this will have upon the mining industry. The Minister, however, must well remember that when the original Act was brought before Parliament in 1901 or 1902 by his then chief, Sir Walter James, very strong fears were uttered by those who opposed that measure, and we were told that all the industries brought within the scope of its provisions would be seriously affected, and that men would be likely to be cast out of work because it would not longer be profitable to employ them. We hear almost the same objection raised to the Bill the Minister then advocated, raised against this particular amending Bill to-night. I do not think the House need be much afraid of the consequences of passing the Bill. If, however, it were proposed by the Minister for Mines that there should be an inquiry carried out in sufficient time to enable the House this session to legislate on the question, I for one would be willing to accept the assurance, and would urge the member for Dundas to postpone the matter until such inquiry had been made. At the same time I do not think any sufficient warrant has been given for inquiry which might result in preventing the House having the opportunity of legislating at all on the question for another 12 months. We know that this amendment of the law affects a small number of individuals in the country, and although it may affect them most gravely, such matters are likely to be lost sight of in the hurry and scurry of sessional business. Although the number who have suffered in the past, or are suffering at present, may be small, their smallness should not prevent that consideration being given which otherwise these cases would receive. I have known in Western Australia, just as I have known in Victoria, persons not killed but incapacitated from active manual toil by contracting some form or other of this particular disease with a difficult name.

Mr. Scaddan: And much more difficult to get rid of.

Mr. DAGLISH: I believe that this disease once contracted and once thoroughly alive in the system is difficult to shake off. There are one or two instances in my own constituency of men who have been disabled by this disease, contracted in West Australian mines, and undoubtedly, as I have said, if there be a question at all as to whether the individual should suffer or the industry should pay for what it has brought about, I do not think any reasonable man can do anything but answer that the industry should bear the cost. Then there is the question with regard to the machinery part of the measure, and that is a matter which I think should receive most careful consideration. I do not desire to see any provision made that may enable any person not thoroughly honest to gain an unfair advantage. I do not think any member in this House, or the member for Dundas, is desirous that there should be opportunities given for malingering. If there be any opportunities I am quite satisfied they could be adequately dealt with, and the hon. member would be one of the first to accept any proposed amendment that might have for its object

the prevention of such a thing. But it seems to me to be the lesser evil that men should get a little more than they are entitled to, than that men should lose in some cases their lives, in other cases their livelihoods, without having any redress whatever provided by the law. Of the two evils I would prefer the smaller. But I think provision could be made to meet such possibilities as the Minister for Mines has expressed his fears in regard to. In the meantime I am prepared to support the second reading of the Bill.

Mr. FOULKES (Claremont): I am glad this Bill has been introduced, if only for the purpose of drawing the attention of members of the community to the great danger attached to the terrible disease commonly called consumption. It is a highly infectious disease, and in a pamphlet issued by the Medical Department of the State the Principal Medical Officer points out that it is a disease which may be conveyed from one person to another by means of the sputum. In all parts of the world this disease is receiving the attention, not only of philanthropic societies, but of Governments. For the first time in this State it is proposed in the Bill that compensation should be paid to individuals who contract this disease, more particularly in mining districts. So far as it goes, no one can take exception to that; but I would like to impress on hon. members the necessity of taking some steps to prevent people infected with the disease from working in the mines at all. I gather from the hon. members that so long as these people receive compensation all is well. For my part, I regard it as practically a question of detail whether they receive compensation or not. The main thing is to see that these people should not be allowed to work with other men. We should think, not only of the welfare of the particular individual who is affected with this dreadful disease, but of the other people working alongside of him. Some hon. members have mentioned that a certain number of people have died in this State during the last few years from consumption. The pamphlet published by the Medical Department states that the average number of deaths for the past three years in this State from consumption is no fewer than 240. Now that may be a large number or it may be a small number, but I am quite sure that these 240 people have infected a very much larger number of other people with that disease. It is a comparatively small number, but for all we know these 240, during the last 10 years of their lives, were continually spreading death and disease abroad. I should be glad to see some legislation passed which would insist upon due notice being given of the residence of every sufferer from consumption. The information ought to be posted up that a person is dying from consumption in this or that house.

Mr. Brown: Why do you not make them lepers?

Mr. FOULKES: It is absolutely necessary that we should see that due provision is made, not only for the protection of the poor, unhappy individual suffering from the disease, but also for the protection of others who are not yet suffering from it.

Mr. Butcher: Consumption is not the only disease.

Mr. FOULKES: There are hundreds of others, but consumption is the most dreadful disease the Anglo-Saxon race suffers from. In the old country the Government and various institutions have taken the question up.

The Minister for Mines: In what way?

Mr. FOULKES: They have taken certain steps, as a result of which the death roll from consumption has been very much reduced. Although we may differ from the Minister for Mines on various political points, we must all give him credit for that he is at all times anxious to do his best for the miners.

Mr. Collier: I am glad you think so.

Mr. FOULKES: I prefer to treat this matter seriously. I do not regard it in the same frivolous way as does the member for Boulder.

Mr. Collier: Who is treating it as frivolous?

Mr. FOULKES: I think the member for Boulder was. Now I do not profess to know very much about the miners, but as regards any of these diseases, such as

consumption, which are very often contracted by reason of the fact that men have to work underground for long periods of time, any legislation having for its object the alleviation of the sufferers will always have my most cordial support. With regard to some of the clauses in the Bill, particularly that dealing with the extension of the liabilities set out in the original Act, we know that in the old country the principle has been extended to many other trades. I was glad to hear the Attorney General refer to the system in vogue in Germany. In Australia we have certain people who think it necessary to impose all the burdens on the employers, but during the last few months the Liberal party at Home have recognised from the experience of Germany that the time has come when it is necessary, not only for the employer to take certain protective measures and to pay compensation to the employee, but also for the employee himself to share in the liability of carrying on the particular industry.

Mr. Hudson: They are doing it here now.

Mr. FOULKES: I believe that the various unions on the goldfields contribute a certain amount in the way of donations, and other forms of assistance to the families of people injured in their vocations; but I would like to see that principle extended further. It seems to me a strange thing that here in this State the employers insure their employees against accident, but it is very seldom that we hear of employees voluntarily insuring themselves against disaster. The maximum amount provided under the parent Act is something like £300; that is the result, in most cases, of the employer having taken the precaution to insure his employees against accident. It seems to me extraordinary that the employees, and those members of Parliament who represent a great number of the employees in this State, have not thought it right to see that those employees should also insure themselves. It must be very much more satisfactory for the employees themselves to derive the largest possible sum by way of compensation for accident.

Mr. Swan: They insure themselves very largely.

Mr. FOULKES: I would like to see the principle extended as widely as possible. I know there are some fortunate men who do insure themselves, but taking the State as a whole it will not be found that many employees insure themselves. In Germany it is the regular thing for the employees, of their own accord, to insure themselves against accident. There are many members on this side of the House who welcome this Bill, but who agree with me, and with the member for Subiaco that it is a Bill requiring a certain amount of consideration; and I have no doubt that when the Bill is in Committee every opportunity will be given by the member for Dundas to see whether we cannot extend this principle without harm to any industry in the State. I believe the member for Dundas has no wish to prejudice the welfare of any particular industry.

Mr. BROWN (Perth): I regret that the Bill is so parochial as to be practically class legislation. We have had so much parochialism this session. If this Bill is good enough for the miner it should also be good enough for the workers of the whole of the State. The schedule refers solely to mining, and surely if the principle is good enough for one occupation it is good enough for another. I regret to find the Premier practically with no power, with no authority, but having to submit to these Bills being brought down—Bills which do not give a fair opportunity as between the employer and the employee. One of the most obnoxious clauses is that providing that the worker may be doing a casual day's labour for an employer and the employer may be called upon to pay him on the basis of that rate of wage. I remember a case in Bunbury, where a lumper was shown to have earned 30s. a week for the last 12 months and on that basis his claim was allowed.

Mr. Hudson: You voted for that principle last year in the Government measure.

Mr. BROWN: Nothing of the sort.

Mr. Bolton: Why did you support it when the Government introduced the same measure?

Mr. BROWN: I did not; I would sooner see the Government resign to-morrow than allow these insidious Bills to be carried through. When we are here to see that a fair share is given to employers and employees there are members absent from the House every night, and there are others who only attend casually; but the Premier has the position and the power if he were supported by his party.

Mr. Bolton: He is not always supported by yourself.

Mr. BROWN: Very often; I would always support him against class legislation, particularly in regard to the one industry this Bill is aimed at. I oppose the second reading.

The PREMIER (Hon. N. J. Moore): I do not think it would have been out of place for some members on the Opposition side to have given us some information with regard to this measure.

Mr. Bath: The mover of the Bill did that.

The PREMIER: Members may ridicule the statement as much as they like, but if there are any members competent to speak on the particular diseases referred to in the Bill, they are Opposition members.

Mr. Hudson: We will do it in Committee.

The PREMIER: There are some portions of the Bill I am inclined to support. At the same time I am rather surprised that some members have not spoken on it. It would not have injured the passage of the Bill in any way, and it might have enlightened some of those who are genuinely anxious to acquire knowledge on this subject.

Mr. Bolton: Would it have altered your vote?

The PREMIER: Unless one is diametrically opposed to a Bill he will not as a rule throw it out on the second reading.

Mr. Troy: That is why you want the adjournment.

The PREMIER: No; I say that unless one is violently opposed to a measure of this kind he would not vote to throw it out on the second reading, more especially when there are several clauses in the measure worthy of a considerable amount of debate, and some that are not altogether acceptable even by the particular workers represented by some of the hon. members opposite. It is not contended by these workers that it is an absolutely perfect measure if I am to judge by the utterances of a deputation that certainly waited on me introduced by the member for North Perth.

Mr. Swan: That is easily remedied in Committee.

The PREMIER: Surely one can deal with some of the principles concerned on the second reading. We know that the principal objection of some people is that the Bill includes every possible class of labour. Even domestic servants are included.

Mr. Scaddan: Why should they not be?

The PREMIER: I suppose there is no reason why they should not, but our legislation is restricted to persons who are following hazardous occupations, and taking in afternoon tea cannot be considered as a hazardous occupation. As a matter of fact it reminds me of that Limerick of old:

> There was a young housemaid of Lea,
> Who stumbled and put out her knee;
> She exclaimed with elation,
> "This means compensation——"

And I have added the fourth line:

> "And Hudson's the lawyer for me."

Mr. Hudson: The member for Claremont took the Bill seriously and dealt with it seriously.

The PREMIER: We want to enliven the proceedings a little. It is not objectionable. Possibly I am as prepared to give serious consideration to it as the hon. member.

Mr. Angwin: I suppose you are aware there are more housemaids employed in England than in Australia.

The PREMIER: I should hope so. I am not an authority, but I am glad the hon. member has acquired the informa-

tion on his recent visit. I hope the housemaids out here compare favourably with those in England.

Mr. Angwin: When you get there you will have to pay compensation for one of your housemaids if she is injured.

The PREMIER: Is that a fact?

Mr. Angwin: Yes.

The PREMIER: As far as this particular Bill is concerned, the fact that a large portion of it has been adopted by the Imperial Legislature—

Mr. Angwin: And brought down by a Conservative Government.

Mr. Foulkes: The Conservatives are very often the best friends to the workers.

The PREMIER: As it passed there, naturally a measure of this kind demands serious consideration when it is introduced in this House. As I have already said, there are one or two matters in connection with the existing law that require amendment. I believe as a result of a deputation which at one time waited on the Colonial Secretary he intimated that, as far as the Government were concerned, they were prepared to reduce the term over which compensation would be paid from a fortnight to a week after the accident, instead of, as suggested by the measure before the House, from the date of the accident occurring.

Mr. Angwin: Who did you say promised that?

The PREMIER: I was under the impression that the Colonial Secretary did.

Mr. Angwin: No; he refused to do it.

The PREMIER: I was under the impression he promised it. However, it is not my intention to speak at any length in regard to the measure except to say that there are some portions I am prepared to support, while at the same time there are some amendments which I think could be introduced with advantage.

Mr. HUDSON (in reply): The objection has been raised that not many members on the Opposition side of the House have addressed themselves to the second reading. The reason for that has been given by interjection, that this is essentially a measure for consideration in Committee. There are no new principles involved. The effect of the Bill is merely to extend principles that have already been accepted throughout a number of years not only in England but in Australia. I did not take much interest in the speech delivered by the Minister for Mines, but there are three points to which I might draw the attention of the House. The first is that we have now an emphatic declaration, as emphatic as the Minister can make a declaration, that he is absolutely opposed to the principles of this measure, that he is absolutely opposed to the extension of any consideration to the workers in relation to the Workers' Compensation Act. It is some satisfaction to know the attitude of the Minister in that direction. The second thing is that I did not take any notice of the hon. member's speech for the reason that I have already read most of it in the Journal of the Chamber of Mines, which is the official organ of the Minister for Mines. Then there is one other point: the Minister for Mines laid down the fact, and he said he was going to see that the Mines Regulation Act was extended so as to give a chance to the Minister for Mines to prevent persons suffering from *disease going down the mines*; but the Mines Regulation Act, which is already the law of the land, provides that the Governor-in-Council, who probably acts on the advice of the Minister for Mines, may make regulations for the examination and exclusion from mines of persons likely to be affected from tuberculosis or any other transmissible disease. The Minister has had the power for the last four years, and has never attempted to use it. Can we take him seriously in the declaration he has made? I do not wish to deal with the Minister any further; I want to confine myself to the remarks made by the Attorney General, far more serious and far more pertinent, and that have some relation to the Bill. As I have already premised, there is no necessity to go into the details of the Bill in replying. As far as I could conveniently do so in the introduction of the measure I explained them, and it is unnecessary for me to go into them here, but I want to say that the Attorney General in his

opposition to the second reading on the Bill emphasised the necessity for investigation. The Attorney General would lead the House to believe this is a new proposition, but as a matter of fact this Bill was introduced during the early part of last session of Parliament, and it has been on the stocks through this Parliament. When it was introduced last year it was considered by the Chamber of Commerce and by the Chamber of Mines and by the workers, and it has been considered by the majority of the people who are likely to be interested in its passage, so that there is nothing new being sprung on the community, nothing that is likely to give cause for the fears and alarms expressed by the Attorney General when he thought that the hasty passage of such legislation was not advisable.

The Attorney General: It has not been debated in this Chamber.

Mr. HUDSON: The opportunity has not been afforded, and that is one of the reasons why members of the Opposition have not debated the Bill to-night. The opportunity for considering the measure is so limited. It is by favour the opportunity has been given to-night. We know there is very little time for the discussion of the Bill, and we hope to get it through. I hope therefore the House will now allow the second reading to be passed.

The MINISTER FOR MINES (in explanation): There is no justification for the statement made by the hon. member in reference to some article which he says appears in the Journal of the Chamber of Mines. The particulars I have obtained in regard to New Zealand legislation, I have had picked out for me from the records by the State Mining Engineer.

Question put and passed.

Bill read a second time.

Committee stage.

Mr. HUDSON moved:

That Mr. Speaker do now leave the Chair and the House resolve into a Committee to consider the Bill.

The Premier: That is not fair.

Mr. Holman: Let us at any rate take it through to the contentious clauses.

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

Ayes	.. ..	22
Noes	.. ..	23
Majority against	..	1

AYES.

Mr. Angwin	Mr. O'Loghlen
Mr. Bath	Mr. W. Price
Mr. Bolton	Mr. Scaddan
Mr. Collier	Mr. Swan
Mr. Gill	Mr. Taylor
Mr. Gourley	Mr. Underwood
Mr. Heitmann	Mr. Walker
Mr. Holman	Mr. Ware
Mr. Horan	Mr. A. A. Wilson
Mr. Hudson	Mr. Troy
Mr. Johnson	*(Teller).*
Mr. McDowall	

NOES.

Mr. Brown	Mr. Layman
Mr. Butcher	Mr. Male
Mr. Cowcher	Mr. Mitchell
Mr. Daglish	Mr. Monger
Mr. Davies	Mr. N. J. Moore
Mr. Draper	Mr. S. F. Moore
Mr. Foulkes	Mr. Nanson
Mr. George	Mr. Osborn
Mr. Gregory	Mr. J. Price
Mr. Hardwick	Mr. F. Wilson
Mr. Hayward	Mr. Gordon
Mr. Jacoby	*(Teller).*

Question thus negatived.

The Committee stage was fixed for the next sitting.

BILL—LICENSING.

In Committee.

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

Clauses 1 to 4—agreed to.

[*Mr. Taylor took the Chair.*]

Clause 5—Interpretation:

Mr. SCADDAN: With regard to the interpretation of "license," would the Attorney General say whether that could be read as including a club certificate?

The ATTORNEY GENERAL: No.

Mr. WALKER: What was meant by the definitions of "district" and "electoral district"?

The ATTORNEY GENERAL: The definition of "district" was perfectly clear for it meant the licensing district constituted under the Bill in respect of which a licensing court was held. The term "electoral district" meant, as was inti-

mated in the clause, an electoral district for the Legislative Assembly as defined in the Redistribution of Seats Act of 1904 or any amendment thereof.

Mr. SCADDAN: During the second reading debate the member for Subiaco pointed out that the Bill provided that a licensing court might use its discretion to grant or refuse to grant any club license. By way of interjection he (Mr. Scaddan) denied that that was so, and subsequently pointed out to the member for Subiaco that the provision giving the power to the licensing court to grant certificates was contained in Subclause 3 of Clause 44, which read—

> "Every application for a license under the proviso to Subsection 1 of this section, and every application for a license of a class to which Part V. of this Act does not apply, for premises not licensed at the commencement of this Act shall be granted or refused in the absolute discretion of the court."

That definition did not include club certificates and unless there was some provision either in Part VIII. or in the definition of "license" in this regard, the same state of affairs would exist in the future as now. If the conditions of the Bill were carried out the licensing bench would be compelled to grant an application for a club license provided certain conditions were fulfilled by the applicant. The bench would have no discretion in the matter. It would be useless to close a hotel, and then have it turned into a club. The difficulty could be overcome by altering the definition of "license" so that it should read "license means any license or club certificate granted under this Act or any Act hereby repealed." The bench would then have the discretion either to grant or refuse the certificate.

The ATTORNEY GENERAL: The difficulty would be more easily overcome when that portion of the Bill dealing with clubs was reached, and then, if it were thought wise, a provision could be inserted giving the licensing bench discretion either to grant or refuse an application for a club certificate.

Mr. Scaddan: Where do you propose to make that provision?

The ATTORNEY GENERAL: There was no object in putting it in the interpretation clause, as it would not assist the position at all.

Mr. SCADDAN: Would the Attorney General give an assurance that when the portion of the Bill dealing with clubs was reached he would move to insert a provision giving discretion to the magistrates in dealing with club certificates. Assuredly the Committee desired to prevent clubs from springing up all over the place if licensed houses were closed as the result of a local option poll.

The ATTORNEY GENERAL: There was no need to give the assurance, for it was open to the member himself to bring forward the matter in the shape of an amendment when the clauses dealing with clubs were reached. If the member wanted assistance with regard to drafting amendments his request would be complied with. The member might well withold his proposal until Part VIII. was reached.

Mr. JOHNSON: It was to be hoped the member for Ivanhoe would insist on the matter being dealt with on the interpretation clause. It was absolutely essential to settle the question at once. It was one of the important features of the Bill, and should be determined in the interpretation clause. The amendment suggested would meet the case. Delays were dangerous, and it would be far better to have the question settled once and for all now.

The ATTORNEY GENERAL: The most convenient place for the amendment to be brought up was when Part VIII. was reached. There was no desire on the part of the Government to prevent the introduction of the amendment, but no purpose would be served by including it in the interpretation clause. Subclause 3 of Clause 44, which the member for Ivanhoe read, applied only to new licenses, and if he thought fit, and the Committee agreed, a similar proviso could be inserted in the part of the Bill dealing with clubs. The position would not be helped by altering the definition. What the member desired was to give the licensing bench absolute discretion with regard to clubs and this could easily be done in that portion of the Bill dealing with clubs.

Clause put and passed.

Clause 6—agreed to.

Clause 7—Licensing districts:

Mr. FOULKES: This clause gave a great deal of power to the Government by enabling them to amalgamate two or more electoral districts into one licensing district, and dividing an electoral district into two or more licensing districts. One would like to have the opportunity of supporting or opposing such amalgamation. Provision might be made that before any change of that kind took place notice should be given to the public through the *Government Gazette*. This would give those people who desired to oppose the amalgamation an opportunity of doing so.

Mr. GEORGE: Would not the proviso to the clause interfere with the principle of having a local option poll taken on the day of a general election? There were a good many people who thought that the poll should be taken on election day, and if two electoral districts were amalgamated there would be the possibility of confusing the issue, especially if there were public houses just on the verge of each of the two districts.

The ATTORNEY GENERAL: It should not be impossible to hold a local option poll in the case where districts were amalgamated, on the same day as that on which a general election might be held. If it were done the rolls of the two or more amalgamated districts would be used. There might, however, be a difficulty in the case where electoral districts were divided into two or more local option districts.

Mr. HOLMAN: How would districts such as Wiluna, which was 100 miles from Nannine, and Peak Hill, which was 130 miles further away, be affected?

The ATTORNEY GENERAL: The objection of the hon. member went to the root of local option. It would be conceived that in every district in which a local option poll was held there would be people holding varying views on the subject of the liquor traffic. But the views of the majority must prevail, and in scattered districts it was possible that one section might hold strong temperance sentiments and another section might be antitemperance. We could only go on the old principle of majority rule. If it could be shown that a substantial injustice would occur in a locality, the clause was framed to give the Governor power to subdivide the electoral district into two or more local option districts. For instance, in Kimberley, where there was an enormous extent of territory, it might be necessary to so divide it. With regard to the proposal of the member for Claremont, there would be no objection to it, and on re-committal an amendment framed on the lines suggested could be submitted.

Clause put and passed.

Clause 8—Licensing courts:

Mr. BATH moved—

That in line 2 of Subclause 2 the words "appointed from time to time by the Governor" be struck out, and "elected as hereinafter provided" inserted in lieu.

The amendment indicated that the Committee would be asked to decide the issue whether the licensing court should be nominated as before, or whether under the new measure it should be elected. The Attorney General, in the course of his introductory speech stated that he saw no good cause for altering the system of nominating licensing courts, and conveyed the impression that the licensing courts in existence at the present time had given satisfaction. Members would differ from the Attorney General in that respect. It was only necessary to look up the records of the department to find a number of instances in which the present system had worked unsatisfactorily, and in which it had been necessary for the Attorney General to interfere by removing individuals from the bench and appointing others. There was good reason for the amendment. The clauses of the Bill affecting the administration of it would entirely depend upon the creation of public sentiment in favour of its provisions. If at any time the provision specially dealing with local option found no support from the people, or met with indifference at their hands, the Act would not be effective. It was a logical argu-

ment to say that if we were going to trust the people in the direction of giving them power to decide whether there should be more licenses, or whether licenses should continue, or be reduced or abolished, we should go a step further and give the same people the power to elect licensing courts who would administer the provisions. One argument had been used that gentlemen would be required with a certain amount of practical knowledge, a knowledge that could only be secured by appointment, and the Minister who made the appointment would have the opportunity of judging the capabilities of the gentlemen appointed. But we had to remember at the present time that we were giving to the people the right to elect persons in various capacities, who were entrusted with even more responsibility and greater powers than was proposed under the Bill, and which had been found to be effective. The present system of nominating licensing benches was very unsatisfactory, and numerous instances could be found to prove that assertion. If the Bill was to be successful we would not only have to trust the electors with regard to voting on the question of licenses, but also with the power of electing licensing courts.

The ATTORNEY GENERAL: The hon. member had largely based his claim for an elective board on the ground that the existing licensing court had not given satisfaction. However, in whatever way the board might be appointed or elected, it was not to be expected that it would give satisfaction to all. If, for instance, the anti-temperance feeling were strong in any district where members of the court were elected, the temperance people, who happened to be in a minority, would take very strong exception to the constitution of the court if persons opposing temperance reform were elected as members of that court. So, too, if the conditions were reversed those not in favour of temperance reform would consider that partisans had been elected to the board. The members of the board would have to exercise judicial functions when the questions of suitability of applicant and of premises came before them, and it would be an advantage to have sitting on the bench gentlemen who were neither extreme temperance supporters nor ardent supporters of the publicans. Taking the experience of the State over some years past it would have to be admitted that although in some cases the licensing benches had not given satisfaction, yet on the whole they had carried out their duties exceedingly well. And supposing a mistake were to be made in regard to a gentleman nominated to the licensing bench it would be possible to remove him and remedy the mistake; whereas if recourse were had to the elective principle, and the electors were to make a mistake, that mistake would have to continue for at least three years. Moreover, such a system would be tantamount to introducing the principle of electing justices of the peace, a principle entirely novel to both English and Australian law. He trusted that the Committee would not hastily interfere with a system which, on the whole, had worked very well.

Mr. TAYLOR: Few would agree to the arguments advanced by the Attorney General, who had held that the licensing benches had worked very well in the past. Some members of licensing benches held very exalted ideas as to the structures which should be erected, with the result that the man with the most money generally got the license. In many cases licenses had been granted where they were really not required, apparently merely for the sake of embellishing a locality with a costly building. The present form of licensing benches had been anything but a success.

The Attorney General: Their powers will be limited to some extent by the principle of local option.

Mr. TAYLOR: Nevertheless there was nothing to be said in favour of leaving the appointment of the board to the Governor in preference to exercising the elective system.

The Attorney General: On what grounds would the electors elect members to the licensing bench?

Mr. TAYLOR: Probably such members would be elected on the grounds of

their ability and willingness to carry out the wishes of the electors.

The Honorary Minister: They would be elected as delegates?

Mr. TAYLOR: Not more than the member for Fremantle was a delegate from the people of Fremantle. It was more in keeping with modern thought that the board should be elected. If the people were given the power to say whether or not a license were necessary it was only proper that they should be allowed to exercise a vote as to the persons to sit on the board designed to carry out their wishes.

Mr. Butcher: But you limit the scope when you divide the electorate into licensing districts.

Mr. TAYLOR: Part V. of the Bill clearly defined the words "elector" and "electoral district," consequently the remark of the hon. member had no weight. Since the Government had accepted the principles of local option, they should also accept the principle of elective boards. The licensing benches had not been successful in the past. Although not desirous of doing so at this juncture, he would be prepared, before the amendment was lost, for giving his reasons for saying that.

The HONORARY MINISTER: The crux of the question was the functions a licensing bench would be called upon to perform. No doubt a licensing bench could not be compared with members of Parliament. Members of Parliament were more or less partisans, and men on the licensing bench should be free from that. A judicial frame of mind was necessary, and we would not get the best judges by the system of election. If they were elected for three years and proved unsuitable there would be no chance of removing them. The principles that would guide the Government in the selection of members for the licensing bench were first that the men should have open minds on the question and would deal with it with absolute justice, and next, that they should be neither rabid teetotallers nor rabid supporters of the publicans. By nomination we would be most likely to get the most suitable benches. In the past the system had worked well, and the licensing benches had fairly and squarely administered the task entrusted to them. He knew of about only two cases of failure.

Mr. WALKER: If by appointment we could get matters administered with absolute justice, it was a pity we did not have the system in Parliament, but as a matter of fact the object of the Bill was to relegate the control of the liquor traffic to the people, and if we could trust the people on a local option poll we could trust them to elect the licensing courts. If the people were deciding on the number of licenses in a district, why could they not choose who was to form the court? Parliament was originally nominated, but time had shown the folly of such a system. The same change had taken place in the government of churches, and in municipal management. If the highest tribunal in the realm was elected by popular vote, why could not the licensing courts be elected by the popular vote? Who were more likely to know the character of those persons eligible to sit in such courts than the people amongst whom the persons resided. The Government could not be presumed to know the judicial qualities of men to form these courts all over the State, and necessarily they must rely on the recommendation of someone in the district, generally the member for the district, so that it amounted to one or two persons electing the court for a district; in fact those who could get the ear of the Government for the time being would be the people to elect the court, whereas the proposal now was to have the court elected not by a favoured few but by the people who knew best the characters of those living in their midst. This was in keeping with the whole spirit of the Bill, and with the general tendency of democracy that people should have a voice in their own Government. There was no break in the analogy between the election of the members of these courts and the election of members of municipal councils or parliaments. It was admitted there had been failures under the nominated system. It was an admission that we

could not guarantee perfection under that system.

The Honorary Minister: Can you guarantee it under an elective system?

Mr. WALKER: With elective boards there would be the best possible chance of getting the best men available in the district.

The Honorary Minister: You would get the best teetotalers or the best supporters of the publicans.

Mr. WALKER: And would the Government look for the worst in either case?

The Attorney General: The Government would appoint people with not strong views for temperance or for the liquor traffic.

Mr. WALKER: That would mean that someone who worked frantically to get a Minister of the Crown elected to Parliament would have the biggest say in choosing the members of a bench. It would be Government wire-pulling all through.

The Attorney General: There will be no political kudos in it.

Mr. WALKER: Supposing it was a person interested in a public house——

The Attorney General: Then he would not be appointed.

Mr. WALKER: But that person having helped the Attorney General at Greenough would have the ear of the Attorney General, and the Attorney General could not refuse to lend consideration to that person's nomination.

The Attorney General: The member does not suggest that influences like that would weigh with me.

Mr. WALKER: Ministers must be grateful to those who help them, their supporters.

The Attorney General: This is a new gospel to me.

Mr. WALKER: The Government would naturally appoint to the positions, those who were immediately brought into contact with them either in politics or otherwise.

The Honorary Minister: In the case of suggested justices of the peace, the names are submitted to the resident magistrates.

Mr. WALKER: Surely the appointment of members of licensing courts would not be left in the hands of resident magistrates. Under the Bill as it stood we were liable to create an engine that would undo the popular work. The people should be trusted to elect the members of the courts.

Mr. DRAPER: Possibly the present system of licensing benches was not perfect, yet that was no argument for passing the amendment, unless members were convinced that the amendment would really lead to better administration than the clause of the Bill. There was a confusion between two principles. One was that the people were to have a voice in their own government and the other that judicial powers should be kept separate from the Government. The people in each district had powers conferred on them by the questions submitted to them at the proper time as to whether there should be an increase or reduction of licenses. Such other questions might be put to them as might be thought fit. The proper method of granting the people powers to deal with the question of licenses was to leave the question to them. If the people were given power to elect their own judges, for that was what the licensing benches really were, there would be a trespass on the functions of a judicial body. It was not a qualification for sitting on those boards that a man was a supporter one side or the other. The qualification which should recommend itself to any Government should be whether the man to be appointed had a fair and open mind, and whether he was capable of forming a fair and reliable judgment.

Mr. Angwin: That is often not taken into consideration.

Mr. DRAPER: It might not be, but a licensing bench constituted in the way he suggested would come as near perfection as it was possible to get. A bench elected possibly by the bigots on one side or the other would lead to serious injustices and he failed to see that the amendment would be any improvement on the system proposed in the Bill.

Mr. JACOBY: The danger in departing from the system of nominated courts was that we should be ultimately giving the power of electing those bodies to the people with the most money. We had

seen in America, where the system of electing the people to perform judicial offices was adopted, that the election had been in the hands of the organisation possessing the most wealth.

Mr. Bath: It is not election by ballot there.

Mr. JACOBY: As far as the elections in America were concerned they were accompanied by gross corruption and were controlled by the party machine. Looking back on our own history in Australia, all knew that there had been but few instances where unsatisfactory benches had been appointed. Were not all proud of the high standards generally of the various judicial benches?

Mr. Angwin: I hope you do not include all licensing benches.

Mr. JACOBY: The licensing benches had to perform judicial functions, but because unsatisfactory decisions had been given in one or two instances, that was not sufficient to condemn the whole system. None knew whether the proposed new system would be any better. As a matter of fact people were now beginning to doubt whether our electoral system was giving the best results. It did not always get the best men. Would any member say that the elective system returned to the Parliaments of Australia absolutely the most reputable and best men obtainable in the community? The elective system had not kept out of the Parliaments corrupt and stupid men. There were fewer failures in judicial appointments than where appointments had been entirely in the hands of the people. Whatever Government was in power, when it came to a question of appointing persons to judicial offices the sense of responsibility of the Executive was always so strong that the result was that the best men available were appointed. If the benches were to be elected they would, it was to be feared, ultimately become the creatures of the party with the most money.

Mr. Bolton: That would be the brewers.

Mr. JACOBY: There was some danger of there being a brewers' bench. In America the judicial appointments became the gifts of the powerful and wealthy bodies. He favoured the system set out in the Bill.

Mr. GEORGE: Democracy was a principle that every hon. member should believe in. We trusted the people to elect members of Parliament, and yet it seemed we could not trust them to elect people who should decide whether or not there were to be too many licenses or too few. The people of the State required elective boards, and the desire should be to relieve the Government from every vestige of patronage in connection with these appointments.

Mr. OSBORN: If the appointed board were to be bribed by the man who had the most money, how much easier would it be for the man with money to bribe the elective bodies if they were irresponsible men who happened to be elected.

Mr. Angwin: They would be responsible if elected.

Mr. OSBORN: They would be responsible morally. If the whole of the board were elected there would be greater liability to corruption than if the whole of the board were appointed. The proper course, however, in connection with a board of this description was that the chairman should be the police magistrate, or the stipendiary magistrate of the district for the time being. To elect a board for three years, if the members of it were inclined to be dishonest, they would make the best use they could of that three years' service.

Mr. Angwin: Does that not apply all round?

Mr. OSBORN: It would not if the chairman of the board were the police magistrate of the district. There would then be no chance whatever of corruption. Hon. members would give the present magistrates credit for carrying out their duties with honour to themselves and credit to the State, and if these gentlemen were capable of administering justice in police and local courts, surely they would be capable of seeing that the Licensing Act was properly administered. There would not be much opposition to the proposal of the Leader of the Opposition if

he were to alter the amendment to provide that two of the three members of the board should be elected, and that the chairman should be the police magistrate or the stipendiary magistrate of the district.

The ATTORNEY GENERAL: There was one consideration which had not been referred to by members, and it was the circumstance that the electors invariably did not wish to be bothered with matters of that description. In connection with one of the most important offices in the gift of the people—the election of members to the Australian Senate—something like 40 per cent. of the electors entitled to vote cast their votes in this State; 60 per cent. never cared to go to the poll. Yet if it were to be suggested that the people were determined that the members of the Senate should be nominated we would be told, no doubt, that the electors as a body were burning to exercise the franchise in that regard. It was altogether a misconception to suppose that the electors were anxious to go to the poll for every small office. In respect to the licensing bench there would be a difficulty in getting candidates for the positions, and, in the second place, in getting electors to vote for the candidates. However, it was purely a matter of expediency as to which method would give the better results. He had no strong feeling on the matter, but he thought that no important amendment to the Bill should be allowed to go through without a division. There was much to commend the suggestion of the member for Roebourne, namely, that if a magistrate were to be appointed as chairman of the bench the other two members might be elected. He trusted that the member for Roebourne would move this amendment so that the opportunity might be given the Committee of deciding which of the three expedients they would adopt. Would the Chairman say whether such amendment could be moved at this stage?

The CHAIRMAN: It was a question rather of drafting than of order. It would be impossible for the hon. member to move an amendment such as the Attorney General had indicated, unless the present amendment were withdrawn. If that were done there would be no difficulty in drafting the amendment required by the member for Roebourne.

The ATTORNEY GENERAL: It might be advisable to report progress at this stage and get the proposed amendment put in order.

Mr. FOULKES: It was to be hoped that progress would not be reported. It would be better to take a vote on the question of striking out the words proposed by the member for Brown Hill to be struck out, after which the member for Roebourne could move his amendment.

Mr. BATH: If the words were struck out on his (Mr. Bath's) amendment, then the complementary part of his amendment, which was to insert certain words, would, of course, take precedence over the suggested amendment, which, it seemed, the member for Roebourne was about to move.

The ATTORNEY GENERAL: The amendment of the member for Roebourne would not be to strike out any words, but to add certain words; therefore, it would be more convenient if the member for Brown Hill would consent to the Committee taking the amendment of the member for Roebourne first, after which, if that were rejected, they could vote upon the amendment moved by the member for Brown Hill.

Mr. BATH: It was desired to see the question decided on the issue as to whether the board should be elected or not; he thought, therefore, that his (Mr. Bath's) amendment should be the first to be voted upon. If the Committee decided to strike out the words, then the member for Roebourne could move his amendment.

The CHAIRMAN: Unless the Leader of the Opposition withdrew his amendment it was impossible for any amendment relating to a prior part of the clause to be considered.

The ATTORNEY GENERAL: It was to be hoped the Leader of the Opposition would give the Committee the opportunity of deciding whether licensing benches should be wholly elected or partly elected, and partly non-elected.

Mr. BATH: There would not have been objection to doing so if the member

for Roebourne had, as other members had done and had been requested to do, placed his amendment on the Notice Paper.

Amendment (Mr. Bath's) put and a division taken with the following result:

Ayes	.. .. ..	25
Noes	.. .. ..	17
Majority for	..	8

AYES.

Mr. Angwin	Mr. Johnson
Mr. Bath	Mr. McDowall
Mr. Bolton	Mr. O'Loghlen
Mr. Butcher	Mr. W. Price
Mr. Collier	Mr. Scaddan
Mr. Cowcher	Mr. Swan
Mr. Foulkes	Mr. Taylor
Mr. Gill	Mr. Underwood
Mr. Gourley	Mr. Walker
Mr. Heitmann	Mr. Ware
Mr. Holman	Mr. A. A. Wilson
Mr. Horan	Mr. Troy
Mr. Hudson	*(Teller).*

NOES.

Mr. Brown	Mr. Mitchell
Mr. Davies	Mr. Monger
Mr. Draper	Mr. N. J. Moore
Mr. Gordon	Mr. Nanson
Mr. Gregory	Mr. Osborn
Mr. Hardwick	Mr. J. Price
Mr. Hayward	Mr. F. Wilson
Mr. Jacoby	Mr. Layman
Mr. Male	*(Teller).*

Amendment thus passed; clause as amended agreed to.

Clause 9 (consequentially amended)—agreed to.

Clause 10—Disqualifications:

Mr. BROWN moved an amendment—

That after Subclause 1 the words "who is a member of any society or organisation, the object of which is the promulgation of total abstinence principles, or the abolition of the liquor traffic, whether such society or organisation is registered or not" be added.

Mr. ANGWIN: It might just as well be suggested that no man who took intoxicating liquor should be a member of a court. In any event it would be possible for total abstainers to be members of the court if the amendment were carried, for large numbers of them did not belong to any society. The nature of the amendment showed clearly that a member who would bring such a one forward was not even suitable to be elected a member of Parliament.

The CHAIRMAN: The hon. member must withdraw that.

Mr. ANGWIN withdrew the statement unreservedly, but unfortunately he could not wipe it out. Members surely would not take the amendment seriously.

Mr. FOULKES: There was no real objection to the amendment as it would be a simple thing for a man who was elected to the bench to resign his membership of a temperance organisation.

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

Ayes	.. .. ..	12
Noes	.. .. ..	25
Majority against	..	13

AYES.

Mr. Brown	Mr. Male
Mr. Butcher	Mr. Monger
Mr. Cowcher	Mr. N. J. Moore
Mr. Davies	Mr. Osborn
Mr. Foulkes	Mr. Gordon
Mr. Hayward	*(Teller).*
Mr. Horan	

NOES.

Mr. Angwin	Mr. Nanson
Mr. Bath	Mr. O'Loghlen
Mr. Bolton	Mr. W. Price
Mr. Collier	Mr. Scaddan
Mr. Gill	Mr. Swan
Mr. Gourley	Mr. Taylor
Mr. Heitmann	Mr. Underwood
Mr. Holman	Mr. Walker
Mr. Hudson	Mr. Ware
Mr. Johnson	Mr. A. A. Wilson
Mr. Layman	Mr. F. Wilson
Mr. McDowall	Mr. Troy
Mr. Mitchell	*(Teller).*

Amendment thus negatived.

Clause put and passed.

Clauses 11 to 14 agreed to.

Clause 15—Chairman:

On motions by Mr. Bath the clause was amended by striking out the word "Governor" in line 1, and inserting "The Licensing Court" in lieu; also by striking out the words "from time to time" in line 2, and inserting "at the first meeting after its election" in lieu.

Clause as amended agreed to.

Clause 16—Deputy members of Court:

On motions by Mr. Bath the clause was amended by inserting after the word

"may," in line 1, the words "where any licensing district fails to elect a committee"; also by striking out the word "deputy" in line two; also by striking out all the words after "district," in line 3.

Clause as amended agreed to.

Clause 17—agreed to.

Progress reported.

House adjourned at 11.18 p.m.

Legislative Assembly,

Thursday, 21st October, 1909.

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

NOTICE PAPER, ORDER OF BUSINESS.

The PREMIER (Hon. N. J. Moore): I would like to draw attention to the fact that the Notice Paper is not quite correct; it has not been printed as it was handed in by me last night. I thought it necessary to draw your attention, Mr. Speaker, to the fact that an error has been made, but it will not affect the business. The error on the Notice Paper is that the second Order appears to be the Workers' Compensation Act Amendment Bill, whereas it should have been the Licensing Bill. The original Notice Paper, which will show that an error has been made, is in the hands of the Clerk.

Mr. SPEAKER: That is correct; a mistake has been made.

QUESTION — STATE BATTERY, DESDEMONA, ORE MILLED.

Mr. TROY asked the Minister for Mines: What tonnage of ore has been milled at the State Battery, Desdemona, since the erection of the battery?

The MINISTER FOR MINES replied: The Desdemona battery has run 769 hours and crushed 280 tons of stone.

QUESTION — FISHERIES RIGHT, TURTLES, SPONGES, AND PEARLSHELL.

Mr. SCADDAN asked the Premier: 1, Has a right of any kind been granted at any time through the Fisheries Department to a Mr. Jacobs? 2, If so, what was the nature of such right? 3, Is the whole or any part of the following statement made by another gentleman correct, viz., "I have the following rights:—Sole right for turtle for 14 years of best island in Western Australia for turtle farm; also sponge and pearlshell. Lease for five years of Lacepede Islands for guano"? 4, If so, who is the person or syndicate to whom such right has been granted?

The PREMIER replied: 1, Yes. 2, He was given the exclusive right over the waters of Shark Bay to collect and gather cartilaginous fishes and cetaceans, for the purpose of extracting and refining oil, and converting the flesh into fertilizers, but owing to the conditions of the license not being fulfilled by Mr. Jacobs, it lapsed. 3, No. 4, Answered by No. 3.

BILL — METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE.

In Committee.

Resumed from 7th October; Mr. Daglish in the Chair; the Minister for Works in charge of the Bill.

Clause 8—The Board:

The MINISTER FOR WORKS: In pursuance of the decision of the Committee to strike out "the board" the clause had been recast. It was proposed to provide now that the administration of the department should be under the