Legislative Council,

Wednesday, 27th November, 1912.

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

PAPER PRESENTED.

By the Colonial Secretary: Schedules 1 and 3 of the by-laws of the Kalgoorlie roads board under the Health Act.

QUESTION — STATE STEAMSHIP "WESTERN AUSTRALIA."

Hon. J. D. CONOLLY (without notice) asked the Colonial Secretary: When may a full answer to the question asked on the 12th November, with reference to the State Steamship "Western Australia," be expected?

The COLONIAL SECRETARY replied: The information has not yet come to hand. This is the first time the hon. member has intimated to me that he required the fuller information. I thought he intended to ask a further question later on.

Hon. J. D. Connolly: I have waited a fortnight.

The COLONIAL SECRETARY: I am willing to supply the information as soon as it comes to hand.

QUESTION—LOCAL OPTION POLL, RESULTS.

Hon. J. D. CONNOLLY asked the Colonial Secretary: 1, What was the result of the Local Option Poll taken in April, 1911, on the third and fourth questions in the Fremantle, Toodyay, and Irwin Licensing districts? 2, What was the total number of electors on the rolls for each of the before-mentioned licensing districts when the poll was taken?

The COLONIAL SECRETARY replied: 1, Third question, do you vote that all new publicans' general licenses be held by the State?—Fremantle: Yes 1,590, No. 957; Toodyay: Yes 386, No. 286; Irwin: Yes 366, No 395. Fourth question, Are you in favour of State management throughout the district?—Fremantle: Yes 1,582, No 984; Toodyay: Yes 396, No 290; Irwin: Yes 357, No 412. 2, Fremantle 10,335, Toodyay 2,171, Irwin 1,916.

BILL—INEBRIATES.

Read a third time and *passed.*

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

Report of Committee adopted.

BILL—WORKERS' COMPENSATION.

In Committee.

Hon. W. Kingsmill in the Chair; Hon. J. E. Dodd in charge of the Bill.

Clause 1 agreed to.

Clause 2—Commencement:

Hon. H. P. COLEBATCH moved an amendment—

That in lines 2, 3 and 4 the words "except so far as it relates to reference to medical referees and proceedings consequential thereon" be struck out.

His desire was to test the feeling of the Committee as to whether it was desirable or not that industrial diseases should remain in the Bill. If the words were struck out it would be taken as an intimation that the Committee did not intend that diseases should be included in the measure and it would be an indication to the Government that some provision such as that suggested by the Royal Commission should be made to deal with the matter.

Hon. J. E. DODD: Medical referees were appointed for other purposes than industrial diseases.

Hon. H. P. COLEBATCH: Not having been aware of that he would ask permission to withdraw the amendment.

Amendment by leave withdrawn.
Clause put and passed.
Clause 3—agreed to.
Clause 4—Interpretation:

Hon. M. L. MOSS moved an amendment—

That to the definition of "dependants" the following words be added:—"and who are domiciled in the United Kingdom or in some other part of His Majesty's Dominions."

If members turned to Clause 6, Subclause (2), paragraph (c), it would be found that the same words were used. He had already mentioned that he was aware of a number of instances where employers of labour had been called upon to pay compensation under the Workers' Compensation Act, 1902, to relatives of workers who had sustained injury or whose death had been occasioned by carrying on work in Western Australia and in which cases there were dependants. He was thinking of one case which had been settled in Norway and the other in Germany and where they were not dependants at all. There was a certain amount of assistance rendered to these people and it cost the employers of labour in Western Australia a considerable amount of money to fight these claims. That was unjust. Some people thought that the dependants who received compensation should be only the persons living in Australia, but his amendment went much further and covered all portions of the British Empire. Employers should not be allowed to be victimised as they had been in the past. The two persons he had mentioned were sons living in Norway and Germany and simply because they had occasionally received £10 or £12 they claimed to be dependants. The Queensland Act restricted dependants to such persons as were resident in the Commonwealth of Australia or New Zealand.

Hon. J. E. DODD: The object sought to be attained by the hon. member might appear to be a common sense one, but on looking into the proposal it would be realised that in connection with big mining companies operating in the State there would be a likelihood of doing a considerable amount of harm. If the compensation was limited to the dependants of those domiciled in the British Empire it stood to reason that a good many employers would seek to get employees from other countries. Unfortunately that was done at the present time and there were far too many foreigners working on the goldfields and on the woodlines of the State. That involved injury not only to the workers, but also to the business men of the State, and was detrimental to the State itself. On the Kurrawang woodline there were possibly 300 or 400 foreigners employed. If there were 300, they represented only 300 individuals in the State, but if they were 300 Britishers there would be something like 1,200 persons in the State. That condition of affairs applied right throughout the mining districts, especially in the back country, and it would be unwise to insert such an amendment as this.

Hon. A. SANDERSON: The amendment was most objectionable, in regard to both principle and working out in detail. There was a considerable difficulty in deciding the domicile of individuals. There might possibly be a mother, sister, or wife living in the United States, France, or Germany, and she was to be deprived of compensation. It might be difficult to check abuses of the kind mentioned, and if there were many of these claims it might be necessary to consider the matter more carefully, but even then it would be unwise to insert such an amendment. He objected to preferential treatment in any form. This was very narrow-minded legislation. It was not usual for a British subject to be living in America or France, and for the father or son to be working in Australia. He hoped the Committee would reject the amendment.

Hon. J. W. KIRWAN: The amendment had many very serious objections. In the first place it was on the face of it unjust. Why should we discriminate between people in the State, whether they were Australians, Italians, or Britishers. If they were in the country we should treat them justly. Mr. Moss had referred to two cases, one in Norway and one in Germany, where some people who were not really dependants of the deceased had yet been

able to establish a sufficient claim to get compensation. Cases of that kind could not be avoided, but because of such individual cases why should we propose to do a hardship to genuine cases?

Hon. M. L. Moss: Why should our industries have to bear the strain?

Hon. J. W. KIRWAN: That argument might be carried further and it could be asked why should the industries stand the strain of dependants anywhere. If genuine claims were deserving of recognition in one case they should be deserving of it in all cases. The amendment might have a tendency to cause employers to give preference to employees who came from foreign countries. There was a large number of Austrians and Italians employed on the wood lines, and in connection with mines, and it would be a very great mistake to do anything that would give undue preference of employment to those men as against Britishers, who were prepared to throw in their lot with Australia. The bulk of Austrians and Italians who went on the goldfields did not intend to make Western Australia their permanent home, but went there with the idea of saving enough money to return to their country. It was undesirable to give those men preference as against Britishers. He hoped the Committee would consider those two aspects of the case—fair treatment to the workers in the State, no matter of what nationality, and do nothing which would tend to give preference of employment to foreigners as against Britishers.

Hon. D. G. GAWLER: In discussing this matter it was rather difficult to get away from the humanitarian idea, but why should we necessarily confer any benefit by legislation on people other than our own kith and kin? It would seem that the sympathy shown by certain members to foreigners was a little belated. It was not always so on the goldfields. In New Zealand dependants were limited to people domiciled or resident in New Zealand, and in New South Wales they were limited to those resident in New South Wales, both provisions being more limited than the proposed amendment, which he supported.

Hon. J. CORNELL: We should not go back on the legislation which has been in existence in the State for ten years. The amendment opened up not only the humanitarian aspect but the economical aspect; it did not protect the British; it would act in an exactly opposite way. Unforutnately, there were too many foreigners getting employment in this country to the detriment of the Britishers generally, but all our legislation was framed so that the liability of compensating was not removed by the employment of foreigners, though the amendment now sought to do this. It would encourage the employment of foreigners. There were 68 men working underground on the Marvel Loch mine, and of these 47 were foreigners, of whom probably not more than three had dependants within the British Dominions. If the amendment became the law, the mine would only have to insure the Britishers, because there would be no liability attached to the foreigners.

Hon. M. L. Moss: How about total or partial disablement?

Hon. J. CORNELL: At any rate the company would not need to insure the foreigners to the full extent that the Britishers would have to be insured to. There was no objection to people of Europe coming here provided they endeavoured to conform to our laws and social conditions, and one was pleased to see on the Eastern Goldfields the same thing happening as happened in the early mining towns of Victoria, the foreigners becoming naturalised subjects and rearing young Australians. If the amendment passed, the people would come to Australia only to realise that their dependants could not participate in workers' compensation. At least we should do what was done in Great Britain and South Australia and leave it an open question without any discrimination. The British nation right through was characterised as throwing open a haven to all these people without discrimination. Why should we make it that a man could come here only to find that we discriminated against his dependants?

Hon. H. P. Colebatch: It should induce him to bring his dependants here.

Hon. J. CORNELL: If hon. members would only take into consideration the

time that it would take a man after his arrival in the country to bring out his dependants, there might be something in the proposal.

Hon. J. W. Kirwan: But the dependants would only get advantage with the man dead.

Hon. J. CORNELL: It was often said on the goldfields that a man was a better asset dead than alive. Mr. Moss had put up the poorest, thinnest and flimsiest argument he had ever put up, almost indicating he had no intention of insisting on the amendment.

Hon. M. L. MOSS: One could not hope at any time to make any impression on the hon. member, or that the hon. member would regard any argument in opposition to his own views as anything other than flimsy and thin. In New Zealand and New South Wales, as Mr. Gawler had shown, the dependant must reside in the respective States, and in Queensland dependants must reside in the Commonwealth or New Zealand. To burden an industry with the payment of £600 as the result of a death of a workman engaged in the industry was adding to the cost of production; and if it was provided that the dependants were entitled to get this compensation wherever they might reside, it was putting Western Australia at a great disadvantage compared with the adjoining States.

Hon. J. E. Dodd: What about South Australia?

Hon. M. L. MOSS: One could give in South Australia, if it had been so absurdly stupid in this matter as to put a measure like this on the statute-book, but we were dealing with certain Australian States having the same Customs tariff as ourselves, and we were putting disadvantages on our employers of labour in every respect. Here was another disadvantage the employers would have to suffer against the employers of other States. Mr. Kirwan undoubtedly knew a great deal about the mining industry and the firewood industry on the goldfields, but in the rest of the State the question of a man being a British subject or a foreigner would not enter into calculations. The passing of the amendment would not be an inducement to people in Perth or elsewhere to employ foreigners instead of British subjects. As Mr. Colebatch had pointed out by way of interjection, the fact that dependants living outside the British Empire could not secure compensation would be a great incentive to foreigners to bring their dependants to Australia when there was to be £600 compensation for these dependants.

Hon. J. Cornell: You are not going to agree to the £600.

Hon. M. L. MOSS: Well, say, £400. To pay £600 was a proposition one could not agree to. It would be a great incentive to bringing these people into the State, and we required the wives and families of those foreigners in Western Australia. With Mr. Cornell he desired British people to come here, but he was of opinion that, when a foreigner came here, it was better that he should bring his wife and family with him.

Hon. F. Davis: Do you really think it will have that effect?

Hon. M. L. MOSS: In all probability it would have a very good effect, for it would be an inducement to those foreigners to bring their dependants with them. The absent dependants of the man who came here and sent the bulk of his wages out of the State to some European country should not be upon the same footing as those other dependants who were living in other parts of the British Empire. Mr. Cornell had said that, if we put this in the Bill the effect would be to insure the British people working on the mines.

Hon. J. Cornell: Only against death.

Mon. M. L. MOSS: It was fair to assume that a very much larger amount of money was paid by the insurance companies in cases of total or partial disablement than in cases of death, and no employer would be so stupid as to insure simply against death, and neglect to insure the employees against total or partial disablement, simply with a view to saving a small sum on the premiums. Indeed, when insuring with any of the companies against liability under this legislation, it would be found that there was but one premium for the whole cover.

Mr. Sanderson had said that "domicile" was a very difficult thing to prove. "Domicile" had been put in with a view to widening the application of the provision. "Domicile" would mean that the person whose permanent home was within the British Empire, and who might be temporarily resident in a foreign country when the worker was killed, would be able to recover compensation. It was not desired that such a person should be shut out of compensation, and therefore he had made the application of the provision wider by the use of the term "domicile."

Hon. D. G. Gawler: The word is in the New Zealand statute.

Hon. M. L. MOSS: The term "domicile" made the clause much wider in its signification than "residence."

Hon. A. SANDERSON: This was certainly a most important matter. Unfortunately he had not had time to look up all the authorities, but he was confirmed in the belief that it was a most foolish way of legislating, to bring down dozens of important amendments and rush them through like this. We ought to have all information as to what was going on elsewhere in regard to this.

Hon. J. E. Dodd: It is here in the House.

Hon. A. SANDERSON: But this was only one of dozens of important measures. He would not question Mr. Gawler's authorities, but that hon. member had not looked up all the existing legislation. It could be readily understood why the State should limit the risk to the State itself. If we legislated for Western Australia only, regardless of our obligations as members of the Commonwealth and of the Empire, if we simply regarded ourselves as looking after Western Australia, then by all means let us confine this to Western Australia. He would never be a party to limiting this to the British Empire. The British Empire had not been built up by legislation of that kind. So opposed was he to inserting "the British Empire" that he would do his best to see that "the British Empire" was struck out and "Western Australia" inserted. He was quite ready to confine this to Western Australia, or even to the Commonwealth. Sooner or later this would come into a Commonwealth department, much to the relief of the insurance people, who would then know where they were instead of having to master half a dozen Acts in connection with the workers' compensation.

Hon. J. E. DODD: The amendment was not confined altogether as Mr. Moss and Mr. Gawler had said. He had a paper, prepared by the Home Office on the subject of workers' compensation, giving notes on all matters relating to compensation in all countries.

Hon. D. G. Gawler: What is the date of it?

Hon. J. E. DODD: It had been compiled since the Imperial Conference of 1911. From this it was learnt that the British law placed aliens on exactly the same footing as natives, and made no stipulation as to place of residence. If a workman permanently disabled went abroad, provision was made for payment of compensation by quarterly remittances. Tasmania had a similar provision. Alberta provided for the case of any workman leaving while receiving weekly payments, subject to a certificate by the referee. Queensland allowed to the workman who left 156 times his weekly payment. Under the Transvaal law the workman who left without his employer's consent forfeited further payments.

Hon. D. G. Gawler: But that is the man himself; what about the dependants?

Hon. J. E. DODD: In the case of dependants it was learnt from the same paper that in Quebec foreign representatives, non-resident at the time of the accident, or leaving thereafter, were confined to their remedy under laws other than the compensation laws. Queensland excluded dependants not residing in Australia or New Zealand. New South Wales excluded those not residing in New South Wales. Manitoba excluded those not residing in Manitoba. New Zealand required that the dependants be domiciled or resident in New Zealand at the time of the accident with, however, a provision for reciprocity within the Empire. Plaintiffs residing out of New Zealand might be required to give security for costs. The South Australian Act last year was

precisely the same as the Bill, and he thought he could say the same of the Victorian measure.

Hon. M. L. MOSS : It would be seen that, in numbers of places in the British dominions the principle he was trying to get established in the Bill was already in operation. The New Zealand system seemed to him to be the most sensible with its provisions for reciprocity. Here we were going to put the Wesern Australian employer of labour at a disadvantage as compared with the employer in Queensland and in New South Wales. When we did that, and so increased the cost of production, we were doing a serious injury to the State.

Hon. J. CORNELL : Mr. Moss had said that employers would not run the risk of non-insurance against total and partial disablement. Yet Mr. Moss held that probably, even if they did not insure against death, they would insure against total or permanent disablement.

Hon. M. L. Moss: No, you did not understand what I said.

Hon. J. CORNELL : The hon. member had been understood to say that an employer would not run the risk of not insuring against total or partial disablement. What position had the hon. member taken up ? The hon. member proposed that if a man who was killed had dependants outside the British dominions they would get nothing, but in the event of total disablement he would get compensation, and the dependants would get nothing. In that case the dependants would be worse off than if the man had been killed, because the injured man would become the dependant and those who should be the dependants would have to work to keep him.

Hon. M. L. MOSS : Provision was made for compensation to the worker in the case of partial or total disablement. If death resulted the dependants were entitled to a certain lump sum, but they had nothing to do with compensation paid for total or partial disablement. The amendment was not intended to touch one penny of the money in the event of partial or total disablement; it simply provided that if families were resident outside of the British dominions they would get nothing in the case of death.

Hon. C. SOMMERS : Very often in the case of an Italian several women claimed to be the wife of the deceased. The information before the Committee proved how undesirable it was to bring down so many Bills in one session. Since the end of June 48 Bills had been introduced and more were promised. There was no legislature in the world that could manufacture laws at that rate. The amendment was imposing the greatest penalty which industries could be expected to bear. He would prefer to see the definition narrowed down to the Commonwealth and New Zealand.

Hon. H. P. COLEBATCH : The contention that the amendment would mean preference to foreigners was absurd. Only one policy was issued and that was against liability under the Act, and the employers would have to take out a policy whether they had a few, a lot, or all foreigners in their employ, because they could never know what accident might happen. Neither would they know whether the foreigners had dependants or whether they were living. It would be more reasonable to contend that the Bill would cause an unfair preference to be given by the employment of single men.

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

Ayes	16
Noes	9
Majority for	7

AYES.

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

NOES.

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

Amendment thus passed.

Hon. M. L. MOSS: An amendment appeared on the Notice Paper in his name to strike out of the definition of "employer" the words "but shall be entitled to be indemnified by that other person to the extent of any compensation paid under this Act by the employer in respect of any injury received by such worker whilst he is working for that other person." These words were really an indemnity clause. He would like the Minister to say where it had come from and what was the reason for it.

Hon. J. E. DODD: This was copied from the South Australian Act and there was no reason why it should be struck out. It was simply to make absolutely sure that the worker would receive the compensation.

Hon. M. L. MOSS: It was not his intention to move to strike out the words but this was about as bad a piece of draftsmanship as he had seen. An indemnity clause of this description should not be included in the definition.

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

That in line 3 of the definition of "Member of a family" the words "illegitimate son, illegitimate daughter," be struck out.

There would be great difficulty as regarded identification, and the inclusion of the words would mean a great extension of the definition. How anyone could identify all the illegitimate sons and daughters of a worker, he could not understand.

Hon. J. E. DODD: The object of the amendment was to strike out the reference to illegitimacy. It was to be hoped that would not be done.

Hon. Sir E. H. Wittenoom: On account of the difficulty of identification?

Hon. J. E. DODD: It was a provision in the whole of the Acts at the present time.

Hon. H. P. Colebatch: No, it was in the English Act.

Hon. J. E. DODD: One did not think there would be any serious objection raised on this point. If a child was a dependant or a member of the family, whether legitimate or illegitimate, we should not debar that child from obtaining compensation. Surely we had gone beyond this; whether a child was born in wedlock or not the child should have the right to make a claim.

Hon. M. L. MOSS: There might be reason for having this provision in the English Act or in Acts of other countries, but in 1909 the Legislature of Western Australia passed a Legitimation Act, which provided that any child born before the marriage of his or her parents whose parents had intermarried or should hereafter intermarry should be deemed on the registration of such child to have been legitimated by such marriage from birth and should be entitled to all the rights of the child born in wedlock. Therefore no particular hardship would accrue by striking out the words because there was a means of legitimising those born before marriage.

Hon. J. Cornell: What about those whose parents had never married?

Hon. M. L. MOSS: Under the Act legitimising the issue of children born out of wedlock there was means of registration, therefore there was a means of identification, but it would be a most difficult thing to prove that a man was the father of an illegitimate child unless an order had been made against that father. It was an easy thing for the mother of an illegitimate child to say such and such a deceased person was the father of the child, but it was not easy for the employer to check that. Women had been known to go to the length of registering the birth of a child and putting the name of some person down as the father although that person never was the father.

Hon. A. SANDERSON: The Honorary Minister should report progress and bring in this Bill again next session. He was proposing this course seriously, because this was a most important Bill dealing with the lives and property of people, and it was hardly to be expected that the Minister with all his duties could come down primed with all the information members required.

Hon. Sir E. H. Wittenoom: We will get along all right.

Hon. A. SANDERSON: The hon. member was a delightful optimist. On the question of illegimate children, he would

like to know the opinion of the insurance companies, because all these things had to be considered in connection with the rates to be charged, and insurance companies might attach great importance to something that hon. members would not understand. This was only the beginning of the discussion and it was not an exaggeration to say that the Minister had not before him the information the Committee required on the subject. We had not enough information to enable us to give proper votes on the question, and the mere fact that this provision was in the English Act was nothing, for the circumstances there might be materially different. What was done in the other States should be taken into consideration. The Bill must be carefully watched to see what effect it would have on the local rates that insurance companies would ask. There was no experience to guide the insurance companies, and therefore the companies would leave a decent margin. The Minister should report progress and we could then devote the whole of next session to the Bill.

Hon. Sir E. H. WITTENOOM: The Honorary Minister seemed to insinuate that he (Sir E. H. Wittenoom) wished to do an injustice to illegitimate children. If these children could be identified by all means do justice to them, because we should not punish children for what they could not themselves help. His desire was to strike out the words because of the difficulty in identifying illegitimate children. He was surprised to hear that these words were in the English Act, but if they were there, still the position was surrounded by many difficulties.

Hon. J. E. DODD: The amendment did not appear on the Notice Paper. Mr. Sanderson was asking for information, some of which it was almost impossible to procure at a moment's notice. If the amendment had appeared on the Notice Paper some further information might have been secured, but he did not think any hon. member would have raised the objection at this stage that illegitimate children should not be included. Sir Edward Wittenoom asked how illegitimate children could be identified, but any dependant had to prove his claim, whether legitimate or not.

Hon. M. L. Moss: They can make statements that cannot be contradicted by a dead man.

Hon. J. E. DODD: A court of law always required proof of some kind.

Hon. F. DAVIS: A few years ago when a gentleman was appointed to a high official position in this country he (Mr. Davis) was in conversation with another man who asked what he (Mr. Davis) thought of the fact that this gentleman had accepted the position, and he (Mr. Davis) thought that it was all right. The person replied, "But should the person occupy a high position, was he fitted for it as he was illegitimate?" There was an objection to a person occupying a position because, although qualified and fitted for it, he was illegitimate, a circumstance over which he had no control.

Hon. J. CORNELL: There was not much need to labour the question. It was admitted generally that after all this was a matter of insurance and it had been pointed out by previous members that there would be no discrimination. Employers would insure all their workmen. That being the case a man who was the father of an illegitimate child was insured, then it became a question in the event of the man being killed whether or not the child was a dependant. The Honorary Minister had pointed out that the child had to prove that he was a dependant, and if such proof were given the very removal of the words would debar the child from obtaining compensation. It did not necessarily follow that a child had to prove legitimacy because the question of illegitimacy might not come into the case at all, if it was proved that the child was a dependant.

Hon. M. L. Moss: You are quite wrong there. Numbers of cases have already been decided under the present Act that an illegitimate cannot claim.

Hon. J. CORNELL: What objection could there be to the words being included. We were desirous that illegitimate children should be able to claim. On the point of identification suppose he was a dependant of an individual and that individual was killed: there had to be proof

that he was a dependant of the deceased person. The amendment proposed that wherever dependence could be proved the ground of illegitimacy could not be raised. The point that Sir Edward Wittenoom was so anxious about would not be raised at all. The point was what had been done hitherto would not be done if the Bill became law. If it was proved that the child was a dependant the question of birth would not be raised.

Hon. M. L. MOSS: Then the hon. member meant that whether the child living in a worker's home was legitimate or illegitimate, and was dependent upon that worker, compensation would have to be paid under any circumstances.

Hon. C. A. PIESSE: This was a very serious matter and the Minister should make provision to so amend the clause that it would apply only to legitimate children who had been proved to be legitimate during the life of the workman on account of whose death the claim was being made.

Amendment put and negatived.

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

That in the definition of "Worker" the words "employed otherwise than by way of manual labour" the struck out.

The clause as it appeared in the Bill gave an advantage to the person who was engaged in manual labour which was obviously unfair. The clause debarred a clerk who might be earning up to £350 a year from enjoying the benefits of the measure while any workman earning up to that amount could come within the scope of the measure.

Hon. J. E. DODD: The object of workers' compensation was originally to provide compensation for accidents in hazardous employment. It was now extended to provide compensation in almost any employment, and the object of the words the hon. member proposed to strike out was to provide that the manual labourer whatever he was earning might receive compensation.

Hon. D. G. Gawler: Why not the clerk?

Hon. J. E. DODD: It was not much in the way of argument that a manual labourer should not receive compensation because a clerical worker did not. This was simply carrying out the provision of applying compensation for accidents occurring in connection with hazardous work. He hoped the amendment would be defeated and that a vote might be taken on that standing in the name of Sir Edward Wittenoom, who desired to leave in the word "employed" and to strike out "otherwise than by way of manual labour."

Hon. Sir E. H. Wittenoom: I have abandoned mine.

Hon. J. E. DODD: By striking out the word "employed" some legal objections or some difficulty might arise in court.

Amendment put and passed.

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

That in line 3 of the same definition the word "three" be struck out, and "two" inserted in lieu.

This would have the effect of reducing the remuneration from £350 to £250 a year, and it would exclude from the benefit of the measure all who were earning more than £250 a year. In the New Zealand Act the amount was £260, and in England £250. In South Australia it was £5 a week, and in Tasmania £156 a year. All these amounts were much below the sum mentioned in the Bill, and he could not see why our allowance should be £100 more than in any other State.

Hon. J. E. DODD: The reason why the amount should be increased over the amount in the other States was obvious to almost everyone. For instance, in England the amount of £250 was equivalent to about £450 in Western Australia..

Hon. D. G. Gawler: What about Tasmania?

Hon. F. Davis: Tasmania is always behind.

Hon. J. E. DODD: Wages were much higher here than in several of the other States and in England.

Hon. D. G. Gawler: Are they more than a third higher?

Hon. J. E. DODD: In some of the employments they were. For instance, on the goldfields here they were more than a third higher than on the Wallaroo mines in South Australia.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. F. CULLEN: It would be well if Mr. Gawler would withdraw his amendment with a view to a compromise on £300. Some of the other States fixed £260, and it would not do for Western Australia to fix a lower rate than that. Three hundred pounds in Western Australia would compare favourably with £260 in other States.

Hon. D. G. Gawler: I will accept the suggestion.

Amendment by leave withdrawn.

On motion by Hon. J. F. CULLEN clause amended by striking out of line 3 of the definition of "Worker" the words "and fifty."

Hon. M. L. MOSS moved a further amendment—

That in line 10 of the definition of "Worker" the word "whether" be struck out.

If that amendment was carried he would later move to strike out the words "clerical or otherwise," the object being to exclude clerks from the scope of the measure. The principle of workers' compensation as originally introduced was to provide compensation for persons engaged in hazardous employments. Only a very small fraction of the number of persons engaged in clerical work ever suffered injury by accident arising out of their employment. It might be argued that if the percentage of such cases was so small we should leave clerks in the Bill, but if that was done every employer would have to insure all clerks in his employment against accident. We did not know what the rates to be charged by the insurance companies would be, and the companies would be getting a lot of business in connection with which they ran very little risk. The amendment would save the employers from the expense of those premiums.

Hon. J. E. DODD: This measure was meant to apply to all workers, whether they were engaged in manual or clerical work. The application of the Bill to clerks was not likely to be very burdensome to the employer, because, despite what Mr. Moss had said about the employer having to insure clerks, the insurance rate was not likely to be very high.

Hon. M. L. Moss: When has an accident happened to a clerk arising out of his employment?

Hon. J. E. DODD: It was possible that an accident might happen. A clerk might be crossing a street and get knocked down by a motor, and an accident to him was just as serious as it would be to any other worker. He hoped the amendment would not be made.

Hon. A. SANDERSON: A very interesting duel was taking place between Mr. Moss and the Honorary Minister representing respectively the employer and the worker. He would remind the Committee that the public were interested in this question as well as the workers and employers.

Hon. Sir E. H. Wittenoom: They are the public.

Hon. A. SANDERSON: Certainly not. In the case of a clerk who was injured, somebody had to provide for him. The employer said he would not provide for him and then the burden fell on the general taxpayer or the man's relatives. Surely it was a reasonable thing that there should be some kind of insurance for all classes of the community.

Hon. J. F. Cullen: Hear, hear.

Hon. A. SANDERSON: The question of premiums then cropped up. He would like to have the information from the insurance authorities as to what quotation they would make for clerks.

The Colonial Secretary: It used to be 7s. 6d. per hundred.

Hon. A. SANDERSON: As against 30s. in hazardous employments. There should be some system of insurance for all. That was why he protested against hurrying this measure through, and he again suggested that the Minister should retire the Bill and bring it up again next session.

Hon. H. P. COLEBATCH: There was no reason why clerks should not come within the scope of the Bill. Already the insurance companies did discriminate, because the employer could insure only those employed in labour which involved risk, or he could insure the whole of his employees, including the clerks, and if he

put the lot in, a lower rate was quoted to him because of the greater number.

Hon. D. G. GAWLER: The amendment accorded with the idea he had always held that compensation should apply only to dangerous trades. In the words of the select committee which sat in 1910, the principle should not apply to employment in which there was not an appreciable element of danger. New Zealand, England, and Western Australia were on the same lines in this matter. In South Australia the compensation applied to all. In New South Wales and Tasmania it applied only to manual labour. In Queensland it did apply to clerical work but not to domestic servants. The existing Act applied only to dangerous trades, and that was the principle on which he thought a measure like this should be framed. He failed to see that the employer should be called upon, when there was no risk, to present his clerical employee with a free insurance policy.

Hon. J. CORNELL: The scope of the Bill should certainly cover clerical work. The element of risk was the only argument advanced for the amendment. There were workers under the present law with no greater risks than those run by clerks.

Amendment put and negatived.

Hon. M. L. MOSS moved a further amendment—

That in the definition of "Worker," the concluding words "Provided also that tributers shall, for the purposes of this Act, be deemed to be workers in the employ of the other party to the tribute" be struck out.

Hon. J. E. DODD: Tributers were increasing in number every year. There were no more deserving men in the State. Through their efforts mines had been resurrected and the gold won and the revenue raised through their operations reached a large sum indeed. It was said that the tributer was an independent worker over whom the owner of the mine had no control, but that was a wrong idea for members to get into their heads, because the tributer was in many respects just as much under the control of a mine manager as a wages man.

Hon. Sir E. H. Wittenoom: Do you call a contractor in a mine a tributer?

Hon. J. E. DODD: No. There were different kinds of contractors in mines. According to the terms of one tribute agreement, the tributers had to comply with the labour and all other conditions and regulations imposed on the owners of the lease under any Mining Act in force, to keep the lease free from forfeiture or liability to forfeiture, to comply with the Mines Regulation and Machinery Acts, to work the mine properly and according to the most approved methods of working mines, to comply with all orders, requirements, and directions of inspectors of mines and machinery, and the general manager of the company, and to keep all shafts, drives, etcetera, secure.

Hon. M. L. Moss: That is a special agreement in a particular case.

Hon. J. E. DODD: There were many agreements similarly worded.

Hon. A. Sanderson: Are tributers unionists?

Hon. J. E. DODD: Undoubtedly a large number of them were, though some of them were not unionists any more than some wages men were not. Another feature of this tribute agreement was that the tributers had to crush all stone raised at such battery as the owner of the lease might direct.

Hon. W. Patrick: The tributer simply takes the position of the mine owner with all his responsibilities.

Hon. J. E. DODD: The tributer was subject to the control of the mine manager, and in this case had to crush where he was sent to crush.

Hon. Sir E. H. Wittenoom: There are no mine managers where there are tributers.

Hon. J. E. DODD: In this particular case there was a mine manager. Many mines had tributers as well as wages men. The hon. member was referring to leases that were not being worked by companies, but in those cases why did not the companies let the men have the leases straight out? Then there would be no need to ask for this provision in the Bill. According to the same tribute agreement, the manager of the battery crushing the ore was to hand

over the gold won to the manager or owner of the mine, and the tributers were to keep all proper accounts of stone raised and gold won, and to supply copies to the owner and permit the owner to inspect their accounts. It all showed that the owner had control over tributers.

Hon. M. L. Moss : Not control in the sense that he is able to give orders and directions in the performance of their work.

Hon. J. E. DODD : There might not be orders and directions to the tributers to do so much work in one shaft, but that did not affect the question. The Mines Regulation Act put certain statutory obligations on the owners of the lease, and these obligations could not be delegated. Consequently the owner was continually in charge and had control over the tributers. There was a special regulation under the Mining Act defining tributers. It provided—

> A tribute is a contract made between the holder of a mining lease or claim and any other person, whereby the latter, in lieu of receiving wages, agrees to work in, upon, or in connection therewith, upon the terms of his being paid a portion of the product won from the mining lease or claim, or a portion of proceeds of the sale of such product.

Hon. Sir E. H. Wittenoom : He is a sub-lessee.

Hon. J. E. DODD : It was an entirely different matter.

Hon. E. M. Clarke : Did the mining laws permit the holders to sublet to tributers ?

Hon. J. E. DODD: Yes. The tributers had to make £2 a week before any royalty was deducted where they were fulfilling the labour covenants.

Hon. E. M. Clarke : Then the tributer takes no risk at all.

Hon. J. E. DODD: Yes. The tributers took all risks except where they manned a lease. It was only in such circumstances that the £2 a week provision came in. There was a case recently mentioned in the Press where the tributers had worked for twelve months and not earned a penny.

Hon. J. F. Cullen : Just as prospectors might do.

Hon. J. E. DODD : Prospectors were different. They were doing something for themselves and no one else; tributers were trying to do something for themselves and something for someone else as well. Those men had put in a large number of drives and winzes, and had materially developed the mine; and in consequence of that development another party had stepped in and within a month struck the lode, going something like 25 dwts. over the plates. Surely those men were entitled to something. They had put in twelve months without a solitary penny for their labour, and during that time had vastly improved the mine, after which another party had come in and reaped the benefit. He could quote hundreds of cases of tributers making a loss in Kalgoorlie and Boulder while doing an immense amount of good to the State. As a rule a tributer was an old man or a man who could not withstand the high pressure at which the mines were being worked. He hoped the Committee would give the tributer the benefit of the measure.

Hon. J. F. CULLEN : The relationship of the tributer to the owner of the mine should be such as would enable the owner to be responsible for what the tributer was doing. That was the issue. The actual relationship was not of that kind at all. The tributer might employ a dozen men if he liked, and the Minister desired to make the owner responsible for all these men. Moreover, the Minister had spoken as if all tributing was done on big mines. As a matter of fact any amount of it was done on partially developed propositions.

Hon. J. Cornell : Give an instance.

Hon. J. F. CULLEN : There were numbers of propositions where the owner had carried the work to a certain point, after which the tributer came along and took his place. How could that owner be responsible for the way in which the tributer might work as regarded protecting his own life or the lives of those whom he might employ ? How was the owner to be responsible for all these

people, or even for the chief tributer himself? It was entirely beside the mark to say that tributers were doing good work; and so, too, were the prospectors. But the tributer generally had a fair chance of getting something, while the prospector might work for twelve months and get nothing. Of course the tributer was a splendid fellow, but he did not hold the relationship to the owner of the mine which would enable the owner to take any responsibility for him.

Hon. M. L. MOSS: There was a considerable amount of mining carried on in Queensland, New South Wales, Victoria, and New Zealand, and we had had an opportunity of investigating the workings of Workers' Compensation Acts in all those places; but we had not found in them any such proposition as we were now discussing. This was an innovation in the Bill which found a place in no other Act. As he had frequently pointed out, it was adding one more burden to the employer of labour. There would have to be a limit somewhere to these ever-increasing burdens. In none of the places mentioned had there been any attempt made to extend the workers' compensation law to this point. The whole basis of compensation rested on the relationship between master and servant. On the second reading he had said that the tributer was an independent contractor. Mr. Colebatch, however, had thought that it would be more correct to describe him as a sublessee, and, listening to the specimen agreement quoted by the Honorary Minister one felt it would not be unfair to say that a tribute agreement was in the nature of a working partnership. There was certainly not in it the relationship of master and servant. A tribute was a sort of compound between a working partnership, a sub-lease, and an independent contract.

Hon. J. Cornell: The only thing wrong with it is that it is one-sided.

Hon. M. L. MOSS: No, it was a fair bargain. In Kalgoorlie a tributer secured possession of a highly developed property because he thought that he would do better than by becoming a wages man on one of the mines.

Hon. J. E. Dodd: He gets very little chance of getting into the developed portion of the property.

Hon. M. L. MOSS. However, the tributer knew what he was about, and thought he could do better than working for wages. The tributer and the prospector were two very valuable men in the community. To listen to the Honorary Minister one would think that unless the provisions of the Bill were made to apply to these men they would not get any compensation in the case of accident. But surely these men could do something for themselves. It was only a question of paying 30s. per cent. to get £600 compensation.

Hon. F. Davis: Suppose they earn nothing in the year and have to pay the premiums?

Hon. M. L. MOSS: It was no use taking an extreme case. He was taking an average case, and he believed the tributer on the whole did as well as the average man. It was easy for tributers to say to the mine owners "We are outside the Workers' Compensation Act, and you must provide the premiums to insure us against accident." If the parties could come to some such agreement, well and good. Under the proviso it would only be the chief tributer who would get compensation. The proviso would not give every man employed by the tributer compensation. The employees of the tributer would get nothing at all under it. The amending Act and the regulations quoted by the Honorary Minister put this thing on a proper footing in stating that a tribute was a contract for the working of a mine. This question was not to be looked at from the point of view of the large mines at Kalgoorlie, for many small mines were being worked on tribute. Perhaps a majority of the tribute mines were small shows, so we had to look at it from the point of view of the small miner, who could not stand this burden. He thought the proviso should come out.

Hon. H. P. COLEBATCH: If only for the sake of consistency he would support the amendment. It was intended that

the Bill should apply to all employees, and if we made exceptions where were we going to stop? There were three exactly analogous cases; yet we were asked to make special provisions for one in the one direction, for the second in an opposite direction, and for the third no provision at all. A tributer got a share of the proceeds of his industry instead of wages, and we said the tributer should come under the Act; but on turning to the fisherman it would be found——

Hon. J. E. Dodd: There was no analogy between the two cases.

Hon. H. P. COLEBATCH: In the one case the owner of the mine said to the tributer, "Instead of paying you wages to work my mine I will lend you my mine and you shall work it on shares with me."

Hon. J. E. Dodd: What control has the owner?

Hon. H. P. COLEBATCH: The owner had just as much control in the majority of cases as had a manager over the men in a mine.

Hon. J. E. Dodd: He has no control whatever.

Hon. H. P. COLEBATCH: He had exactly the same control as the boat owner had over the fisherman to whom he let his boat. The same conditions applied to both cases. The owner of the boat received a stated proportion of the returns, but had no control over the boat when at sea any more than the mine owner had control over the tributer so far as the working of the mine was concerned. When the owner of the boat let his boat to the fisherman he would have some clause in the agreement to the effect that the fisherman must work the boat according to the Navigation Act, just as the tributer was required to work the mine in accordance with the provisions of the mining laws. There was no difference in principle between the cases of the tributer and of the fisherman working on shares. But we were asked to make special provisions for the tributer and say that he should be included, while for the fisherman we were asked to say that he should not be included; and the third case, the man who might be working a farm on shares, was not to be considered at all. Yet the owner of the farm said to the worker, "You work my farm, and we will take a certain proportion of the proceeds." The owner might or might not have some authority over him but under the agreement he would specify it the same as the owner of the mine.

Hon. J. E. Dodd: What Acts has he to carry out?

Hon. H. P. COLEBATCH: It was not known to him that he had any.

Hon. J. E. Dodd: That is the difference.

Hon. H. P. COLEBATCH: What had that to do with the liability for accident? He had to work in the recognised fashion the same as the other.

The CHAIRMAN: Order! Members must not interject to such an extent.

Hon. H. P. COLEBATCH: There was no difference so far as the principle was concerned. The whole question turned on whether a man was an employee. The Bill defined a tributer as an employee, but if a man was sharing in a fishing boat he was not. What he wanted to know was this if a man was working shares on a farm where did he come in? The amendment would have his support.

Hon. E. M. CLARKE: Tributers in a mine took the place of the owner in so far as liability for carrying out all the conditions imposed by the Mines Regulation Act was concerned. Tributers worked a mine on shares.

Hon. J. E. Dodd: They do not work it on shares.

Hon. E. M. CLARKE: A rose by any other name would smell as sweet. The tributers would not continue unless they thought they would do better than on day wages. It did not matter what the agreement was the irresponsible tributer might tell men to do certain work which incurred danger, and how could the owner of the mine be held responsible? If the mine-owner was held responsible the same must apply to the owner of a mill, a farm, a boat, or a store, who let his business on shares. It would not matter how careless the crew of the tributer might be, the owner of the mine would be made responsible. Any man of sense would conclude that that was hardly a fair thing.

Hon. J. CORNELL: If three men took a contract on a mine to stope six fathoms, and broke the ground and put truckers on to run it out, the truckers being paid wages, in the event of an acident compensation would be paid. Mr. Moss said there was no provision in any other Act relative to tributers. Members had raised the point previously that because the provision was in other Acts it should not be included in this measure. The New Zealand Act contained a clause relating to contractors working a mine.

Hon. Sir E. H. Wittenoom: That comes under Clause 9.

Hon. J. CORNELL: That was in addition. Sir Edward Wittenoom, who had occupied the position of Minister for Mines and had been almost continuously in politics since, had interjected that there was no mine manager where there were tributers. The general public could draw their own conclusions from that remark. Tributers worked under a different set of conditions from any other employees. As far as the mine manager was concerned, he acted the part of Shylock when the tributer approached him and the tributer had to fight a hard battle to get a reasonable working agreement. The men who backed the tributers were the business men.

Hon. C. Sommers: They take a big risk sometimes.

Hon. J. CORNELL: Yes and made losses, but it was recognised that one tributer was of greater benefit than one shareholder in London. The continuity of the mining industry was largely dependent on the tributer. Business men on the goldfields had lost money continuously by helping tributers and supplying them with goods; but what did the mine manager give the tributer? Very often by accident, sometimes by force of circumstances, the tributer became the possessor of a lease, and it had been pointed out that these leases were good property. The leases invariably had been opened up, or were such that the bottom had fallen out of them. The mine manager had the title and he could dictate his own terms to the tributers.

Hon. M. L. Moss: Why should he not, when it is his own property?

Hon. J. CORNELL: It was his own property by legislation. The House had had the opportunity on two occasions to give some measure of consideration to the tributer, but it had not done so, and now the Government were asking once more that Parliament should do so. The tributer was just as subservient to the manager as a wages man was. He had to obey all the terms of the agreement; he had to provide the material, and he developed the mine, and if he won any gold, he found then that he had no soul to call his own. He had to hand everything over to the manager or the attorney.

The CHAIRMAN: The hon. member should confine himself to tributers, and the aspect relating to the Bill.

Hon. J. CORNELL: Though he admitted having wandered, he had done so in good company.

Hon. J. F. Cullen: Is the hon. member stonewalling his Bill?

Hon. J. CORNELL: Like the Irishman, he would reply to the hon. member who had interjected by asking him another question, whether he had ever stonewalled a Bill?

Hon. J. F. Cullen: Never.

Hon. J. CORNELL: Tributers took identically the same risk as any other underground worker. Tributers, if they had men working under them, recognised their responsibility relative to human life. However, he feared it was trying to beat the air to ask the Committee to give this matter some recognition. Time was the great healer of all wounds and the revealer of all thoughts, and if he had done nothing in the way of influencing members, the debate at any rate had done something in the way of bringing under the notice of the community the view the House took with regard to tributers, at any rate the view from the humanitarian standpoint, if nothing else.

Hon. A. SANDERSON: The Minister would very shortly be compelled to accept the advice which he (Mr. Sanderson) had given repeatedly. We found the Traffic Bill on the bottom of the list, and it had been emasculated by members. The Minister told the Committee that the clause

under consideration was of great importance, and that he wanted it thoroughly debated. He (Mr. Sanderson) had tried to bring a more or less impartial mind to bear upon the question.

Hon. Sir J. W. Hackett: Several minds.

Hon. A. SANDERSON: Knowing very little about the mining industry, he thought that there had been some sound arguments brought forward by the Minister, but it was impossible, after listening to the discussion to accept the proposal of the Government. The audacity of the Government seemed to have no bounds. The hon. member stood up a few nights ago and declaimed against mine owners for not having contributed monuments at Kalgoorlie and he declared that they had showed no public generosity to Kalgoorlie or the State generally. How could the hon. member expect it? Look at the treatment meted out to the unfortunate mine owner with a proposition of this kind. How could hon. members accept this proposition which was put before them? Once tributers were cut out of the Bill however, the Bill would have lost so much of its attraction to the Minister and his followers that they would be compelled to drop it. Did the Minister now want another twist of the screw before accepting the suggestion to abandon the Bill.

Hon. Sir E. H. WITTENOOM: What we wanted to establish was the relation between the tributer and the party from whom he leased the mine, or from whom he received the ground to work. Members had been considering this matter from different standpoints. He understood that a tributer took over as a speculation a lease which was practically abandoned. In regard to the instances which had been brought forward where the manager had supervision they were contracts, and, as such, would be governed by Clause 9. A tributer was practically a sublessee. He took over a lease that had been practically abandoned, on a certain percentage of what he could get out of it. He worked the lease how he liked under a certain agreement not to ruin the mine, and it was impossible for the owner to know whether the ropes or machinery were sound. There was, of course, an inspector of mines, but if the inspector did not do his duty and an accident occurred it was sought to make the lessee responsible. There were three glaring cases of that kind in the Bill. The lessee was made responsible for accidents that might happen to tributers. Then in Clause 9 if a man owned an acre of land in Perth and let a contract for a building he was responsible for any accident that might happen to the employees of the contractor, although he had no control over him or his machinery. Then again under Clause 13 if a person chartered a ship to take away a consignment of wheat, although he had nothing to do with the loading of it, he was responsible for the death or disablement of anybody on the ship during the loading. Those were three cases where the owner was responsible for an accident although he had no control over the work. To make the principals responsible in such circumstances was not fair and just. He would vote against the clause.

Hon. J. E. DODD: Whilst Mr. Sanderson indulged in those innendoes and remarks closely approaching insults which the hon. member continually used, he would continue to treat him in the same manner as he treated him now. Whilst the hon. member indulged in those remarks he could not expect to be treated with the courtesy other hon. members were treated with, and which they invariably extended to members opposed to them. In reply to Mr. Colebatch, he contended that there was absolutely no analogy between a fishing vessel and tributers in a mine. The reason why he had read a tribute agreement was that during the second reading debate, member after member, had said that there was absolutely nothing in common between the mine manager and the tributer, and by reading the agreement he had conclusively shown that there was everything in common and that the tributer had to do as the general manager of the mine directed. In the case of a fishing smack that went out to sea the persons in charge of it had no conditions to conform to.

Hon. H. P. Colebatch: Suppose the tributer does the opposite to what the manager directs and meets with an accident, you still make the owner responsible.

Hon. J. E. DODD: Admittedly the tributer was a peculiar sort of employee, and was not in the same category as the underground worker. At the same time the mine manager had some control over him and by reason of that control the tributer should be entitled to compensation, especially in view of the fact that he was such a useful man in the community and took the chance of getting his wages from what he could earn through his own efforts. In spite of that, not one-third of the tributers earned wages, yet they were opening up mines and in many cases doing more good to the State than wages men.

Hon. H. P. Colebatch: From whom would the employee of the tributer get his compensation?

Hon. J. E. DODD: It was a question whether such a case would come under Clause 9, but whether it did or not, the mine manager had the remedy of stipulating for a greater royalty to meet the extra demands that might be made upon him. despite the fact that the tributer might be insured by the mine manager he had no redress under this measure. The insurance company need not pay him a penny, because in the relation of master and servant he was held not to exist. The Committee would be doing a good turn to the mining industry if they allowed the clause to remain as it was.

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

Ayes	17
Noes	7
Majority for ..	10

AYES.

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

NOES.

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

Amendment thus passed.

Hon. A. SANDERSON: It was his desire to make one final protest against the clause containing the limitation of dependants to persons within the British Empire.

The CHAIRMAN: The hon. member could not refer to any specific amendment. He must either support the clause as amended or vote against it.

Hon. A. SANDERSON: On account of the amendment which had been made it would be well to reject the whole clause. Next time he was in Paris he would take the earliest opportunity of taking to the Quai d'Orsay a report of Mr. Gawler's conduct in this matter. Here was the French Consul voting in favour of a clause which meant that a French subject had no privileges under this measure. He would leave the hon. member to be dealt with by the Minister for Foreign Affairs in France. Was it too much to ask the leader of the House to make the necessary inquiries in regard to this legislation, which affected our Imperial relations? We had struck out our allies the French, and all the nations of Europe, to say nothing of our allies elsewhere. The House should reject the Bill, and Mr. Gawler, who was the Consul for the republic of France, should vote against the clause.

Hon. J. E. DODD: The same provision existed in many other Acts so there was no reason to consult legal advisers.

Clause as amended put and passed.

Progress reported.

BILL — VICTORIA PARK TRAMWAYS ACT AMENDMENT.

Received from the Legislative Assembly and read a first time.

BILL—STATE HOTELS (No. 2).

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: A Bill was introduced this ses-

sion giving general powers to the Government to establish State hotels in any part of Western Australia, but the Council after some consideration refused to read the Bill a second time as members were not prepared to go as far as was desired. However, judging from the tone of the debate and from some of the expressions used, I came to the conclusion that if the Government came down with specific proposals the Council would be prepared to give them serious consideration. Hence the measure now before us has been introduced for members' consideration. The Bill validates the establishment of the Gwalia hotel and the hotel at the Caves House, both of which enterprises were entered on without any Parliamentary sanction whatever. In addition, we are asking for authority to establish two other hotels, one at Wongan Hills and the other at Rottnest. With regard to Wongan Hills there was an application before the licensing bench about twelve months ago; but owing to the fact that is was desired, by the great majority of residents at Wongan Hills that a State hotel should be established in that district, the application was refused. The settlers were strongly opposed to any private individual obtaining a license in that locality. Now, we have had offers from one private individual to establish an hotel there and at any time afterwards to sell to the Government, but the Government have come to the conclusion that if it is a good thing for a private individual to start a hotel there the Government cannot go far wrong in entering on a similar enterprise. The genesis of the Wongan Hills State hotel request I shall explain. On the 27th December, 1911, a letter was written to us by Mr. J. H. Ackland, hon. secretary of the East Wongan Hills Progress Association; it was addressed to the Premier, and said——

> The East Wongan Progress Association which is the representative society of the residents of this district desire me to respectfully request you to authorise the establishment of a State hotel at Wongan Hills townsite. The residents of the district have been successful up to the present in preventing licenses being granted, and though it is recognised that good accommodation is necessary for the travelling public, they are most anxious that a State hotel be established in preference to a privately owned one. In making this application my association are aware of the difficulty in controlling the liquor traffic, and trust you will see your way clear to carry out our wishes. The interests of the land holders are purely agricultural, and we ask your Goevrnment for protection in regard to this necessary evil. We feel the establishment of a State hotel will put an end to the continual haggling after a license adjacent to the railway station, and be a guarantee that the sale of intoxicants will be regulated, especially as we are situated thirty odd miles from a police officer. Thanking you in anticipation that our request will receive your consideration.

On receipt of that letter, the Premier sent it on to me to secure a report, and I addressed a minute to the Commissioner of Police asking him to have an investigation made. We received the following report from Sub-Inspector Woods—

> Respectfully submitted from a police point of view, as well as for the good of the public generally, and, from my own experience of the Gwalia State hotel, I am strongly in favour of a State hotel being established at Wongan Hills, such would pay well, and put a stop to sly grog selling there.

This report enclosed a report from the police constable to Sub-Inspector Woods which said—

> I beg to report as to the necessity for a State hotel at Wongan Hills. Up to the present one application has been made for a wayside house license and one for a gallon license, but neither was granted. Several more applications would have been made only that the town blocks there were sold on the condition that the purchaser would never apply for or hold a license on the land. The population of the town is under 20 and the population within a radius of 15 miles would be about 250, and if the next season is a good one the population is sure to increase. All the private hotels in this district

have been very profitable concerns even where the population was smaller than at Wongan, and I have no doubt the State hotel would pay well; if a license is granted the residents of the district would like the State to have the benefit of it.

This was twelve months ago. The matter was allowed to stand over, and then in the month of June we instructed Mr. Hunter, the manager of the State hotel at Gwalia, to report on the question as to whether it was advisable for the State to establish a State hotel at Wongan Hills. This is the report of Mr. Hunter, dated 6th June last, and addressed to the Under Treasurer—

In accordance with your instructions I proceeded to Wongan Hills on Monday last, and beg to submit the following report thereon:—It is absolutely essential that an hotel, either under State control or private enterprise, be erected, as accommodation is urgently required for the travelling public and surrounding settlers. In support of my views, on the night of my arrival there were about 15 people looking for sleeping, etc., accommodation, but this was unobtainable and all had to camp out in the open. I was very fortunate in being at Wongan on Tuesday, as there was a meeting of the farmers, as also the progress association, and was thereby enabled to obtain reliable information as regards the general feeling towards the erection of an hotel, and am pleased to report that all were unanimously in favour of an hotel under State control, thereby minimising the illicit traffic in liquor at present being carried on to a large extent in the township and district. I am informed the population within a twelve miles limit is about 400 souls (men, women and children). The township itself consists of one large general store, butcher's shop, two very inferior boarding houses, blacksmith and carpenter's shops. The National Bank have also a branch, employing a manager and assistant. Hotel site: the two allotments shown on plan Nos. 133/4 are the most suitable, but it will be necessary to alter the site for a school, and I would suggest that the present school site be changed to that granted for recreation purposes, and that a recreation ground be reserved on the opposite side of the railway line. I believe the progress association are making an application in this direction, the ground in question being much more suitable. Hotel buildings, etc.: If it is decided to erect a State hotel at Wongan Hills, I strongly advise only a small capital outlay, and consider a wood and iron building will suit requirements as outlined hereunder — kitchen, dining room, 4 parlours, 14 to 16 bedrooms, store room, bar and cellar, washhouse and laundry, 6-stall stable, feed room and sheds to accommodate about four vehicles, fowlhouse and run, urinals, E.Cs., etc., galvanised tanks, and possibly a large underground tank with rotary pump attached, fenced 6ft. galvanised iron with barbed wire on top. Financial aspect: At the present juncture it is almost impossible to estimate revenue and expenditure requirements. Still, in my opinion, under capable management the investment should be a profitable one. In conclusion I would strongly urge, providing the Government is favourable to erecting an hotel here, that instructions be issued immediately, as by so doing the hotel will reap the benefit of trade accruing through the construction of the Wongan Hills-Mullewa railway extension. I await instructions *re* interviewing the Chief Architect as to the most suitable style of building, etc.

At present we have no power to comply with the wishes of the people in this district. As I previously explained to the House, although a private individual may apply for and be granted an hotel license outside the 15-mile radius, yet it is a privilege of which the State cannot take advantage. When the question of State hotels generally was before the House, and while in replying to the debate I was dealing with this 15-mile radius question, Mr. Colebatch interjected, "Why not make a brief amendment to the existing Act, confining the 15-miles limit provision to State hotels? Many members would sup-

port that." Whereupon Mr. Moss interjected, "I would support it."

Hon. M. L. Moss: I do not think so.

The COLONIAL SECRETARY: Yes, I took a note of the interjection at the time. The hon. member said, "I will support that."

Hon. W. Kingsmill: I wonder if he will?

The COLONIAL SECRETARY: Now, with regard to Rottnest: The Government, and the previous Government, have spent a large amount of money in erecting a hostel and creating a tourist bureau in connection with the island. Up to the present time there has been spent some £12,000, and the Treasurer tells me that another £5,000 will be required.

Hon. W. Kingsmill: What! Seventeen thousand pounds?

The COLONIAL SECRETARY: Yes; £11,000 has been spent up to date. Mind you, it is not an undertaking of the present Government. It was not designed by the present Government. It was a legacy left to us by the previous Administration. Here are a few of the items:—Erection of boat shed, £330; sinking artesian bore, £2,495; converting the gaol into an accommodation house, £3,966; accommodation house furniture, £1,413; drainage and septic tank, £1,334; laying stoneware pipes, £103 15s.; Rottnest baths near jetty, £552 15s. And so on, a long list making it up to £11,249; and more money has to be provided. The Treasurer says at least £5,000 more will be required. That will make £17,000, in order to bring the thing thoroughly up-to-date.

Hon. J. D. Connolly: But the Premier says that £21,000 has been spent during the last two years.

The COLONIAL SECRETARY: As far as I can see, it is £11,000.

Hon. J. D. Connolly: He said £11,000 this last year, £10,000 in the previous year.

The COLONIAL SECRETARY: Oh, yes, probably he is right. The money I have referred to is, I see, the money we have had to find. It will be very necessary to make this hostel complete, and to provide every comfort and convenience. If a State hotel is established there, if the House consents to its establishment, I think it will be generally admitted that liquor will only be consumed in moderate quantities.

Hon. W. Kingsmill: Why?

The COLONIAL SECRETARY: There will be not only a manager of the hotel, but an officer in charge of the island. At the present time parties go over there and take a case of whisky or a case of beer with them, and consume more than is good for them; and instead of coming back refreshed after their holiday they come back very ill. I made a similar statement here weeks ago. Since then the Premier has investigated the matter and found, not only that such is the case, but that many of those who go over there supply liquor to the residents. With the State hotel there, liquor would be supplied only in moderate quantities.

Hon. W. Kingsmill: That will never pay.

The COLONIAL SECRETARY: It is not expected to make a large profit from the sale of liquor, but only to supply every comfort and convenience. Mr. Connolly, when speaking on the previous Bill, expressed strong opposition to the establishment of a State hotel at Rottnest. I do not know why.

Hon. J. D. Connolly: I will tell you by and by.

The COLONIAL SECRETARY: Yet he had no objection whatever to a State hotel at the Caves. As a matter of fact, the hon. member established a State hotel at the Caves without Parliamentary authority.

Hon. J. D. Connolly: Ah, no.

The COLONIAL SECRETARY: Yes, he did. People go to Rottnest to stay a fortnight, while they go to the Caves House to stay a week or so. Mr. Connolly said the Gwalia State hotel was established without any Bill having been passed, and maintained that the James Government acted unconstitutionally, and deserved to be put out of office for it. He said it was the James Government who were responsible for this high-handed procedure. In regard to the Caves House in 1905 a lease was granted to Mr. McWhinney. That lease was terminated in

October, 1909, in consequence of unsatisfactory conduct of the place. The Caves Board assumed control, and appointed as resident manager a Mr. Thompson. The Caves Board ceased to exist in November, 1910, and the control of the Caves and hotel passed to the tourist branch, then under the direction of Mr. Connolly. No change whatever was made in the management of the hotel, which was run as a State hotel. With the exception of the lease period from 1905 to 1909, the Caves House has been to all intents and purposes a State hotel; yet the hon. member gets up and says the James Government should have been turned out of office for their action in this regard.

Hon. J. D. Connolly: You are rather hard pressed for an argument, are you not?

The COLONIAL SECRETARY: No. You say a State hotel should not be established at Rottnest, yet you establish one at the Caves. I move—

That the Bill be now read a second time.

Hon. C. SOMMERS (Metropolitan): I intend to support the Bill in part. Outside the 15-mile limit I think it is reasonable that in a new district the State should has an opportunity of establishing an hotel if the residents desire it. I am generally against the building up of State enterprises, but I recognise a peculiar case in the liquor traffic. At Wongan Hills an hotel is badly needed. If an hotel is to be erected there, and if the residents so desire, I certainly think it should be State owned. Another reason why the State should have preference is that the whole of the land in the township has been sold by the Government, but none of the holders have applied for a license; so that settles it, so far as private enterprise is concerned. For that reason, I intend to support that clause. But when it comes to Rottnest I strongly object. I think this is the one chance the Government will have of seeing whether it is possible to run a first-class accommodation house without a license.

Hon. W. Kingsmill: Why not run one at Wongan Hills?

Hon. C. SOMMERS: For the reason that the people who visit Rottnest will consist largely of women and children, and young people. I do not think it would be desirable to run an hotel at Rottnest. It is too close to the mainland, and too popular a resort for holiday people, who, in the excess of joy of holiday proceedings might forget themselves and, instead of the island becoming a pleasant place of resort, it might become a little inferno. I hope the Government will take the opportunity of proving that the running of a first-class accommodation house at Rottnest is possible without a license.

Hon. J. D. CONNOLLY (North-East): I do not intend to support the second reading of the Bill, notwithstanding the grave indictment made against me by the Colonial Secretary, to which I shall reply later on. I have no particular objection to the State control of liquor; speaking broadly, I rather favour the principle of the State controlling the liquor traffic. If the Bill was one that provided in a proper manner for State control of the liquor traffic, it would certainly have my hearty support. But we find in the Bill that it is an open order for the Government to establish two hotels, one at Rottnest, and the other at Wongan Hills. If there were proper safeguards to these hotels the objections which I will mention would not lie; but the Bill simply says, "notwithstanding anything contained in the Licensing Act an hotel shall be established." This means that Parliament is asked to give an order to the Government to establish State hotels at Rottnest and at Wongan Hills, throwing aside all the provisions of the Licensing Act. They are not to be bound by any of the provisions of that statute. The Bill simply provides that these hotels shall be established, notwithstanding any of the provisions contained in the Licensing Act of 1911. The Licensing Act imposes certain very necessary conditions, but these are to be set aside, and we are told that general publicans' licenses will be established and run by the Government in these two particular places, without any restriction whatever. This is not a de-

sirable state of affairs. Before we are asked to give our consent to the establishment of an hotel in any particular part of the State, we should, in the first place, have a comprehensive measure brought down showing exactly under what conditions State hotels are to be run. My idea in favouring the State control of the liquor traffic is not to encourage drink, but, on the contrary, to keep it within reasonable bounds. Drinking is a necessary evil, if it be an evil; at any rate it will exist and while it does exist let us keep it within reasonable and proper control. But we are told in one breath by the Minister that the object of introducing this Bill so far as Rottnest is concerned is to derive revenue.

The Colonial Secretary: To provide conveniences. The revenue will be required for State undertakings.

Hon. J. D. CONNOLLY: It is a fatal admission to say that the revenue will be badly required for State undertakings. That is what I expected, but it is surprising that the Minister admits so much. It is a damning admission to make that we have to enter into the liquor traffic—

Hon. A. G. Jenkins: To keep up public parks.

Hon. J. D. CONNOLLY: And worse, in order to make good the revenue of the State. I would be no party for the State, no matter how hard up it should be, to enter into the liquor traffic for the sole purpose of making revenue. The Premier stated in another place that it is necessary to make some revenue and that we should have certain hotels. That is sufficient reason for voting against this Bill because while I am in favour under proper conditions of the State controlling the liquor traffic, I am not in favour of the State taking control with the sole object of making money. I am in favour of State control because I believe the State could and would control it in a manner that a private individual could not. The Premier stated with regard to Rottnest that £10,000—

The Colonial Secretary: It is not right to be quoting what the Premier said in another place.

Hon. J. D. CONNOLLY: The Premier's statement according to the *West Australian* is that £10,000 was spent last year on Rottnest and £10,000 was spent in the previous year; that is £20,000. I do not know what was spent last year, but in the financial year before I had control of the expenditure. The Minister tonight gave some figures as to the cost of Rottnest. These figures are largely bookkeeping figures. It was I who followed Mr. Kingsmill in opening Rottnest as a pleasure resort. It was then an outpost of the Fremantle prison. I utilised the prisoners there, as Mr. Kingsmill had started, in opening up the island as a pleasure resort. The prisoners, 50 or 60, were used together with native prisoners to open up the island and make roads. It was always a sore point with the Comptroller of Prisons that he was not given credit for the amount earned by the prisoners. I pointed out the system adopted in other States, particularly in Queensland, where they made a book entry as to the value of the work performed by the prisoners, and he took a very liberal advantage of that during the last two or three years I was in office. He calculated, say, on 40 prisoners on the road for a week at £2 per week equal to £80, therefore he credited that £5,000 or £6,000 spent on Rottnest. I am only illustrating how the amount was probably arrived at. Then he credited the Prisons Department in his annual report with £7,000 or £8,000 earned at Rottnest. It was purely a bookkeeping entry for the sake of showing the real cost of the prison. Now I understand that amount is totted up and called expenditure. I pride myself that up to the 12 months before leaving office, with the exception of a few hundred pounds spent on material, the whole of that work was carried out without any expenditure to the State, except the salaries of the warders and the gaoler. Previous to my leaving office £2,500 was granted, £2,000 for the conversion of the old buildings into an accommodaton house, and £500 for the septic tank. The estimate of the Public Works Department, speaking

from memory, was £1,850 for altering the buildings, and I got an approval for £2,000; and for the septic tank £470 was asked for and I made it £500. Whether the estimate was exceeded I do not know. A few hundred pounds was spent on the baths and a few hundred for boat landings. A good deal of the work was done by prison labour. An amount of £1,800 was passed for artesian boring, but they had to go deeper and it probably cost more. That means £5,000 or £6,000, and this is all the expenditure that I know was authorised by the late Government. The other amounts were purely bookkeeping figures, and the £20,000 is probably made up in the way I have suggested. Whether it comes to £20,000 as the Colonial Secretary said has nothing to with the question before the House. If Rottnest cost £20,000 then it was very cheap at the price because it is a playground, a pleasure resort for the whole State, and a great asset to the State, and will be a greater asset as the country grows. Now we are told that in one fell swoop this is all going to be spoilt by the establishment of an hotel. It is a thing I earnestly hope this House will never agree to.

Hon. D. G. Gawler: It is not an hotel in the strict sense of the word, but a public house.

Hon. J. D. CONNOLLY: Yes; it is a publican's general license. I earnestly trust that members of this House who appreciate the benefits of Rottnest will never consent to a license being granted on that island. The Colonial Secretary has told us that if this is not established then the people will take liquor there, and he has said, what is quite news to me, and, I think, to Mr. Kingsmill, that drunken sprees occur there now. If so, that has happened only during the past 12 months.

Hon. W. Kingsmill: It is only under the present Administration.

Hon. J. D. CONNOLLY: Quite so.

The Colonial Secretary: It was not a tourist resort before last year.

Hon. J. D. CONNOLLY: That state of affairs never existed before last year. Assuming that such is the case and that a public house is established, what difference would it make? The people who go there consist of 200 or 300 campers, beside those who stay in the accommodation house. They could obtain as much liquor as they like from the proposed hotel: they could buy it by the bottle or the case, and have a spree just the same as we are told occurs now. That island, apart from a tourist resort, consists of a certain number of Government officials, and they hold extremely responsible positions. Two of the main lighthouses of the State are situated on the island. The signalmen who signal ships approaching Fremantle are stationed there. They hold very important positions so far as the shipping of the principal port of the State is concerned, and I ask is it not running a big risk to establish a public house on the island which is inhabited half of the year only by those officials? Is it not exposing them to unnecessary danger and temptation? I think it is, to say the least. That is one reason, but from a tourist point of view it would certainly spoil the island altogether.

Hon. M. L. Moss: The tourists are only there at Christmas and Easter.

Hon. J. D. CONNOLLY: Yes; and the danger of granting a license is that there is no proper communication with the island. There is a steamer once a week or twice a week in summer, but a great majority of the people go there in yachts, and I do not think it advisable that men having to look after a yacht should find it easy to obtain liquor. There is great danger in going there, and in leaving the island men need all their senses about them to handle a boat. In Rottnest we have one of the finest pleasure resorts that exist around the whole coast of Australia. Such an island would be worth millions to countries like England or America with their crowded populations, and it will be worth that to us as years go on. But the proposal under the Bill is to spoil it, just because the Government want to grasp a few extra pounds a year by the establishment of a State hotel. If the Bill is passed—I intend to vote against the second reading—I appeal to members to strike out the provision with regard to

Rottnest and to insert some safeguards before consenting to the establishment of an hotel at Wongan Hills. There are further reasons why the Bill should not be passed. We were told by the Minister on a previous occasion when a Bill of this kind was introduced, that the people had declared in favour of State hotels. I do not know whether the Minister adheres to that statement. I say such is not the case. Rottnest comes in the Fremantle licensing district, and in reply to questions by me regarding the result of the local option poll taken in April, 1911, the Colonial Secretary gave the following answers. To the first question, "Do you vote that all new publicans' general licenses be held by the State?" the answer was, 1,590 voted yes, and 957 no. On the second question, "Are you in favour of State management throughout the district," the answer was, 1,582 voted yes and 984 no. That makes a total of 2,500 votes altogether. On the occasion of that poll, according to the answer given by the Colonial Secretary the number of electors in the Fremantle licensed district was 10,335, so that only one-seventh of the people voted at that poll. At the same poll 930 persons voted against any increase of licenses and 158 for an increase.

Hon. F. Davis: If they did not vote they should abide by the consequences.

Hon. J. D. CONNOLLY: Only one-fourth of the electors expressed themselves with regard to these questions.

The Colonial Secretary: That is very poor argument.

Hon. J. D. CONNOLLY: Wongan Hills is divided by a line between the Irwin magisterial district and that of Toodyay. In the Irwin district on the question, "Do you vote that all new publicans' general licenses be held by the State?" the votes were, yes 366, and no 395.

The Colonial Secretary: The boundaries have been altered since.

Hon. J. D. CONNOLLY: I am taking the two. On the second question, "Are you in favour of State management throughout the district?" the voting was 357 yes and 412 no. Here, too, there was a majority against. That made a total of 769 polled out of 916 persons on the roll. The votes given in favour of the number of licenses being increased was only 145 while 350 voted against. In the Toodyay district on the question, "Do you vote that all new publicans' general licenses be held by the State?" the figures were 386 yes and 286 no, and on the second question, "Are you in favour of State management throughout the district?" the voting was 396 yes and 290 no. Here, out of a total of 2,171 on the roll, 690 voted. Whilst 302 votes were cast against any increase and 188 only for increased licenses, when that poll was taken there was very little interest in it because it was known that local option would not come into force for ten years and the people were not much concerned as to how they voted at the present time. Now it is proposed to establish a hotel at Rottnest, although 930 said they did not want an increase in the Fremantle district, in which Rottnest is, and 138 voted for new licenses. If there is going to be State control, why ignore the provisions of the Licensing Act? We have one very important provision in the Act that after a local option poll is taken, and assuming that it provides that new licenses can be granted as in the case of Wongan Hills, which is 15 miles from an existing license, the applicant has first to go before the licensing bench and if the bench is satisfied that a license is necessary it is granted. But there is a further wise provision in the Licensing Act which makes it incumbent upon an applicant for a license to get a majority of the people in the immediate neighbourhood of the license to sign a petition that they are in favour of the license being granted. That is necessary to protect the people in the vicinity where the new hotel is to be established. Without consulting the wishes of the Wongan hills people, as provided by the Act, a hotel is to be established. I do not intend to say more than to repeat that I am in favour of the liquor traffic being controlled by the State, because I believe if it be controlled by the State it can be kept within reasonable bounds, but the experience I have had of the State hotel at Gwalia leads me to believe that that house is conducted as

other hotels, inasmuch as every inducement is held out to people to drink. Under such conditions I am opposed to the State control of hotels. The Colonial Secretary has made a charge against me—which I do not consider a very grave one—that I established a State hotel at the Caves House, and he emphasised the word "established." I continued the State hotel at Yallingup, and I certainly did say that the James Government established the hotel at Gwalia without the permission of Parliament. They started the principle of running hotels without the consent of Parliament.

Hon. W. Kingsmill: They had the consent of the licensing bench.

Hon. J. D. CONNOLLY: Yes, but it was quite unconstitutional, and I do not know of a graver step taken without the authority of Parliament until the advent of the present Government. In the case of the Caves House, the license was there long before my time. It was managed by the Caves Board. They did not desire to carry on any further, and when I established the tourist department, I placed the Caves under the control of that department. I repeat that that license was continued and not established by me. There is all the difference in the world between the hotel at the Caves House and a hotel at an island like Rottnest. I intend to vote against the second reading of the Bill, and if it survives the second reading I intend to strongly oppose the establishment of a hotel at Rottnest.

Hon. J. F. CULLEN (South-East): I feel inclined to vote for the second reading of the Bill, but for a considerable limitation of the powers contained in it when it reaches the Committee stage. I think it is necessary that the established hotels at Gwalia and Yallingup should be properly authorised, and if the people at Wongan Hills are really in favour of a State hotel, I have no objection to one being established there, but I certainly think that it is not sufficient for the Minister to tell us that a secretary of some local association has written asking for a State hotel. It is absolutely necessary that a majority of the people within a reasonable distance of the proposed State hotel should in writing show their desire for that hotel, and I do not know whether any steps were taken by the Minister in that direction, but I think in his reply to this debate it will be necessary for him to assure the House that special steps will be taken, otherwise the condition will have to be put into the Bill in Committee that the hotel shall not be established there without a formal request from a majority of the people. With regard to Rottnest, I certainly think the Government should experiment with the hostel there, that is to say that it should be run as a temperance hostel. A good deal of stress has been laid on the statement that numbers of people who visit the island as tourists carry liquor with them. Is it proposed to prohibit such a thing in the future, or does the Minister really believe that the establishment of a license would very much affect the custom of all tourists to carry their own liquor with them? I fear that instead of lessening the quantity carried by tourists, and instead of lessening their opportunities for drinking, this hotel will only add to them. If the Government had tried the system of running a really good tourist hostel without liquor, and reported to the House that it had not worked, then I am sure the House would have considered the proposal to give it a license. I believe this place has only just been got ready.

Hon. W. Kingsmill: It was to have been ready last Christmas.

Hon. J. F. CULLEN: At any rate, I strongly recommend the Government to experiment with this place as a temperance tourist resort.

Hon. J. Cornell: And only allow temperance people to go there.

Hon. J. F. CULLEN: I do not say that at all. I would not vote to prohibit tourists having whatever they thought necessary as comforts so long as they behaved themselves. Any abuse would of course be subject to the control of the law. I repeat that the Government should first experiment without a license. When the measure is in Committee it will be necessary to insist that all State hotels shall be subject to the licensing laws. This Bill contracts State hotels outside licens-

ing laws, and I am sure the Minister cannot have weighed the matter carefully. Why should the agents that the Government will place in charge of these hotels be outside the ordinary provisions of the law in regard to the proper conduct of these hotels?

Hon. H. P. Colebatch: They do not intend to keep them outside.

Hon. J. F. CULLEN: This Bill begins "Notwithstanding anything in the licensing laws these two hotels shall be established." There is nothing at all in the remainder of the Bill to bring the hotels within the provisions of the licensing law or in any way to recognise the licensing law.

Hon. H. P. Colebatch: The licensing Act does that.

Hon. J. F. CULLEN: I fear it does not.

The Colonial Secretary: I fear they will have to apply for a license under this.

Hon. J. F. CULLEN: I think there should be some addition to the Bill as "subject to the provisions of the Licensing law." I know it has been said authoritatively that the Government look upon it as *infra dig* to go to the licensing court at all, that the Government come to the Legislature because they will not go to the licensing court. Even if this Bill could be taken as a sufficient license without going to the licensing court—about that I am not greatly concerned—it would be a very wrong thing for the conduct of these hotels to be outside the surveillance and proper immediate control of the licensing authorities. I know it has been further announced authoritatively that there is no need for any inspection of liquor in the State hotels by the law's inspectors, because the manager is supposed to inspect and sufficiently control.

Hon. R. G. Ardagh: Where was that said?

Hon. J. F. CULLEN: That has been authoritatively said on behalf of the Government. I want the House to be careful against allowing any hotel to be beyond the ordinary provisions and safeguards of the Licensing Act, and hold that the inspectors of liquors should inspect State hotels.

The Colonial Secretary: They do.

Hon. J. F. CULLEN: I believe they do not.

The Colonial Secretary: I say they do. I have seen a report from the inspector of liquors.

Hon. J. F. CULLEN: Will the Minister tell me the name?

The Colonial Secretary: I will furnish you with the report if you like.

Hon. J. F. CULLEN: I repeat that it has been authoritatively stated that there is no need for inspection, that the manager of the State Hotels Department is the inspector for State hotels, and that he has visited the existing State hotels and reported favourably on them. I warn the House and the Government that this would be a most dangerous procedure. The State hotels should be visited and inspected just the same as ordinary hotels and with the same absence of notification beforehand. This is in the interests of the State hotels as well as in the interests of the public. It will be necessary before the Bill goes into Committee for members to be assured that the State hotels will be entirely subject to the provisions of the licensing law, and that the hotel at Wongan Hills will not be established without a preliminary request by a majority of the people there. Then I have no objection to the other parts of the Bill except one, and that I will have to weigh carefully before voting for it in Committee. I shall keep that an open question until then.

On motion by Hon. H. P. Colebatch, debate adjourned.

BILL—INDUSTRIAL ARBITRATION.

Assembly's Message—Request for Conference.

Message received from the Assembly acquainting the Council that there was a difficulty in the way of consideration by the Assembly of Message 38 from the Council, in which a request was pressed, or further consideration of the Message

transmitted to the Assembly, with a view to removing a difficulty in the way of the Assembly considering the Message; also stating that should a conference be agreed to by the Council the Assembly would be represented at such conference by three managers.

Hon. J. E. DODD (Honorary Minister) moved—

That the consideration of the Message be made an Order of the Day for the next sitting of the House.

Hon. W. KINGSMILL: The tenor of the Message was not quite clear. It appeared that the Legislative Assembly wished to confer with the Legislative Council not as to the Bill, but as to the removal of certain difficulties in the way of the consideration of the Council's Message, and, he understood, of future Messages of a like character. He would like to be clear on that point before voting for the consideration of the Message at the next sitting.

The PRESIDENT: I think it is a conference on the matter of the Council's Message.

Hon. W. KINGSMILL: If that was so he was agreeable to the motion. If it was not so, he most certainly could not support the motion because the Message would not be a proper answer to the Message sent to the Legislative Assembly.

RESOLUTION—STATE GOVERNOR.

Message received from the Legislative Assembly requesting the Legislative Council's concurrence in the following resolution:—"That this House is of opinion that the Colonial Office should be petitioned to reconsider the appointments of State Governors, with a view to permitting the duties of the office to be performed by a citizen of the Commonwealth."

House adjourned at 10.8 p.m.

Legislative Assembly,

Wednesday, 27th November, 1912.

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The SPEAKER took the Chair at 3.30 p.m., and read prayers.

QUESTION—MAIL CONTRACT, NORTH-WEST.

Hon. FRANK WILSON (for Mr. Male) asked the Premier: 1, Is it a fact that under the new North-West mail contract recently given to the State Government for carrying mails from Fremantle to Port Darwin, the port of Wyndham is being absolutely isolated from Darwin? 2, If this is so, will he confer with the Federal postal authorities and take the necessary steps to get this remedied, and see that an equally good steamship connection between these ports be maintained as exists at present?

The PREMIER replied: 1, No; the arrangement is in accordance with the conditions of the contract as supplied by the Commonwealth authorities. 2, Mr. Sudholz, the manager of the State steamship service, who is at present visiting the North-West, has been instructed to make inquiries into the matter and report to the Government upon his return to Perth, when the subject will be further considered.

BILL — VICTORIA PARK TRAMWAYS ACT AMENDMENT.

Read a third time and transmitted to the Legislative Council.

BILLS (2)—FIRST READING.

1, District Fire Brigades Act Amendment (No. 2).

2, Employment Brokers' Act Amendment.