

Hon. Frank Wilson: Oh, no.

Hon. J. MITCHELL: The people are losing some land that would, of course, have become part of the public park.

Hon. Frank Wilson: It was never intended for that purpose.

The Premier: The people never had it.

Hon. J. MITCHELL: The people would have got it. We are asked to exchange Crawley site for 361 acres of endowment lands. I am not saying one word against Crawley as a site for the University, but I hope that the Premier will not take the whole of the 361 acres for workers' homes, but that an area equal to that given up at Crawley will be reserved for park purposes.

Mr. B. J. Stubbs: This land is scattered about where there is no need for park reserves.

Hon. J. MITCHELL: I am not concerned about the opinion of the member for Subiaco. My point is that we are giving away 104 acres which would, in the ordinary course, be reserved for the people.

The Minister for Lands: All along they had that site in view for the University.

The Premier: The real object was to have a continuous road right along the foreshore.

Hon. J. MITCHELL: I am asking the Premier to pledge himself to set aside for park purposes a portion of the 361 acres equal to the area taken for the University. That is not asking very much, especially as the workers' homes scheme will be greatly helped by the acquisition of this land. I should like the Premier to tell us that he has no intention of reducing the area of the public reserve available for the people of the metropolitan area. I have no intention of opposing the Bill, but I have spoken in order that the people may understand they are losing some portion of the public estate by this exchange. I ask the Premier to see that the least possible harm is done, and that can be ensured only by setting aside for the purpose of reserves 104 acres of the endowment lands which the Government are acquiring.

Question put and passed.

Bill read a second time.

PAPER PRESENTED.

By the Premier: Return *re* tobacco and liquors purchased for sale in State hotels and steamships.

The House adjourned at 10.15 p.m.

Legislative Council,

Tuesday, 24th September, 1912.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Annual Report of the Department of Land Titles. 2, Annual Report of the State Labour Bureau. 3, Geological Survey Bulletin No. 45. 4, Annual Report of Chief Inspector of Fisheries.

PETITION—TRAMWAYS PURCHASE BILL.

Hon. C. SOMMERS presented a petition from the mayor and councillors of the city of Perth against the Tramways Purchase Bill, and praying that the mayor of Perth be heard at the Bar of the House.

Petition received and read, and ordered to be taken into consideration at the next sitting of the House.

PAPERS—ABORIGINES RESERVE.

Hon. J. D. CONNOLLY (North-East) moved—

That all papers in connection with the native reserve of about 6,000,000 acres of virgin country in the Kimberleys, which the late Government proposed to set aside as a permanent reserve for the sole use of the aborigines be laid on the Table of the House.

While he was administering the Aborigines Act he had in mind a scheme in the way of reserves for the treatment of aborigines. He had gone into the matter at some length, and intended to move a motion with regard to it. In order to refresh his memory and to facilitate the matter, he had tabled this motion and presumably the Colonial Secretary would regard it as formal.

Hon. M. L. MOSS (West) seconded the motion.

The COLONIAL SECRETARY (Hon. J. M. Drew): There was no opposition on his part; in fact the papers were now on the way to the House.

Question put and passed.

BILL—TRAMWAYS PURCHASE.

Third Reading.

Debate resumed from the 19th September.

Hon. F. CONNOR (North): I do not want to give a silent vote, and if in order, I would like to say a few words. On the second reading I made a few remarks, and I think I was pretty definite in what I said. I characterised the action of the Government in taking over almost by force, the rights of the Perth City Council as confiscation of a sort, and I still call it confiscation of a sort. I still say an injustice has been done to the municipality and the residents of Perth, and I am still of the same opinion that the second reading should never have passed this Chamber.

The PRESIDENT: This is the third reading.

Hon. F. CONNOR: Yes, and I am still of the same opinion that the second reading should never have passed this Chamber. This House, however, took the Bill into consideration, and discussed its clauses from end to end. It went further, and appointed a select committee to consider the clause most in dispute, and that committee brought down a recommendation which was carried by a majority of the members then present. The Bill passed its second reading with this amendment, was transmitted to another place, and the amendment was agreed to there.

Hon. B. C. O'Brien: It passed the Committee stage.

Hon. F. CONNOR: What I am about to say will suit the hon. member's party. I am about to do something that I am very sorry for.

Hon. F. Davis: But there are no parties here.

Hon. F. CONNOR: The amendment was agreed to by another place and the Bill was returned for its third reading. I think I am as much opposed now as I ever was to the original proposition. Still I cannot, in the face of what has happened, do anything else than vote for the third reading. Although I am opposed to the principle, which in my opinion is wrong, and is an injustice, and is confiscation of a sort, this House having discussed it, appointed a select committee, adopted the recommendation, and sent the amendment to another place, and they, having accepted that amendment, I do not think I can vote against the third reading, much as I would like to do so.

Hon. J. F. CULLEN (South-East): Like the hon. member who has sat down I feel that I cannot give a silent vote after the debate which has taken place on the third reading. When I spoke on the second reading I took very strong objection to the main proposal in the Bill in Clause 8, and insisted that the rights of the city council should be fairly and fully considered. Prior to that I had urged the city council to take the proper course of sending counsel to the

House to set before it the views of the city council in the most concise and effective way. The city council, instead of doing that, took the alternative course of urging members to appoint a select committee before which the council's views might be fully placed. That committee was appointed, the views of the mayor, as representing the council, were fully placed before it, and the committee, which fully represented this House, went carefully and thoroughly into the matter and drafted a report. I say now what I said when discussing the report, that had I been a member of that committee I should have been strongly inclined to deal more liberally with the city council, but not having been a member of the committee I felt that the members of it were in a far better position than I was to arrive at a fair and just conclusion, and I announced my intention to stand by the duly appointed committee of the House, and I am taking the same stand to-day. There is one point which was brought out in the report and which has been overlooked by the opponents of this Bill. I hold that a great deal of new light is thrown upon the question by that committee's investigation. They have emphasised this point, that once we end the days of a private company the tramway undertaking will be on an entirely new basis. Naturally a private company is established mainly for profits. No one can complain about that. Their idea is to make the system a profitable one for their shareholders, but under municipalisation or under nationalisation that basis would be quite intolerable. The people would never tolerate it either under municipal or Governmental control. It was made very clear that all the calculations of the city council were based on practically the same policy as that of the private company. The city council would run the trams for profit and thereby relieve the ratepayers of part of their burden, but the people as a whole would never tolerate the continuance of that policy. Why should travellers by the trams pay money to create profits to relieve the ratepayers of a part of the cost of entirely different services? The ratepayers pay rates for the maintenance of the streets and kin-

dred objects, but would the travellers by the trams hold it to be a fair thing that the municipal control of the trams should be for the purpose of making a profit by which to relieve the ratepayers of part of the cost of making their streets and the other services for which the rates are paid? When the correct view is put forward that the trams must be run as a separate concern and run in the interests of the people, that is to say that they shall merely cover cost and provide for a sinking fund and running expenses and so on, there will be no chance of making a profit. There will of course be a safe margin, and beyond that, either municipalised or nationalised, it will be wrong for the trams to be made a profit-earning concern. That entirely alters the whole face of the question. Possibly the champions of the city council may say that does not touch the question. I claim that is the main consideration if the Government nationalise the trams, and in view of that, I say the committee has recommended a close approximation to a fair basis in continuing all the concessions that were given to the city council until 1939, and thereafter so long as Parliament should then deem it fair and just. That is an approximation to a fair settlement of the question, and for that reason I shall vote in favour of the third reading.

Hon. C. SOMMERS (Metropolitan): Had I known of the presence of the mayor of Perth within the precincts of the House I would have moved that he be heard at the Bar of the House. I was unaware, however, that the mayor was here, and I had no option then but to present the petition of the city council and move that its consideration be made an Order of the Day for the next sitting of the House. That was agreed to by members a little while ago, and it should follow therefore, as a matter of courtesy to the mayor, that the debate on the third reading of the Bill should be postponed until after the consideration of the petition. To go on with the debate now would be unfair to the mayor and councillors. I therefore move—

That the debate be adjourned.

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

Ayes	14
Noes	9

Majority for .. .	5
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AYES.

Hon. E. M. Clarke	Hon. R. D. McKenzie
Hon. H. P. Colebatch	Hon. E. McLarty
Hon. J. D. Connolly	Hon. M. L. Moss
Hon. Sir J. W. Hackett	Hon. C. A. Plesse
Hon. V. Hamersley	Hon. A. Sanderson
Hon. A. G. Jenkins	Hon. C. Sommers
Hon. W. Kingsmill	Hon. F. Connor

(Teller).

NOES.

Hon. R. G. Ardagh	Hon. J. M. Drew
Hon. J. Cornell	Hon. D. G. Gawler
Hon. J. F. Cullen	Hon. J. W. Kierwan
Hon. F. Davis	Hon. B. C. O'Brien
Hon. J. E. Dodd	

(Teller).

Motion thus passed; the debate adjourned.

BILL—UNCLAIMED MONEYS.

Report of Committee adopted.

BILL—HIGH SCHOOL ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: The short Bill which is now submitted has for its object the withdrawal of the subsidy from the High School. The principal Act, which was passed in 1876, made provision for a subsidy of £700 for the High School during the first year of its existence, £600 in the second year, £500 in the third year, and thereafter an annual subsidy not exceeding £500 based on double the amount of the fees received. In 1897, by an amendment of the principal Act, the annual subsidy was increased to £1,000, which amount the High School is receiving at the present time. I think it will be conceded that the school has had every opportunity of establishing itself with the generous aid rendered to it by the State. In the absence of higher education at that time, no doubt there was necessity for supporting this

school, and it will be acknowledged that past Legislatures were quite justified in rendering the assistance they did. The policy of the State, at the present time, however, is to provide State secondary schools wherever they are required, and obviously it will be absurd for the State to continue subsidising an institution to run in opposition to the secondary schools created by the State. That being so, it is proposed in this measure that the subsidy shall cease three years hence. Hon. members will admit that it will be hardly reasonable to withdraw the subsidy at once, and that three years is very fair notice to give to the governors of the High School. The Bill makes two amendments to the Act; the first I have already referred to, the second is contained in Clause 3, which removes the restriction as to the fees to be charged in the school. The original Act limited the fees for students to £12 per annum. This was quite enough while the State was contributing to the maintenance and support of the school, but now it is proposed to withdraw that support it is only right that the governors should have the power to charge whatever fees they deem fit, and to charge them at once. This amendment will have effect immediately the Bill becomes law, and will enable the High School authorities to arrange for carrying on their operations without the subsidy. I beg to move—

That the Bill be now read a second time.

Hon. A. SANDERSON (Metropolitan-Suburban): The Minister's introduction of the Bill has been very brief. Let me assure him, however, that I do not venture that remark in the way of hostile criticism, because he has so many Bills to introduce, and certainly the difficulty in making one's self fully acquainted with the details of all these measures demands the sympathy of the House rather than criticism. At the same time, I do not think it is quite fair to members to have this Bill introduced in that brief manner.

The Colonial Secretary: What else could one say?

Hon. A. SANDERSON: I have been asking myself what I could gather from the Bill introduced by the Minister if I knew nothing whatever about the High School. I maintain that it does not put the position of affairs before the House so that members can give an intelligent vote. There are on the statute-book four Acts dealing with the High School, and it seems to me that this is a suitable opportunity for putting the position of affairs with regard to that school on a proper business footing, so that the Government, Parliament, the taxpayers, and those who are specially interested in the school, the governors, the parents, and the boys past and present, might, if not be entirely satisfied, at any rate know where they are. By passing the Bill in its present form, the High School board of governors will not know in a satisfactory manner the position in which they will be placed.

The Colonial Secretary: You might explain how.

Hon. A. SANDERSON: Without going into the history of the school since its inception in 1876, I think I can prove to members that the position of affairs if this Bill is passed will not be satisfactory for those chiefly interested in the High School. I refer particularly to the two grants of land which the school has got. There is the land on which the present High School stands.

Hon. M. L. Moss: Is it vested in them?

Hon. A. SANDERSON: It is vested in the governors, but they cannot do anything in the way of mortgaging it without the permission of the Government. Then in regard to the other grant of land, just opposite Parliament House—

Hon. W. Kingsmill: Is it a grant?

Hon. A. SANDERSON: That is the point that ought to be cleared up. It is a grant in one sense inasmuch as the High School have got some claim on it, but it is made a class A reserve, and as such cannot be mortgaged without the permission of the two Houses of Parliament. Now looking at the position from the point of view of the governors of the High School, will it be contended for a moment that this is a satisfactory state

of affairs? I suppose, in view of the policy of the Government as explained by the Minister, Parliament is justified in withdrawing the State subsidy, but is not this a suitable opportunity to put the position of affairs on as satisfactory a basis as possible, because, if that is not done now we shall be compelled to do it at some future period. Surely the second block of land, opposite Parliament House, cannot be left as at present a class A reserve. Whether it be a grant or not, the High School has some claim over it, and it would be difficult to deal with that block without the consent of the High School authorities. I do not wish to take up too much of the time of the House, for I know I am not fitted to deal with the history of the school.

The Colonial Secretary: What is the information you want?

Hon. A. SANDERSON: I am not asking for information, because I am fairly well acquainted with the position of affairs.

Hon. B. C. O'Brien: But you are criticising the Minister.

Hon. A. SANDERSON: I thought I had explained that my criticism was not made in any hostile spirit. My contention is that this is the time to put that school on a satisfactory basis, and this Bill in its present form, will not do that.

The Colonial Secretary: Explain what position you wish the school to be placed in.

Hon. A. SANDERSON: I think this is a suitable time to refer the Bill to a select committee. So far from criticising the Minister, I guarded myself against that suggestion by saying that the Colonial Secretary could hardly be expected to make himself acquainted with the details of all the Bills that come before this House. But the Council should know the position of affairs, and the information I have given in regard to these two blocks of land is sufficient to make the House ask for further information, and insist that this occasion be availed of to put the High School on a definite footing. I shall not labour the question, because there is in the House one of the governors of the school, and a gentleman who takes

a special interest in all educational matters. I have no cut and dried scheme to put before members, but I ask them to say whether the position of the High School is satisfactory or whether this Bill will make it so.

Hon. W. Kingsmill: The Bill is not explicit enough.

Hon. A. SANDERSON: That is so. We should have some sort of consolidating measure with regard to the High School instead of having four or five different Acts on the statute-book, and if that was done we would have something clear and probably satisfactory to the different parties interested. If the best method of arriving at that position is to refer the Bill to a select committee, I am ready to do that.

Hon. Sir J. W. Hackett: You are still indefinite. Is there any point about the financial aspect which you want brought up?

Hon. A. SANDERSON: Let us refer the matter to a select committee who will report to the House in regard to the position of the High School. Is that definite enough for the hon. member? I am sure that a committee of three or five members selected from this House would see the necessity of improving the present position of the High School. If that is not definite enough, I suppose I must introduce a Bill. This Bill will not be satisfactory even to the Government. The appointment of governors is in their hands, and that would be bad enough if they appointed members of the board for life, but these gentlemen retire every two years, so that in two years the whole board will be changed. One of the things which is in favour of the school already is its traditions, and surely we wish to preserve those traditions by having some continuity of policy. I certainly hope that a select committee will be appointed to deal with this matter. I sincerely trust that the Minister will not regard my remarks as hostile, and that the governors of the school will not regard them as hostile. My object is to put the position of affairs for the future on a more satisfactory basis, and I maintain that in the present Bill that object is not being ac-

complished. We are taking away the subsidy, and what are the governors to do? Suppose the governors come forward with a building scheme?

Hon. R. J. Lynn: Let them do the same as other institutions, the Scotch College and the Christian Brothers' College.

Hon. A. SANDERSON: The position in regard to those schools is entirely different. The High School is under State assistance.

Hon. M. L. Moss: It is running in competition with the Modern School.

Hon. A. SANDERSON: If it is desired to destroy that competition we could abolish the thing altogether, that is, if it is injuring the Modern School. By this Bill the High School will continue to be partly under the control of the Government. Is that what hon. members wish? Considering this subsidy is being taken away from the High School, I thought the Government of the day would have insisted on having a very clear idea as to where the new school is to be. It seems to me that we can only do that by handing the land over to the governors of the school and giving them power to deal with that which is theirs already, or at any rate to which they have a claim, or the Government should continue to manage the school and be responsible for it as they are indirectly by the appointment of the governors under present conditions. However, I think members will agree with me that the position is unsatisfactory and that probably the best way to arrive at a satisfactory conclusion is to refer the Bill to a select committee.

Hon. J. D. CONNOLLY (North-East): I quite agree with Mr. Sanderson that the position put before the House is very unsatisfactory, and that when the Bill is passed the position of the High School will be quite as unsatisfactory as it was before the introduction of the Bill. The Colonial Secretary tells us that the school was established in 1876 for certain reasons, which were no doubt good and sound reasons, and that in the first year the school received £760; in the second year £650, and in the third year £500,

and afterwards £500 per year, until 1897 when the Act was amended and the amount increased to £1,000 per annum. I have had something to do with the Acts dealing with this school in former years, and I cannot understand the Bill before the House comparing it with the existing Acts, of which there are three or four on the statute-book. As I read the Bill it repeals the provisions of the Act of 1897 by abolishing the subsidy of £1,000 a year in three years' time, but it does not touch the original Act of 1876, so that it will not be workable.

The Colonial Secretary: Why?

Hon. J. D. CONNOLLY: The original Act provided for a subsidy of £500 a year. This was amended to provide that the subsidy be £1,000 a year. The present Bill strikes out the £1,000 a year, and if it does refer to the Act of 1876 by inference, therefore the £500 a year provided in the Act of 1876 stands. That is one reason why the whole matter should be further considered, and I think Mr. Sanderson's suggestion to refer the Bill to a select committee is an excellent one, and I shall support it for the reasons he has already stated and for the reasons I shall state later on. When the Act of 1876 was passed granting a subsidy of £500 per annum, certain restrictions as to fees were imposed. It seems to me that by this Bill we take off those restrictions as to the fees, and other restrictions; yet the school is to continue without the same control through the Executive Council.

The Colonial Secretary: Why should the Executive Council have control of it?

Hon. J. D. CONNOLLY: I will tell the hon. member in a moment. In 1883 an Act was passed in relation to this school. It is called the High School Mortgage Act. It gives the governors of the High School power to mortgage any land that may be vested in them. At present, the school is carried on on the block just below Parliament House, at the corner of George street and Hay-street and this block is vested in the governors. It was granted to them by the Crown and vested in them, and they have the right to sell or mortgage that block with the consent of the Executive Council. Then

we come to the site to which Mr. Sanderson referred, the area known as the high school reserve, fronting Wilson-street, Harvest-terrace, and Havelock-street. It contains about six acres of land, and it was reserved in 1899 as a class A reserve for a high school. Speaking from memory, that reserve is not vested in the governors of the High School. It is reserved for a high school. I know application was unsuccessfully made to former Governments to vest it in the governors of the High School.

The Colonial Secretary: What has that to do with the Bill?

Hon. J. D. CONNOLLY: It has everything to do with the Bill.

Hon. W. Kingsmill: It ought to have something to do with the Bill.

Hon. J. D. CONNOLLY: That block is reserved for a high school, but is not vested in the governors of the Perth High School. That is the distinction. The Executive have power to vest it in the High School or in any other school for high school purposes. Since 1899, when this block was reserved for a high school, the Government of the State have embarked in a State secondary school. The point I wish to raise is: what is the policy to be pursued in the future? Is this land reserved for the Perth High School, or is it for a State secondary school? Granting for the sake of argument that the reserve is reserved for the Perth High School, we are taking away from them in three years a subsidy of £1,000 per annum and leaving to them what was granted for the purpose of a State high school—I maintain it was a State high school, because it was a school subsidised by the State, and there were restrictions imposed by the State in order that it might be a State high school—as I was saying, we leave to them the site on which their school is now built, and which is valued at £12,000 to £14,000. Then there is the block of six acres opposite Parliament House, reserved for a high school, which is certainly not worth less than £18,000 or £20,000 at a low estimate. If we value that reserve at £18,000 and the present High School at £12,000, we arrive at this position: we take away from the High School £1,000

a year which they received on conditions; but are they to be granted £30,000 worth of land unconditionally? The position will not be satisfactory from any point of view if this Bill passes in its present form. Now is the appointed time to put the High School on a proper basis, and for the Government to come forward and say that conditions have changed since 1876 and the position must now be put on an entirely different basis. But they do not do that. The Government simply bring down a Bill to take away the subsidy from the school, and the position thus created will be unsatisfactory to the public and quite unsatisfactory to the governors of the High School. I say this in no spirit of opposition to the High School. I am quite alive to the good work the school has done. It is a school that stands high among the secondary schools of Australia, and there have been many very excellent scholars come out of it, which probably is due, to a great extent, to the head master (Mr. Faulkner), of whom as an educationalist I have the very highest opinion. Nothing can be said against the way the school has been conducted; it has been a credit indeed to the State of Western Australia; but an alteration has taken place in the condition of affairs; and I want to know, with Mr. Sanderson—and I think we have a right to demand—what is to be the position in the future and under what conditions will the school be allowed to continue? This Bill takes away the subsidy and leaves the school really without any governing Act. What I mean is, are we to continue a second State secondary school without the Education Department having any real control over it, or with only a nominal control over it, or is it the policy of the Government to have two secondary schools, one directly run by the Education Department and another not under the control of the department but governed by an independent body? Again, is it the intention of the Government to vest the reserve known as the high school reserve, worth £18,000, in the governors of the High School in addition to the present school? Mr.

Sanderson's suggestion to have the Bill referred to a select committee is an excellent one from the point of view of the supporters of the High School and from the point of view of the public generally. The committee can fully consider whether the High School is to be allowed to continue under the wings of the Government or what other conditions should be fixed. But the conditions should be laid down so that all may clearly understand how the school is to be continued. To show the slipshod way in which this matter is being dealt with, I have already referred to one small amendment made in the Act of 1898 when nothing has been touched in the parent Act of 1876, and here again I see in the parent Act of 1876 and in the last section, "that the governors shall cause accounts to be kept of all moneys received by them for the purpose of the said school and all school fees, and shall submit such accounts at least once a year for examination by the Auditor General." It is either a State school or it is not a State school.

The Colonial Secretary: You ought to know whether it is.

Hon. J. D. CONNOLLY: The question is whether we are leaving it a State school or not by this Bill. If it is to be an independent private school, why restrict the governors by these conditions? I say the whole of the Acts ought to be repealed, and a Bill should be brought down setting forth how the school is to be carried on in the future. That would be the only satisfactory solution for the governors of the school and for the public generally.

Hon. W. KINGSMILL (Metropolitan): I think there is a good deal of reason in what Mr. Connolly has said. It is fairly obvious to anybody who looks at this matter dispassionately that the principal differentiation between the High School as it has existed in the past and as it is at present, and the other secondary schools of the State, is that this High School is in receipt of a Government subsidy. In 1876 the circumstances of the State were such that, in order to obviate a practice which was rapidly growing into use, of the boys of Western Australia going away to the

other States for their education, this High School was brought into existence, and in order that it might combat those evil years of starting, which are generally dreaded by every school which is initiated, the Government proposed to give it a subsidy. That that subsidy was not intended to be permanent, but was only a temporary expedient, is shown in the parent Act, by the fact that in the first year the Government were to pay £700, in the next year £600 and in the year after £500. Afterwards they were to pay an amount equal to the school fees received in each year, provided that the maximum in any one year should not exceed £500. It is very obvious from the way in which the Act was worded that it was meant to be a more or less temporary expedient. However, the school governors made out such a good case that the subsidy was confirmed and fixed at £1,000 per annum.

Hon. Sir J. W. Hackett: It was due to the fact that there was a debt of £2,000 on the school, the cause of the expenditure being the ruinous state of the buildings.

Hon. W. KINGSMILL: Yes, that is so. It was a very good reason at the time for obtaining this fixed subsidy of £1,000 per annum; but at the same time other secondary schools unaided by the Government had started operations in the State, and with a fair amount of success, and, later on still, the Government themselves started a secondary school, and it was not to be supposed that the action the Government now take could be postponed for long. Indeed, it has been my opinion for several years past that the High School has been exceptionally lucky in retaining the subsidy for so long. That, undoubtedly, has been in a large measure due to the excellent work to the credit of the school. But the form in which this legislation is brought down is, in my opinion—and I have a certain amount of diffidence in expressing it—misleading; not intentionally misleading, perhaps, but it is misleading and, if not improper, at all events, cumbersome. My idea of what this Bill should have been is that in the first place it should have

contained a repeal clause repealing the High School Act, and in the second place there should have been an appropriation clause ensuring payment to the High School until 1915 of £1,000 per annum. After 1915, if the school is to continue, then most certainly it should continue as a private institution outside Government control and be placed on the same basis as any other private secondary school. There is another phase of the question which this Bill might deal with, namely, the position the school should occupy in connection with those lands which have been vested in it, and those other lands which, presumably, might possibly be vested in it in the future. I understand the present school site is vested in the Government. As I have said, I think this school has been fairly lucky in the past, but I do not think that luck in the past has built up for the governors of the High School any vested rights which should be considered. I do not think that for a moment. But if the Government, in view of taking away the subsidy, wish to make the school a present of the present site of its operations, I for one should not object; if on the other hand the Government propose to vest in the governors of the High School the six acres of land opposite Parliament House, I for one will enter a very firm objection.

Hon. J. D. Connolly: The Governor in Council can vest it at any time.

Hon. W. KINGSMILL: Quite so, but it should be stated in the Bill. I would not have any objection to the High School retaining the present site, but to give them a site to which they have never acquired any title by use, a site which has been held waiting for them as it were—if, indeed, it has been waiting for them and not for some other school—would be distinctly improper, for the reason that the site is, I think, marked out by its natural advantages and position for a nobler purpose even than the erection of a high school.

Hon. J. D. Connolly: What are you referring to?

Hon. W. KINGSMILL: Of course hon. members know that a pet scheme of mine is that the University of Western

Australia should have that position as part of its site. But if that does not come about, then I say some more dignified building than a secondary unaided school is ever likely to be, should occupy what is, after all, one of the finest positions in Perth, and I shall enter as strong an objection as I can to the handing over of that land to the High School, if, indeed, it is proposed by the Government that this shall be done. I think the suggestion mooted by Mr. Sanderson to refer the Bill to a select committee is a very admirable one, and is, indeed, the only way out of the difficulty. But in my opinion the only way to amend the Bill is to amend it in a most drastic manner by practically redrafting it, and putting it in the form I have already indicated, namely, a Bill to repeal the present Act, to appropriate £1,000 per annum for three years to the use of the High School and to lay down plainly and explicitly the position that school should occupy with regard to the land under review. I intended to support the second reading of the Bill, although, as members may gather, I am not enthusiastic about the form in which this proposed legislation has been presented to the House.

Hon. J. F. CULLEN (South): I think the Bill is all right as far as it goes, but certainly the preceding speakers have made out a good case for having the whole question dealt with in one measure. Possibly if the leader of the House had given this House as full information as the leader of the other House gave in another place, a good deal of the difficulty would have been cleared away.

Hon. A. Sanderson: No.

Hon. J. F. CULLEN: It has been authoritatively stated on behalf of the Government that their view of the position is that the High School owns the site it now occupies, and that the High School is entitled to a title to the reserve on the hill. As a matter of fact the Premier has expressly stated the position as I now put it, namely that the High School not only owns the site which it now occupies, but that it will be permitted to sell that site and devote

the proceeds to building on the splendid reserve above Parliament House. That has been authoritatively stated on behalf of the Government. Possibly the idea of the Premier was that he had better, in this first Bill, deal only with the money subsidy, and later on deal with the question of land. But I believe with Mr. Sanderson and Mr. Connolly and Mr. Kingsmill that the whole thing should be dealt with in one measure, which would be much more satisfactory. It would be well, I think, for hon. members, in looking at the whole question, to go more deeply into the matter mentioned by Mr. Kingsmill. This school was established on the basis of the Sydney Grammar School, to meet a need of the time. In Sydney there was no provision for secondary education. The Government thereupon subsidised the Sydney Grammar School, and by virtue of that subsidy claimed a large measure of the control of that school. In the process of time other high schools were founded and the State itself established a high school system; but there is this remarkable fact, that after other foundations had been established, and after the State itself had embarked on secondary education and university education, the State of New South Wales has continued to allow the old subsidy to the Sydney Grammar School, and treats that as a special institution by virtue of its history and the work it has done in the past. I think there are similar grounds for dealing liberally with the High School of Western Australia. This school was founded, subsidised, and controlled in large measure by the State to meet a necessity of the time. Now the fact that various other foundations have been established and that the Government have embarked on a secondary education system, I think, would not warrant the State in summarily dismissing the old establishment that has won such confidence by its work of the past. At all events, there is no doubt the head of the Government has authoritatively stated that the attitude of the Government will be that the subsidy shall be continued for three years as the Bill provides, and then abolished,

but that the governors of the school will be free to sell the old property now occupied, and take possession of the six-acre reserve which was specifically reserved for the High School. Mr. Connolly has not, I think, exactly stated the case in saying that it was reserved for a high school. The definite intention was to reserve it for the High School of Western Australia and there was then only one high school. There is no doubt about the intention of the reserve, and I do not think that when the Legislature comes to deal with it any departure will be made from the previous announcement. But it would be far more satisfactory if the whole question were dealt with in one Bill. Whether it go to a select committee or whether the Colonial Secretary will refer the matter again to Cabinet—which perhaps would be the more satisfactory way—with a view to withdrawing this Bill and submitting a complete Bill dealing with the whole question; I am not going to contend which course should be taken, but I put in a plea for liberal treatment for the High School. I do not think the Premier has at all gone beyond what will be the attitude of the thinking people of the country, that we should agree to deal liberally with that splendid foundation that has served the country so well.

Hon. M. L. MOSS (West): I would like to offer a few observations on this Bill. There can be no doubt when the High School Act of 1876 was passed it was a mere temporary expedient. The finances of the country did not at that time justify the country in running a high school for the higher education of boys. At first the subsidy was £700 and that was reduced to £600, and then to £500 per annum, and that was given to the school as an aid to secondary education. There can be no doubt the conditions under which the school is conducted are not satisfactory from the point of view of the conditions under which the governors of the High School hold these lands. There appears to be a difference of opinion in this House as to whether the Governors are not the owners—

Hon. J. F. Cullen: Trustees.

Hon. M. L. MOSS: Whether you call them trustees or owners of the land, it seems that members of the House are not altogether at one upon the conditions under which these valuable lands are held. I agree with Mr. Sanderson and others that the Bill should go to a select committee, so that proper conditions can be laid down under which these valuable properties shall be held in the future. It may be that the position to-day is that the trustees or governors are entitled to sell the lands and utilise the proceeds to some purpose altogether foreign to the desire of the Legislature when the High School Act was passed in 1876.

Hon. J. F. Cullen: No one has proposed that.

Hon. M. L. MOSS: I am not speaking in opposition to the Bill, but I say, as the question has been raised, it is a proper subject for a proper inquiry. We should find out how the lands are held, whether they are class A reserves, or whether both or either are going to be vested in the trustees or governors, and whether they have a right to dispose of them or not. Moreover, the school should be put on a proper footing, as it is not satisfactory at present. There are other secondary schools in the State. There are the Scotch College, the Christian Brothers College, and the Church of England Grammar School at Guildford, and there are the State-aided Modern schools, and it is just as well that these should be properly defined. If ever there was a Bill on which proper inquiry should be made in the interests of the country, it is this measure. I do not think by the passing of Clause 2 of the Bill that will have the effect of renewing the subsidy under the original Act of 1876. It may have that effect. That is a subject also which is worthy of inquiry by a select committee. The Government, acting in the best interests of the country, should introduce a comprehensive measure dealing with these institutions, particularly laying down the conditions under which the valuable blocks of land are held and the way in which the trustees may deal with them, whether

they may mortgage them or sell them. I shall vote for the second reading, but I think Mr. Sanderson's suggestion a good one that the Bill ought to go to a select committee.

On motion by Hon. Sir J. W. Hackett, debate adjourned.

BILL—PREVENTION OF CRUELTY TO ANIMALS.

Assembly's Message.

Message from the Assembly giving reasons for not agreeing to two amendments made by the Council now considered.

In Committee.

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

No. 2, Clause 9, Subclause 2.—Strike out the word "justice" in lines one and four and insert "magistrate" in lieu:

The CHAIRMAN: The reasons given by the Assembly for disagreeing to the Council's amendment were as follows:—"The Assembly disagrees to the Council's amendment because they feel (1) That the exercise of the power conferred upon justices is safeguarded in the clause, and (2) The difficulty of procuring the services of a magistrate in many portions of the State."

Progress reported.

BILL—PEARLING.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: The necessity for legislation based on similar lines to those contained in this Bill was recognised as far back as 1903 when the James Government introduced into this House a Bill bearing a very striking resemblance to the one under review. The Bill of 1903 passed the Legislative Council late in the session when there was not sufficient time to consider it in another place, and it has been lying dormant for the past nine years. The Chief Inspector of Fisheries is responsible for the resurrection and presentation of the Bill in its improved

form. One object of the Bill is to secure more revenue for the State from the pearling industry. When members are acquainted with the facts they will be prepared to admit that at the present time the industry is not contributing its fair quota to the upkeep of public administration. For the year 1911 the value of the pearl shells obtained in the North-West was £240,000, and the estimated value of the pearls discovered during that same period was £60,000. That makes the total value of the industry for the year £300,000. These figures refer to the North-West alone and do not take in Shark Bay. At Shark Bay during 1911 the total value of pearls and shells secured amounted to £3,592. The question we have to ask ourselves is, what revenue is derived from this very important industry? From the North-West, which produces £300,000 worth of pearls and pearl shell, the aggregate contributions are £363 or three-twentieths per cent. At Shark Bay, although the value of the industry is only one thirty-fourth of what is it in the North-West, the revenue is £513 or £150 more than it is from the North-West.

Hon. M. L. Moss: You are forgetting that the bulk of the shell from the North-West comes from outside of territorial waters. That is a big difference.

The COLONIAL SECRETARY: I will deal with that later. While the North-West is only contributing 3s. per cent. on the value of the industry Shark Bay is contributing 120s. per cent.

Hon. F. Connor: What has this to do with it?

The COLONIAL SECRETARY: I am giving information. Members have criticised me when I have not given information, and now that I am giving it they do not seem to be satisfied.

Hon. W. Kingsmill: The way of the transgressor is hard.

The COLONIAL SECRETARY: The disparity between these two places is accounted for by the fact that exclusive licenses are almost entirely limited to Shark Bay and the fees are considerably higher for exclusive licenses than for general licenses. The effect of the Bill will

be that on the basis of the present value of the industry we shall receive in the form of fees, instead of £876 as now, something like £2,178. That is without counting the proposed royalty.

Hon. F. Connor: That is, if you do not kill the industry.

The COLONIAL SECRETARY: An amendment was carried in another place, making provision for a royalty. It is proposed under that heading to impose a royalty of £5 per ton on all pearl shell taken from territorial waters north of the Tropic of Capricorn. The industry at Shark Bay would not be affected by the royalty. In 1911 about 2,100 tons of mother of pearl shell was taken from the waters of the North-West coast, but as a large percentage is taken from waters outside territorial limits, it is impossible at the present juncture to form an approximate idea of the relative quantities taken from within the territorial limits. It should not need much argument to justify an additional impost on this industry; indeed were the facts generally known it is more than probable that there would be an outcry throughout the State for more substantial revenue from the source contemplated under the measure now presented for consideration. The pearling industry is one which employs a very large number of men, but they are of a class whose existence cannot be regarded as of very much material value from the standpoint of the Colonial Treasurer. Of the 2,518 persons engaged in pearling, only 250 are Europeans; the rest are Asiatics, and they are the worst class of Asiatics.

Hon. Sir J. W. Hackett: What is the colour proportion at Shark Bay?

The COLONIAL SECRETARY: I think the proportion there is smaller. I have not the figures, but I will supply them later on. Although the industry has been contributing only a very paltry sum to the revenue since its inception, the State has had to expend a large amount annually in preserving law and order, and in the administration of justice generally in these districts, which carry this undesirable population. Under the Bill the issue of all licenses other than divers' licenses is limited to natural born, or

naturalised British subjects. The question as to when the Asiatic will have to go entirely is one for the Federal authorities to determine. An experiment is being tried with imported white divers, who appear to be improving in the work, and it should not need any proof that what the black man can do the white man can do.

Hon. F. Connor: You are debarring Americans.

The COLONIAL SECRETARY: Pearl divers are subject to paralysis, but this is due largely to carelessness or indiscretion. Paralysis, however, exacts a heavy toll from the pearling community. In the five years ended 1911 there were no fewer than 60 deaths. In 1907 there were 16; 1908, 14; 1909, 9; 1910, 11; and 1911, 10 deaths. With the observance of certain well-known safeguards, it is said by scientific men like Dr. Blik, that the danger in this respect can be reduced to a minimum. At the present time there are in existence no fewer than nine different measures dealing with the pearling industry of the State. The Bill now under discussion will repeal some of these Acts and consolidate the others. While it is recognised that the conditions under which the industry is operated on the North-West coast and at Shark Bay are vastly different, this Bill includes powers which it is considered are sufficiently clear to meet the requirements of both places. To a considerable extent this Bill is based on the measure which was introduced by the James Government, but it goes further and deals with many matters that were not touched by the earlier measure, and it leaves out, on the other hand, some matters which received consideration in the measure introduced by the James Government. If this Bill passes there will be contained in one Act all the provisions relating to pearl fishing, including Shark Bay, and also the law relating to dealing in pearls. Not only does this Bill repeal the old Pearling Acts, but it annuls the regulations made under the Immigration Restriction Act of 1897. Those regulations restricted the importation, employment, and repatriation of labourers for the pearl shell fisheries, but they have now been superseded by

the Federal law. There is no longer any necessity for them and consequently they are repealed. It is not proposed to insert anything in the place of those provisions. In Clause 5 "Asiatic" is defined; but this definition has no relation to any regulation of immigration as there are no such clauses in the Bill, but it is solely for the purpose of defining who shall be qualified to obtain certain licenses. Clause 11 provides that no license other than a diver's license shall be granted, transferred to, or renewed in favour of any person who is not a natural born, or naturalised British subject, or who is an Asiatic. This is new, as also are Clauses 21 and 22, which set forth that no Asiatic shall share in the profits of pearling or pearl dealing carried on under a license, and no person shall act as trustee for an Asiatic in respect of profits from pearling operations, or in respect of any pearling ship. At present divers' licenses are not issued, but under this Bill provision is made to charge a fee of £1 for each license. The granting of licenses is to be as heretofore a matter of discretion, and exclusive and general licenses are to be as under the existing Act not transferable except by permission. Division 2 of part 2 deals with ship licenses. I cannot deal with every clause of the Bill because it is a lengthy one, but when the measure is in Committee all necessary information will be available to support the various clauses. I will select only those clauses which may be regarded as contentious or which introduce anything new in principle. Clause 28 deals with the form of application for licenses, and in the succeeding clause provision is made for the transfer of licenses when a change takes place in the ownership of the boats, but power is given under Clause 33 whereby the holder of a ship license or the master shall forfeit the license if he is twice convicted under this law, or if an unqualified person obtains an interest in the ship. Under the old Act pearlery licenses were issued for a fee of £1, but under this Bill a ship's license, which may be said to take the place of a pearler's license, will be £5, so that without any addition to the fee from divers' licenses

£5 annually will be obtained over and above the fees now payable. At present a qualified person takes out a pearler's license which costs £1. No other fees are necessary, but under this Bill it will be necessary to pay £5 for a ship's license and every diver, in addition, must have a license, which will cost £1. Division 3 deals with exclusive and general licenses. This makes provision for exclusive licenses for any defined portion of a pearl shell area.

Hon. W. Kingsmill: For cultivation?

The COLONIAL SECRETARY: Yes.

Hon. W. Kingsmill: For cultivation only?

The COLONIAL SECRETARY: No, cultivation as well. The defined portion of a pearl shell area may be over any specific area north of the twenty-third parallel of south latitude, that is midway between Maud's Landing and Point Cloates. The object of exclusive licenses is to encourage cultivation. Under this Bill Shark Bay has been declared a pearl shell area, and if necessary, other areas may be proclaimed from time to time as pearl shell areas. Exclusive licenses are being issued at Shark Bay, and I think at Shark Bay alone at present; I do not think they extend farther. They will be continued. These licenses confer on the licensee the exclusive right to plant, cultivate, and propagate pearl oyster shell, and gather, collect, and remove shell and pearls from the area defined in the license. That should be regarded as a very good provision.

Hon. W. Kingsmill: It also imposes certain obligations.

The COLONIAL SECRETARY: Yes, an exclusive license confers on the licensee the right to gather in the defined area or to the exclusion of others of any marine animal life. Clause 37 sets forth that if any licensee shall under his license take, collect or gather any marine animal life or produce of the sea for sale or barter, and not merely for his own personal consumption, he shall pay such additional rent as shall be fixed from time to time by the Minister. That is new, and has been inserted as I have indicated.

Hon. M. L. Moss: How are you going to enforce that in connection with territorial waters?

The COLONIAL SECRETARY: We will discuss that in Committee. That clause has been inserted to exclude other persons from the reserved areas. Otherwise the thing would be a farce. It would not be advisable to give one man an exclusive license for cultivation and to allow someone else to come in under a general license. Under Clause 40 the area to be included in an exclusive license is limited to four square miles, and a limit of 14 years is placed on the duration of licenses; but the Minister will have the power to enter into a contract for as many successive renewals and reassessments of rents as he thinks fit. This is a new provision. Under the Shark Bay Act the tenure of exclusive licenses is limited to 14 years and this provision is made for renewal, as with that limitation the period is not considered to be sufficiently long.

Sitting suspended from 6.15 to 7.30 p.m.

The COLONIAL SECRETARY: Before tea I was dealing with exclusive licenses at Shark Bay. I stated that the tenure of these licenses was 14 years, and that this term, unless provision is made for renewal, is not considered sufficiently long. This applies more particularly to those licensees who have undertaken experiments in the direction of the scientific cultivation of pearl shell, and if a licensee is doing good work in the direction of experiments, there is no reason why he should not be granted a renewal. On the other hand, there is very good reason why such a renewal should be granted. In this connection it might be mentioned that in 1902 Mr. Haynes obtained a 14 years' lease of waters at Monte Bello Islands, and formed a syndicate with a view to cultivating pearl shell. He operated for a while, but some difficulty arose in connection with his lease, and in 1908 new leases were issued with a 14 years' tenure, under the Shark Bay Act, 1892. This gentleman has undoubtedly devoted a great deal of time and capital

to the purpose of trying to solve the problem of artificial cultivation, and after several years' labour, claims that he cannot proceed further owing to the insecurity of his tenure. He points out that the license is now limited to 14 years, and that there is no provision entitling an outgoing tenant to compensation for improvements for growing crops of immature shell. He has advocated for several years that some provision should be made, but without success. As I have already stated, provision on these lines has now been made in the Bill. Under Section 12 of the Shark Bay Pearl Shell Fishery Act, almost identical conditions obtained, and it is, in the opinion of the Chief Inspector of Fisheries, necessary to have them continued. It should be understood that certain section of pearl shell-bearing ground in Shark Bay (declared a pearl-shell area) are set aside as public grounds, namely grounds that may be worked by persons holding general licenses. These grounds are likely, if power did not exist to close them, or specified portions of them, to be overworked and practically ruined. The amendment is to guard against this. At other parts, areas of different sizes are let out or leased under the terms of exclusive licenses. In the majority of instances only well-known shell-bearing areas are applied for. Without power to close them, it would be possible for the licensee, should he be so inclined, to in a year or two strip the area of its shell and then decline to pay rent. This of course would necessitate forfeiture for non-payment of rent, but the Government, and not the licensee, would have to suffer, as the bank would have been practically ruined and the Government would be minus the rent it should be bringing in. The clause as amended will tend to enforce cultivation, guard against overworking, and protect both the licensee and the Government. As is the case at the present time, the rents for exclusive licenses shall be subject to the payment of such rent and shall be in such form as the Minister may approve. But under this Bill such a license may confer on the licensee, subject to the payment of

the prescribed fee, a right to the renewal of the license or to two or more successive renewals. Clauses 49 and 50 deal with general licenses; they are not materially different from those at present in existence. The fee has been fixed at £4 per annum, the same as is now payable. With regard to divers' licenses, this, as previously mentioned, is a new form of license. Clause 55 prohibits any person using a diving apparatus, diving for pearls or pearl shell, unless he holds a diver's license. These licenses are annual and a fee of £1 has been fixed. Provision has also been made in Clause 58 for the licensing of divers on probation by the issue or revocable licenses. It might be pointed out in this connection that on the majority of the luggers trial divers are employed. These may be termed understudies to the expert divers. They are necessary in case anything should happen to the diver, and, by this means, they also learn the business. Although they may to a certain extent be able to undertake diving operations, they would not be called experts. But if, as was originally provided, they were granted licenses, this in itself could be used as a certificate as to their capabilities. It has been considered advisable to substitute permits (without fee) in the place of licenses to these men. Division 5 deals with pearl divers' licenses. This division will take the place of the Pearl Dealers' Licensing Act, 1899, but with important modifications. Under the existing Act the operation of a license is confined to a particular pearling port, and pearls can be dealt in freely outside a port. The Bill proposes to make a Pearl Dealer's License operative over the whole of the State north of the 27th parallel of south latitude. Attention is drawn to Clause 62, which prohibits the sale of pearls, even to a licensed dealer, by any person who is not the holder of a ship, exclusive, general, or pearl dealer's license. In connection with Clause 61, no pearl dealer's license will be granted to a person who is licensed to sell intoxicating liquor under a publican's general, way-side house, Australian wine and beer, or Australian wine licenses, etc. This pro-

vision is inserted with a view to assisting to minimise the illicit dealing in pearls. Clause 64 prohibits the purchase or sale of pearls between the hours of six o'clock in the evening and eight o'clock in the morning. This amendment is being proposed with a view to checking the alleged practice of illegal pearl buying, as it is considered that a considerable portion of it is done at night. Inconvenience has been experienced in the past from there being no provisions, similar to those relating to discipline under the Merchant Shipping Act, for the government and control of the men on pearling luggers. This part proposes to remedy that defect, and accordingly adopts certain of the disciplinary sections of the Merchant Shipping Act. In this respect, the Bill of 1903 has been followed, and the sections have been adopted by reference. The Crown Solicitor is of opinion that it would be better to set out at length in the Bill whatever sections are adopted, and that Section 376 of the Merchant Shipping Act, relating to seamen engaged on fishing boats, is more easily adaptable to the case of pearl fishers. Various provisions are also made for the protection of the pearl fisher. A written agreement has to be signed before an official, strict rules are laid down regarding the payment of wages, and the pearl fisher must be discharged in the presence of a magistrate or an inspector. Various provisions are adopted from one of the Queensland Acts, and form the existing local Acts, for vesting extensive powers in inspectors to enter and search vessels and fishing stations, to examine diving gear, and generally to see that the pearling law is not being violated. Among these powers is one by which an inspector could bring into port any ship which he is satisfied is engaged in pearling contrary to the Act. Diving gear will have to be inspected every six months, and a heavy penalty is imposed for using gear that has been condemned. The carriage of liquor, beyond the prescribed quantity, or any opium on any ship is prohibited. The Governor may prescribe the size of shell that may be taken. Ships are to carry life-saving

apparatus as set out in the fifth schedule. Penalties are imposed for obstructing officer and other similar offences, by provisions adopted from Queensland and existing local legislation. A provision is inserted and adopted in a modified form from existing Acts by which, in the case of certain offences, the ship involved is liable to be taken in execution, and sold to pay a penalty, even though the ship is not the property of the actual offender. By Clause 102 an exclusive power of making regulations is conferred on the Governor. In connection with the increased revenue likely to be derived from the industry under this Bill, it might be pointed out that, so far as Shark Bay is concerned, it is not proposed to increase the fees to any marked extent. The revenue derived from that locality during 1911 was, exclusive of pearl dealers' licenses, which amounted to £10, £513, comprising exclusive licenses, £427, and general licenses, £86. The total value of shell and pearls is given as £8,592, so that the revenue derived, exclusive of pearl dealers' licenses, works out at 5.969 per cent., or nearly 6 per cent, on the value of shell and pearls. From the industry in the North-West, however, provisions are made under the Bill which should enable the State to receive increased revenue. During 1911, the revenue received, exclusive of pearl dealers' licenses, which totalled £90, was £363, representing 363 pearling licenses at £1 each. The value of shell taken during that year is given as £240,000, and the estimated value of pearls as £60,000, a total of £300,000, so that the revenue, exclusive of pearl dealers' licenses, works out at .15 per cent. on the declared value of shell alone. The estimated revenue under the proposed increased fee, again exclusive of pearl dealers' licenses, based on the assumption that the same number of boats as were licensed during 1911 are again licensed, would be £2,178, made up as follows:—363 ships' licenses at £5 each, £1,815; 363 divers' licenses at £1 each, £363; total £2,178. I could furnish hon. members with any quantity of information with regard to this industry, and I could keep them going, per-

haps for three or four hours, with the information at my disposal. I think, however, I have said sufficient for the present, and I beg to move—

That the Bill be now read a second time.

On motion by Hon. W. Kingsmill, debate adjourned.

BILL—ROMAN CATHOLIC CHURCH PROPERTY AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: In 1911 a Bill was introduced into this House vesting the whole of the property belonging to the Roman Catholic body in the Roman Catholic Bishop of Perth. The Bill also gave His Lordship power to deal with that property, but there was one defect in the measure, inasmuch as no provision was made for anyone to act as His Lordship's attorney if he left Western Australia for a short period. This Bill intends to remedy that defect, and Clause 2 states—

The Roman Catholic Bishop of Perth may, from time to time, by an instrument in writing under his hand and seal, appoint the Vicar-General of the Roman Catholic Diocese of Perth, and a priest of the said Diocese or either of them, his attorneys or attorney to exercise all or any of the powers conferred upon the said Bishop by Section 4 of the principal Act, during the absence of the said Bishop from the State of Western Australia; and it shall be lawful for such attorneys or attorney so appointed, subject to the provisions of Sections 6 and 7 of the principal Act, in the name and on behalf of the said Bishop, to exercise such powers accordingly, and to execute and sign all documents and writings required to give effect thereto.

Clause 3 gives the Bishop power to appoint an administrator to act from the time of his death to the appointment of his successor. This is very necessary, because there being a law on the statute-book enabling only the Bishop to act, if

the Bishop dies there will be nobody to act in his place in a legal manner. Therefore Clause 3 reads—

The Roman Catholic Bishop of Perth may, by an instrument in writing under his hand and seal, appoint the said Vicar-General or some other priest of the Roman Catholic Church, an administrator to exercise the powers and perform the duties of the said Bishop from the date of his death until the appointment and consecration of his successor; and it shall be lawful for any such administrator, subject to the provisions of Sections 6 and 7 of the principal Act, to exercise such powers and perform such duties accordingly, and to execute all documents required to give effect thereto; and such documents shall have the same force and effect as if they had been duly signed and sealed by the said Bishop in his lifetime.

There are only two clauses in the Bill, one giving the Bishop power to appoint an attorney when he leaves the State, and the other giving him power to appoint an administrator to act after his death and until the appointment of his successor. I beg to move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—INDUSTRIAL ARBITRATION.

Second reading.

Debate resumed from the 19th September.

Hon. H. P. COLEBATCH (East): We have already listened to five interesting speeches dealing with different phases of this Bill and setting forth the opinions of members holding widely divergent views. I shall endeavour, as far as possible, to avoid any vain repetition of the remarks of previous speakers, and also to confine myself to the larger principles involved, leaving the threshing out

of the details to the Committee stage. I think the one outstanding feature of this debate so far as it has proceeded, is that the Bill has no enthusiastic champion. I have never read a speech on such a measure so studiously moderate, so scrupulously fair, and so perfectly candid as that with which the Bill was introduced by the Honorary Minister; and whilst I am prepared to attribute the fairness and candour to the natural disposition of the hon. member, I am inclined to wonder how much of the more than careful moderation was due to indifference on his part as to what might be the fate of this measure. Judging by certain interjections that fell from the lips of the hon. member whilst Mr. Sanderson was speaking, one must come to the conclusion that one section, and probably a large section, of the Labour party is quite prepared to sacrifice the principle of industrial arbitration altogether. Or is it that the Labour party of this State are prepared to see industrial arbitration wiped off our statute-book in order to advance the claims of the Federal Labour party at the referenda that may be placed before us in the course of a few months?

Hon. J. E. DODD (Honorary Minister): It is not so with me.

Hon. H. P. COLEBATCH: That is a suggestion that occurs to my mind and probably will suggest itself to other members. I followed as closely as I was able to do the very thorough analysis of the Bill made by Mr. Moss, and whilst I do resent as most unjustified and most uncalled for the suggestion that any members of this House are blind followers of anybody, I do not hesitate to say that it is my intention to support Mr. Moss in regard to most of the amendments he foreshadowed. When I was before my constituents I expressed a preference for wages boards as against the principle of compulsory arbitration. I did this because it seemed to me that experience suggested that wages boards are really the more efficient in the settlement of these disputes. However, I said then and I am prepared to repeat now, that the interests of this country no less than the claims of common justice demanded that the worker

should receive his full share of the fruits of industry, and that I would support any Bill which aimed at giving him this, and which at the same time would help to make the country prosperous and offer equal opportunity to all. I intend to consider this Bill with that promise in mind, and I find it impossible to regard it, as the hon. Mr. Sanderson does, with mingled feelings of amusement and disgust. I admit that we are somewhat in a maze over this question. But a man who finds himself in a maze does not exhaust himself by the indulgence of inapt merriment or throw himself into the brambles in disgust; he searches patiently for a way out, and that is what we have to do, and in doing it, why need we worry over the fact that the effort seems to be endless? Is there any noble enterprise that can be said to have an end? Is not ceaseless struggle from the cradle to the grave the common lot of mankind, and has not one who endured more than most said "to travel hopefully is a better thing than to arrive, and the true success is to labour." We cannot get away from the fact that the condition of existence is struggle, and all that we can aim at is to lessen as far as possible the struggle between man and man, or between employer and employee, in order that we may conserve all our forces for the inevitable, the eternal, struggle between man and nature. I am not in a position to support entirely the arguments advanced by Mr. Cornell, but I venture to think that I understand his attitude. He does not believe in the settlement of industrial disputes by law—because as a socialist he does not believe in law at all.

Hon. J. Cornell: You are propounding socialism badly.

Hon. H. P. COLEBATCH: No doubt in common with the socialists generally, the hon. member desires "the destruction of the artificial empire of law and the establishment of a true republic of free thought." I think the honourable gentleman showed his hand in that matter when he said that it would not matter at all if the whole of the police force struck. We have heard a good deal from time to time, of the effect which measures of this

kind are likely to have on particular industries, and about the destruction of industries through the imposition of high wages. I can quite understand that Mr. Cornell would regard with a good deal of indifference the effect that this Bill would have on an industry such as the mining industry. We have been told that any industry which cannot pay a certain wage had better go by the board, and the socialistic idea in regard to the gold mining industry is that the money power, that is to say, gold, is employed largely to enable its possessors to enslave the producers of real wealth—real wealth being understood to mean the actual requirements of mankind—and that consequently increased production of gold must advantage the money power irrespective of the wages paid. From the point of view of many advanced socialists, the compulsory closing down of every gold mine in the world would be an important step towards the consummation of the industrial millennium. I take it we are not going to discuss this Bill from so extreme a standpoint. I, at all events, intend to consider what effect its passage is likely to have upon our different industries, and to start on the assumption that we as a community cannot regard with complacency the crushing out of any of them. I think that many of our difficulties in this matter would disappear if we could come to a common understanding on this one question—what are the functions and what have been the effects of trades unionism in the industrial movement? And I hold that those who say trades unionism has done little to improve the position of the worker during the last half century are just as wrong as those who contend that it has done everything. I do not wish to pose as an expert on this question, but I thank Mr. Dodd for the reference he made to my long acquaintance with industrial strife. It is just upon a quarter of a century ago since I had my first-hand knowledge of labour in revolt, and I do not think there are many members in the House who have had the opportunity of studying so closely as I had those upheavals which culminated in the six months

strike in Broken Hill in 1892, and in this connection I would ask my friends on the Labour side of Parliament to at least give me credit for consistency. Twenty years ago I saw the newspaper on which I was employed go down into bankruptcy and experienced in my own person the loss of years of energy and saving in the industrial fight. On that occasion we, speaking for the newspaper and myself, were not fighting against good wages or good conditions. Those were not the issues raised in that particular strike. The points raised then were these two mainly, that every man employed in those mines should be a unionist, and that the contract system should be entirely abolished. Those were the two issues principally raised; there were others.

Hon. J. E. DODD (Honorary Minister): Do you not think the higher issue was whether or not they should submit to arbitration?

Hon. H. P. COLEBATCH: No. Those were the two strong points raised. There was no wages dispute. These strong points were that every man employed in the mines should be a unionist, and that there should be no contract work. The claim that I make is that my consistency should be recognised, because I am going to oppose these two principles where I find them in this Bill, and I shall do it even though the consequences to myself may be as bad as they were twenty years ago. Much difficulty has arisen from the fact that many workers consider that trades unionism and that alone has contributed to the improvement of the industrial conditions in the last half-century, and the trouble is that many who know full well that this is not the case act as though they thought it was. To my mind what trades unionism has done is that it has secured to the worker a fairer distribution of the wealth that has been created; otherwise if it has not done that it has failed altogether; but that is all it has done. The improvement of the condition of the worker is wholly due to the work of the scientist in the laboratory, of the mechanical genius in the workshop, and the organising mind in the office. Those are the factors that have made it easier

to create wealth than it was before, and all the trades unionist has been able to do, all that he will be able ever to do, is to secure for the worker a fairer distribution of the wealth that is created. Now we have it from Mr. Cornell that the function of trades unionism is to get all that it can; and if we subscribe to that doctrine it follows we must be prepared to crush industries, and, consequently, the last stage of the worker will inevitably be worse than the first. To those who cannot follow me in this contention, I would make two brief quotations. The first is from one of the first and, I think, one of the soundest advocates of a statutory minimum wage we have ever had—John Ruskin. I think it is in the introduction to one of his charming series of lectures published under the title of *The Crown of Wild Olives*, that he says—

It matters little ultimately how much a labourer is paid for making anything, but it matters fearfully what the thing is which he is compelled to make. If his labour is so ordered as to produce food, and fresh air and fresh water, no matter that his wages are low, the food, and fresh air and water will be at least there and he will at least get them; but if he is paid to destroy food and fresh air, or to produce iron bars instead of them, the food and air will finally not be there, and he will not get them, to his great and final inconvenience.

And, in this same connection, let me also read the words of Mr. Justice Haydon of New South Wales, used whilst delivering judgment in June of this year in the carcass butchers' case—

I should like to say that in my opinion, if we are to make arbitration successful and to root it in the confidence of the community, it must be dissociated from all connection with the manacling of the energies, brains, and freedom of the organisers and managers of industries. I firmly believe that in Australia we all earnestly desire to avert a spectacle so shameful in civilised and Christian countries, of the extremes of starved and broken poverty and of bursting and insolent

wealth. We intend that if it is humanly possible all shall get a fair share, and that the manhood, independence, and comfort of the humblest shall be maintained. But the path to that does not lie through hobbled industry, and hampered business, and restraints on the production of wealth. "Create wealth largely, and distribute it fairly" should be our motto. Our broad principle should be to protect wages and the conditions of the workers, and protect the freedom of employers. The employee may say "Give me a good wage, and considerate and humane conditions." He may not say "Manage your business according to my ideas." The employer may say "The work I require must be done in the way and by the means I choose." He may not say "And you shall work for whatever pittance, during whatever hours, and in whatever foul air and miserable surroundings I dictate."

I make these two quotations to illustrate my view that the function of trades unionism is to secure an equitable distribution of the wealth that is produced, but that function can be properly discharged only by recognising the need we are under to preserve the industries of this country.

Hon. J. Cornell: And the trades unionist cannot get that without pressure.

Hon. H. P. COLEBATCH: I do not suggest for a moment he should not use pressure; he is right in using it; but if he uses it to such an extent as to destroy the industry there will be nothing ultimately for him to desire.

Hon. J. Cornell: We do not desire that, but we object to the ownership.

Hon. H. P. COLEBATCH: That is the socialist's view. At one time I was very nearly being a socialist myself. I think it was Robert Louis Stevenson who said that "although a man may regret the follies of his youth he does not regret them with half so much bitterness as he does the decline of animal heat which makes their repetition unattractive." I do not regret that I was once very nearly being a socialist. I regret the loss of all those clear allusions that made me then

think that socialism was a sound policy. One of the objections to trades unionism is its constant endeavour to limit individual effort. We find this in the clause in the Bill relating to piecework. I am quite at one with trades unionism in claiming that the rate for piecework should be such as to enable a man to earn a decent living within a certain period of daily labour—we may set it at eight hours; and I am far from saying that as conditions improve we may not be able to even shorten them; but, having fixed piecework rates so that a man may earn a decent living within a prescribed time, I can see no good motive in preventing the man, if he wishes to improve his position in life, from working a longer period if he is adequately paid for it.

Hon. J. Cornell: What about the man who cannot get work?

Hon. H. P. COLEBATCH: The idea that the work they are performing prejudices other workers is founded on the same economic error which precludes the working of our prisoners except in unproductive labour. One cannot imagine by any stretch of imagination even a communistic settlement in which the offenders against its laws shall be kept in idleness at the expense of the rest of the community. I think they would insist that the offenders should provide double service, and I think there is a good deal to be done in Western Australia by applying the same principle here. A gentleman who was, I think, first-lieutenant to Mr. Lane in the New Australia settlement in Paraguay told me once in a very cryptic sentence exactly why the settlement failed. He said there was only one genuine communist in the whole party and he could not get a spade to suit him. I do not think we need ever be afraid of the other man doing too much work. I am not able to perceive of any useful work performed anywhere that will not open the doors of employment to other people. The Bill seems to assume, and Mr. Cornell from his interjections would seem to be of the same opinion, that our prosperity is going to be threatened by people doing too much work. To my

mind we have to recognise we live in a competitive world, and that, while our comfort may depend on a fair distribution of our wealth, our very existence will finally depend on the extent of its production. The persistent attack made by trades unionism recently on the apprentice system is another case in point. Of course it has been said that this may be overcome by State technical education; but while we have almost abolished apprenticeships, our technical system is proceeding very slowly indeed, and unless a more rapid movement is started than we have hitherto experienced it will not be long before we shall be placed at great disadvantage in competing with other countries because of our lack of skilled mechanics and skilled men in every way. I do not intend to go into the vexed question of whether dear living justifies high wages, or whether it is high wages that brings about dear living, but I endorse one contention put forward by Mr. Sanderson. I think that one industry which can afford to pay, and which should be compelled to pay, better wages to its employees than it is paying is the retailing industry as represented by our large city establishments. I do not intend until we come to the Committee stage to refer to the clauses by which it is desired to bring shop employees generally under this Bill, but I would look at it from this point of view, that the modern tendency towards combination, a tendency that has had the effect of reducing cost, though it has done good in many directions, has driven out the small shop-keeper, and if we are going to drive out that class of man we must set up a condition of affairs under which he will be able to live as an employee as he was able to live as an employer. I say without hesitation that the shop assistants generally should be given as much right as anybody else to have wages and conditions adjusted by a court of arbitration. I would like to say a word or two about the issue raised by Mr. Moss with regard to the political side of unions. I do not know that it is possible to abolish politics from trades unions, but I do say that, to any fair-minded man, so long as we

have this political aspect of trades unionism, the claim for preference to unionists is intolerable, because it means that they not only demand that every worker in the industry practically should be a trades unionist, but they also demand that he should subscribe to the policy and contribute to the funds of the Political Labour Party. As a matter of fact there is a great many good unionists who do not believe that the road to prosperity and success lies along the lines laid down by the Political Labour Party. I will give one instance in point. In November of last year a determined attempt was made in several parts of the State by the Political Labour Party to capture the machinery of local self government. I know of a case in which a man who had been an energetic representative of the trades unionists disagreed with this attitude. He was not in favour of the abolition of the ratepayer as a ratepayer, he was not prepared in regard to local politics to say that a man who had saved up his money, acquired a house of his own, brought up a family and taken upon himself all the responsibilities of citizenship, should be classed exactly the same as the man who had done none of these things and had no settled interest in local politics; and for this reason he had the temerity to openly work against the Labour candidate for the municipal council. Because of this he was expelled from the branch of the Political Labour Party, and reported to his union as an enemy to the cause. I do not know exactly what they termed him, but the report made was of such a nature that he took legal advice as to whether he could not proceed against them for libel or slander. Ultimately, I understand, the matter was adjusted after having been inquired into by various Labour bodies. There you have an instance which serves to illustrate the state of affairs which may be expected if you combine political trades unionism with industrial preference to unionism.

Hon. J. Cornell: Do you find that sort of thing in all cases?

Hon. H. P. COLEBATCH: I dare say there have been a number of others, but this was a case which came under my

notice. I come now to another very important principle involved in the Bill, namely, the taking away of the right to strike. Mr. Cornell, and apparently Mr. Sanderson also, think that you cannot take away the right to strike. We all know that although you can take a horse to water you cannot make him drink, nor of course can you make a man work, and consequently the question is, if a man refuses to work, are we justified in punishing him for the refusal? To my mind anyone who says that a man has the right to strike must on the other hand say that another man has the right to work. That is to say, if the Court of Arbitration has made an award of, say, 12s. a day, and you contend the man who moved the court and received that award is entitled in spite of it to say, "No, I will not work for the 12s. a day," then you must agree with the right of another man to come in and say, "I will work for 10s. a day." You take away from a man the right to strike and you offer in exchange protection against anybody else working for less than the court awards. It is for the trades unionist to choose—will I give up my right to strike in return for an assurance that no one shall work for a sum less than that awarded by the court?

Hon. J. Cornell: Have the awards of the court invariably been fair?

Hon. H. P. COLEBATCH: I think they have been generally very fair.

Hon. J. Cornell: What about the Kalgoorlie engineers' award?

Hon. H. P. COLEBATCH: I think it would be very difficult to state a case in which the court has been unjust. For every trades unionist who comes forward and says that the court has given too little, you will find at least a dozen employers who say that the court has given too much. It would seem the workers are not to be advised to go to the court until they know they have a court which will give them all they ask. If we are going to have arbitration there must always be a chance of those who move the court getting less than they ask for. There are two reasons why the English trade-unionist has not adopted arbitration. The main one is because he is not prepared

to surrender the right to strike. He knows that if he adopts arbitration he will get the advantages that accrue from that system, and that no one will be permitted to work for less than the award of the court; but, on the other hand, he knows he will have to give up the right to strike. In regard to this matter, I would like to congratulate Mr. Dodd on his candid admission that the engineers' strike, and a number of others to which he referred, were strikes. He used the word in his speech. He called them strikes. Not only does he refrain from defending the action of the men on these occasions, but he calls their action by its right name. To my mind, if there is one thing in connection with industrial troubles which is altogether contemptible and unworthy of Australian workmen, it has been the subterfuge by which they have sought to evade their legal responsibilities by calling strikes "conferences" and other things. Mr. Dodd admits that these things were strikes, but at the time every man engaged in them indignantly denied that they were strikes.

Hon. J. E. Dodd (Honorary Minister): I have said from the very beginning that these "conferences" were only fares.

Hon. H. P. COLEBATCH: I am glad to hear it. I hope in future we shall not have Australian workmen—and I for one am exceedingly proud of Australian workmen—when they go out on strike, resorting to these subterfuges and saying they are "in conference." If they are going to strike, let them do so and do it honestly. In view of the questions asked last week by Mr. Gawler, I shall await with interest that gentleman's remarks in regard to the action of the Government in ignoring the law of the land and refraining from treating strikers as strikers should be treated under the law, particularly as the Government seem to be quite ready to so treat under the same law anyone who is suspected of doing anything in the nature of a lock-out. Within the last few weeks we have had a case of this kind, and now we have the Honorary Minister admitting that certain strikers were on strike; yet we have had no prosecution.

Hon. J. E. Dodd (Honorary Minister): I might say that the Government did not take action in the lock-out case.

Hon. H. P. COLEBATCH: Then it was a private prosecution by the union itself?

Hon. J. E. Dodd (Honorary Minister): I understand so.

Hon. H. P. COLEBATCH: The Bill seeks to prevent strikes by the only reasonable method, namely, the imposition of fines on the unions in the event of the award of the court being disobeyed, and in this connection we have to thank the candour of Mr. Cornell for a knowledge of the true position which might otherwise have been denied us. No doubt many of us noticed with much curiosity that the trades unions on the Goldfields were up in arms against this Bill. Mr. Cornell has told us why it was, and has also told us that in response to the representations made by this section of the industrial army, the Government, in another place, amended the Bill. I do not intend to quote this as an instance of trades union dominance, but I do want to point out that the Bill in its original form was drafted by a Labour Government, and I assume—I am open to correction if I am wrong—was approved by a caucus of the Political Labour Party. If on top of this it is open for a section of trades unionists to demand more favourable treatment, then I for one shall want to know exactly what has been done in response to this dictation, and I shall have to ask myself whether or not it is probable that similar consideration would have been shown to any representation the employers might have made during the progress of this Bill through Parliament.

Hon. J. E. Dodd (Honorary Minister): It was done in the Unclaimed Moneys Bill.

Hon. H. P. COLEBATCH: That was not in response to a representation on the part of the employers, surely? That was not even an industrial measure. If the Bill as it now stands in this matter of penalties is equitable as between the two parties, in the matter of strikes and lock-outs, I will support it, but if not I shall ask the Committee to restore the original proposal of the Government. Some refer-

ence has been made to the right of the police to strike, and from the remarks of Mr. Cornell we are to assume that neither the police nor the military will in future be available to maintain law and order in the case of industrial disputes. All I wish to say is that when that day comes it will be time for all peace-loving people to leave Australia. In regard to the imprisonment of men arising out of industrial troubles, I have never known imprisonment to be imposed for what might fairly be termed industrial offences. It has always been for offences against the common law. My friend Mr. Dodd will remember that when men were prosecuted in connection with the shearers' strike it was not for striking or for picketing—it was for destroying station property, for such acts as the burning of the steamer "Rodney" and for organised assaults on free labourers.

Hon. J. Cornell: You went back 100 years to find some of those.

Hon. H. P. COLEBATCH: The Broken Hill conspirators were charged, not with striking or picketing, but with inciting to deeds of actual violence; and, mind you, there is nothing quite so cowardly as the violence inflicted upon individuals by an excited mob. Take away the protection of the police and the military in times of industrial unrest and you are going to have red rebellion, and the trades unionist will not be the only one who is prepared to fight and, if necessary, to forfeit his life in the defence of his rights and liberties. This brings me to what I regard as the crux of the whole question. Is it a workable proposition that we should substitute law for force in the settlement of industrial disputes? I maintain that it is, and that so far we have never tried to do it. Why should it not be a workable scheme? I hold that the employer who grinds his workman down and battens on his industry, whilst giving him an inadequate return in the shape of wages and conditions, is retaining some of the property of the workman. Our law should be just as competent to deal with him as with any other person who retains for his own use another person's property. I repeat that so far we have never tried to substitute law for force in the settle-

ment of industrial disputes, and that that is the reason why our previous Arbitration Acts have signally failed. In the past our Acts have been Acts of conciliation and arbitration. A conciliator, clearly, is one who pacifies, mollifies, or propitiates. An arbitrator, on the other hand, is one who decides, one who judges, in fact a judge. By this element of conciliation in our previous Acts we have said we must get away from the ordinary law of the country in dealing with these matters. Now we recognise that conciliation has failed, and we are going to strike it out altogether; and with strange inconsistency we are going still further away from the laws of the country than before; we are going to have arbitration instead of conciliation. Arbitration, as I have said, means deciding and judging, and if we are going to decide and judge, I say we must do it in accordance with the laws of the land. To my mind, the exclusion of lawyers as advocates under the arbitration Act has always been an absurdity. It would be just as illogical to pass an Act authorising any person in the community to extract teeth except a duly qualified dentist. If this is to be a legal proceeding why should lawyers be excluded from taking part? I would not say that only a lawyer should be allowed to appear if it is thought that a trained expert can put the case before the court better.

Hon. J. E. Dodd (Honorary Minister): Do not you think there are some?

Hon. H. P. COLEBATCH: I would not exclude such an expert.

Hon. J. E. Dodd (Honorary Minister): Then where is the necessity for a lawyer?

Hon. H. P. COLEBATCH: What is the objection if there is not such an expert? Very often the capacity of these immature lawyers, these bush lawyers, is not so great as they imagine. I have seen many of them appear before a judge, and have had no difficulty in coming to the conclusion that, but for the assistance given by the judge, assistance which a judge should not be asked to give, they would have got their case into a horrible mess. We might as well apply this principle to the law courts generally. If we are going to attempt to settle industrial

disputes by law, what right have we to exclude the lawyer, and if we set up the contention that for an employer to have a lawyer to represent his case would place him at an unfair advantage, then the whole of the argument falls to the ground because we are admitting that a lawyer can put the case better. The court cannot arrive at a wise decision unless the case is well put. If a lawyer can put his case better than a layman, why not have a lawyer?

Hon. J. Cornell: That point was settled 10 years ago.

Hon. H. P. COLEBATCH: If we could exclude the lawyer and make a success of the Arbitration Court, I would be with the hon. member. We have excluded lawyers and our arbitration courts have been a failure, and it is time we mended our ways. The delay caused by the faulty conduct of cases by persons who have no legal knowledge is greater than the delay that could result from lawyers themselves. We are told that the laws of evidence must not be strictly regarded.

Hon. J. F. Cullen: Not to be regarded at all.

Hon. H. P. COLEBATCH: We might as well say in the interests of free speech the Standing Orders of this House should be abolished. To abolish the Standing Orders would destroy the freedom of speech and set up license and tyranny in its place. What are rules of evidence for? I stand subject to correction by legal members, but to my mind they are to ensure that the court on every point shall have the best evidence available, and to ensure that the court shall never be led by tittle-tattle or the tales of one man told to another, and to ensure that the other party shall not be placed at a disadvantage by the production of evidence which should not be given. What good can possibly result from abrogating these rules of evidence? Is it contended that the president of the arbitration court should be allowed to accept evidence which a judge would reject, because if we are going to set up that contention it will be tantamount to saying that the president of the arbitration court may accept bad

evidence, and evidence which would wrongfully prejudice another party. The rules of evidence have been compiled as the result of long experience and an attempt to do justice between parties, and now we are going to wipe them out and leave it to the president of the court to say what he shall accept. Speaking as a working journalist of 27 years' experience, and one who has had a good deal of experience in the law courts, I can say that I have never seen a case in which the observance of strict rules of evidence prejudiced the doing of justice, and I cannot see how the observance of the rules of evidence would prejudice a just decision in the Arbitration Court. The same may be said of legal technicalities. What are legal technicalities? Every clause in this Bill constitutes a legal technicality. It might be a popular way of expressing it to say that legal technicalities are fine points which a legal man of long standing can appreciate and understand while laymen miss the importance of them. So long as we are going to establish arbitration courts free from legal technicality, untrammelled by rules of evidence, and unassisted by trained legal advocates, we are not making any effort to settle industrial disputes by law instead of force. On the contrary we are putting law out of office, and the Bill proposes to do this to the extent of saying that the decisions of the president shall be beyond repeal. In some quarters there seems to be a growing contempt for the law, and in others an idea that it does not accord with justice and equity. I well remember many years ago listening in our Supreme Court to a very interesting argument before the late Mr. Justice Hensman, a judge who held the respect of every member of Parliament. The lawyers seemed to be agreed that right was in a certain direction, but one of them contended that the law would not permit of such a decision. Mr. Justice Hensman delivered his finding and added these words, which I shall never forget: "It is common sense, therefore it must be law." Because of the impression those words made on my mind I followed that case carefully. On appeal to our full

court, the decision was upset, but the case was carried to the Privy Council and the decision ultimately was upheld. That strengthened in my mind the conviction that what Judge Hensman said was right, that what is common sense in this country is law for the most part. Again let me say that only very superficial thinkers profess to find the law in opposition to common sense or justice.

Hon. J. E. Dodd (Honorary Minister): Charles Dickens thought so.

Hon. H. P. COLEBATCH: The law has been amended to a very great extent since Dickens's time. Judges occasionally comment upon the rash and haphazard manner in which the Legislature passes laws, but these are not the laws which we propose to put out of office. We are proposing to put out of office the common law of the country and to substitute something which I am sure the judges would be first to say is ill-considered and unworkable. It has been said that judges object to sitting in the court of arbitration. I do not doubt it. The whole procedure of the court is contrary to their ideas of how a court of justice should act. They want to observe the rules of evidence and to follow legal procedure with the assistance of legal men. I cannot consent to the adoption of the clause which provides that some other than a judge should be made president of this court. I dissent on general principles and for special reasons. If we make this court a court of law, I see no reason why different judges might not take it and thus avoid the great delays such as that which has occurred in connection with the tramways case.

Hon. J. E. Dodd (Honorary Minister): You will cause confusion that way.

Hon. H. P. COLEBATCH: Other judges try various cases and why should not the same thing apply to the Arbitration Court?

Hon. J. E. Dodd (Honorary Minister): That is the cause of delay in other cases.

Hon. H. P. COLEBATCH: I do not think so. Let us imagine the position of the president of the Arbitration Court, whose term of office of seven years is

coming to a conclusion. He would know that the renewal of his office depended on whether he pleased the party who happened to be in power. If I believed in this system I should say that we should give the judge £10,000 a year so that at the end he would be satisfied to go out. This Bill proposes to give him only £1,000 a year, or not much more than would be required to maintain the position expected of him, and at the end of seven years what will he do? Trim his sails to catch the favour of the party who happen to be in power, or go out into the cold world? But I oppose the clause chiefly on general principles because I hold that the work is legal work and work for a legal man. I am not speaking in the interests of the legal fraternity, but I say with all seriousness that from the beginning of our civilisation to the present time the law has been and still is the noblest profession of all. Neither the bodily health that the physician ministers to, nor the industrial conditions improved by organisation and by the efforts of the worker, nor our artistic taste ministered to by other people, would be worth having if we had not the freedom and security which the law and the law only provides. At the outset I pointed out that none of the previous speakers has shown any enthusiasm for this Bill, and if I were asked to support it as it stands I would say "No, it is not an attempt to secure industrial peace by substituting law for force in the settlement of these disputes. It is an attempt to put the law out of office. It is an attempt to establish an irresponsible dictator who, like an Asiatic cadi, would determine causes according to the ebb and flow of his own passions." Such a procedure could only destroy confidence, stagnate industry, decrease production and make the last stage of our workers worse than the first. In voting for the second reading I will do so in the hope that it will be amended in the direction I have indicated, amended so as to constitute an earnest attempt to settle industrial disputes by law—law administered after the fashion of a British judge in this land of liberty and good sense, who does not want to make a law

up for himself, but who knows the law as already written for him, and if we do this I believe confidence will be restored, industries will grow and flourish, and I am certain that the worker, aided by his trade unionism, and fortified by his great political power, will never find any difficulty in securing his due share of the wealth that is produced.

On motion by Hon. E. M. Clarke, debate adjourned.

BILL—FREMANTLE RESERVES SURRENDER.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: In connection with the application to Fremantle of the provisions of the Workers' Homes Act passed last session it is found that there is very little land available in that municipality not alienated from the Crown. The Fremantle municipal council, however, have offered to surrender a small area of land embracing two town blocks to His Majesty, upon which it is proposed to erect workers' dwellings, and at no distant date, I wish hon. members to clearly understand, if the Workers' Homes Board acquire this land they will set about erecting the dwellings without any unnecessary delay. These two lots are vacant, and are quite unsuitable for park purposes, and unless the Government secure them for the purpose indicated they probably will not be put to any use. The land is situated at South Fremantle, near what is known as White Gum Valley, a little south of the reservoir. There is a difficulty in the way of handing this land over in that the lots are reserved, and the transaction will require Parliamentary sanction.

Hon. W. Kingsmill: What are the purposes at present?

The COLONIAL SECRETARY: The land is held by the Fremantle Municipal council for the purpose of a quarry, or something of that kind.

Hon. Sir J. W. Hackett: Is there a map showing the locality?

The COLONIAL SECRETARY: No, but before the Committee stage is reached

I will furnish more information if hon. members require it.

Hon. Sir J. W. Hackett: And evidence that the municipal council have agreed to this?

The COLONIAL SECRETARY: Yes. It is proposed to hand over the property without monetary consideration, and if workers' homes are erected upon it there is no doubt that the Fremantle council will benefit by the rates levied. At the present time the council are deriving no income from the land because, as I have already mentioned, it is lying idle. It is in close proximity to the tramway and only 15 or 20 minutes' ride from the town hall.

Hon. W. Kingsmill: What is the area?

The COLONIAL SECRETARY: About 20 acres. I do not anticipate any opposition to the Bill which will enable the municipality to do what it is anxious to do, and what I understand the people of Fremantle are anxious that they should do, namely, hand it over to the Workers' Homes Board. I beg to move—

That the Bill be now read a second time.

Hon. M. L. MOSS (West): Since this Bill has been circulated I have endeavoured to ascertain from the authorities at Fremantle the attitude they are assuming with regard to this proposal. I notice the Bill does not divest the municipality of this property, but it makes it lawful for the municipal council to surrender it to His Majesty. The feeling at Fremantle seems to be that this property should not be handed over to the Government unless the Workers' Homes Board utilise it at once for the purpose for which it is intended to be handed over. I have no doubt that the municipal authorities at Fremantle will take care that before they execute the surrender to the Crown they will get some promise that the land will not really be confiscated. However, the Colonial Secretary has stated that it is intended almost immediately to utilise the land for the purposes mentioned, and I am quite satisfied with the assurance he has given in that connection. I have much pleasure, therefore, in supporting the Bill.

Hon. W. KINGSMILL (Metropolitan): I intend to support the second read-

ing of the Bill, and I hope the Government will treat this experiment as an experiment. I must confess to a certain amount of anxiety as to the effect the creation of an area occupied entirely by workers' homes is going to have on the values within that area, and on the values of the land immediately adjoining that area. It seems to me that if these workers' homes are erected on large areas of ground the uniformity of value which is practically fixed under the Workers' Homes Act will have such an æsthetic effect, at all events, upon the look of the neighbourhood which will be created under this Act, that it will be prejudicial to the value of property within the area and outside of it. It does seem to me to be injudicious that acres and acres of land in one piece should be given up for the purpose of erecting workers' homes thereon. I think it would be prejudicial to the homes themselves and prejudicial to the properties adjoining the areas selected.

Hon. F. Davis: Why?

Hon. W. KINGSMILL: On account of the deadly monotony.

Hon. F. Davis: It does not necessarily follow.

Hon. W. KINGSMILL: You have a uniformity of value, and if you have that it is very hard indeed to get away from a uniformity of appearance. No building is likely to be erected which will cost more than £550, and I would point out that the æsthetic effect is produced, not so much by variety of architecture, but by variety of cost. At all events I am justified in saying that I have watched the experiment and I hope the Government will treat this, and one or two other experiments of the sort, as experiments, before they embark on the scheme in a large and somewhat reckless manner.

Hon. J. F. CULLEN (South-West): I desire to support the second reading of this Bill on the ground that the Fremantle authorities are consenting parties, and I would urge upon the Government to see that similar courtesy is shown to other local authorities. In a part of the province I have the honour to represent, the Government have just laid hold of a reserve which was origin-

ally a showground, the greater part of which the previous Government had agreed to dedicate as park lands. This solid block is being taken over under the Workers Homes Act with a great risk of the evil to which Mr. Kingsmill has called attention. I want the Government to be careful not to become park snatchers, but that they will deal with the local authorities, who deserve every courtesy at the hands of the greater power. These local authorities have hard and thankless work to perform, and they ought to be treated with consideration. We agreed to relinquish five acres of the ground, and the other nine acres were to be dedicated for park purposes, but the Government have laid hold of it all and they say that it is to be dedicated for workers' homes, and they cannot give it back. I want to endorse what Mr. Kingsmill has said, that it would be far better to distribute the workers' homes in various parts of a town and not to put them all in one place. Take, for instance, the town of Katanning. You could select, say, 20 or 30 allotments within easy reach of each other, yet interspersed through the town, and it would be better for all concerned that the houses should be distributed. It would make very little difference to the cost of the building or to the matter of rent collecting. From the æsthetic point of view it is far better that they should be distributed. Even though the Honorary Minister declared that the Government were not bound by one plan, everyone who has had experience of building societies knows of the tendency of sameness and deadly monotony. However, I wish to assure the Minister that I am entirely in sympathy with the object of the Workers' Homes Act, and I hope that the Government will extend the same courtesy to other local authorities as they are showing now to Fremantle.

Hon. C. SOMMERS (Metropolitan): Like Mr. Kingsmill, I hope that this will be only an experiment. I think it would be time enough for the Government to build these houses on leaseholds when they have satisfied the whole of the demands of those people borrowing money on freehold. I do not think there has

been any urgent desire on the part of the people desiring houses to have them built on the leasehold principle. I hope also that the Government will not consider for a moment the proposal to build a number of houses on one block of land because that would be detrimental to the well-being of the people generally, as it means that you have practically a broad arrow on your house for all time. The ordinary man who borrows now does so because he is not in receipt of more than £300 per annum, but that man does not want to occupy that particular house for all time. I really believe that the applications for homes to be built on freehold land are as many as the Government can comply with, and I do not think there will be any demand for the erection of houses on leasehold land. I hope the Government will rest content with this small experiment until they see how it turns out; I do think, seeing that the people are prepared to borrow money and that the Government are not too flush of funds, they ought to limit their enterprises in regard to house building, and wait until such time as there is no demand for the building of houses on freehold.

Question put and passed.

Bill read a second time.

House adjourned at 9.2 p.m.