

Legislative Council,

Thursday, 30th October, 1913.

	Page
Papers presented	2154
Motion: Public servant's retirement, Captain Hare, to inquire	2154
Bills: Interpretation Act Amendment, 3a.	2157
Declarations and Attestations, 3a.	2157
Mines Regulations, 2a.	2157
Fremantle Improvement, Com.	2165

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Police Benefit Fund, Amended Regulations. 2, Industrial Arbitration Act Regulations. 3, Government Railways Act, 1904, Reports and Returns. 4, Western Australian Government Tramways, Return of Receipts and Expenditure for the quarter ended 30th September.

MOTION—PUBLIC SERVANT'S RETIREMENT, CAPTAIN HARE, TO INQUIRE.

Hon. D. G. GAWLER (Metropolitan-Suburban) moved—

That a select committee be appointed to inquire into and report on the circumstances which led up to the retirement of Capt. Hare, late Commissioner of Police, with power to send for persons, papers, and records in connection therewith and relating thereto.

He said: In submitting this motion I desire to say that there is not the slightest intention to in any way reflect on the present Commissioner of Police, whose appointment at the time it was made was hailed with the greatest satisfaction. I will endeavour to show, however, that if Captain Hare, in connection with whose removal I am asking the House to approve of this motion, had got what were his desserts, he would still be in that position. Captain Hare was curtly called upon to resign his office on the 22nd March, 1912. He was then just over 60 years of age and he had been in the public service since 1870, occupying in that period various positions, such as magistrate, warden, acting Government resident, and Commis-

sioner of Police, and allowing for a few years, during which time he served as aide-de-camp and private secretary to one of the Governors, he had a continuous record of public service extending over 36 years. He did not come under the Public Service Act; he came directly under the Police Act, and under those circumstances was brought within the scope of the Superannuation Act, 1871, under which Act, at the end of 40 years' service he would have been entitled to forty-sixtieths of his salary. As a matter of fact, he received on his retirement thirty six sixtieths of his salary in accordance with his 36 years of service. Although just over 60 years of age, Captain Hare is still physically and mentally thoroughly fit to carry on his duties, and therefore it cannot be suggested that it was on that account that he was asked to retire. Hon. members will, I am sure, recollect that so far as age is concerned, there are many men at present in the service who are considerably over 60 years of age, and in some cases within a few months of the age of 65 when they can be called upon to compulsorily retire. The terms of retirement under the Superannuation Act are that an officer to be retired must be incapable of carrying out his duties, or has rendered himself unfit to do so, or it must be the intention to abolish the office. None of these instances can be said to have existed in the present instance. There is not the slightest stain on the character of Captain Hare, nor was any fault found with the manner in which he administered his office. Under the circumstances, therefore, I can only characterise Captain Hare's retirement as nothing else than ignominious dismissal. I shall show directly what, as it appears to me, was the reason for the Government calling upon this officer to retire. On the 11th January, 1912, Constable Campbell, a member of the police force, made a series of the gravest charges against Captain Hare, and with the permission of the House I would like to read them. This is a letter from Constable Campbell to the Colonial Secretary, Mr. Drew—

In reply to your note of to-day, I beg to inform you that I cannot well give you a statement of what each witness

will say in a communication of this kind, but I will give you a summary of the charges I propose to prefer, and an indication of what each one I will name will be required for. I will charge the Commissioner of Police (1) With having in June, 1901, by an abuse of power, punished me and transferred me from Beverley to Perth without justification. (2), With having in December, 1904, given a judicial decision in a matter between myself and corporal, such decision being to my detriment, and well knowing at the time the inquiry was unlawful conduct, thereby making himself an accessory after the fact to crimes committed by sub-insp. Mitchell. (3), With having in December, 1904, unlawfully caused a conviction to be recorded in my record sheet under the heading of misconduct, with intent thereby to permanently injure my character. (4), Having designedly caused to be appointed to a board of inquiry which tried me at Pinjarra in August, 1909, for having used improper word to one E. McLarty, friends and a relation to the complainant, such appointments being inimical to the course of justice.

I might say *sic* after each one of these sentences, by which word I mean to convey that I am reading it exactly as it appears, and that I am not responsible for the way in which the letter is worded.

(5), With having during the months of June and July, 1908, conducted two ballots for the selection of a contributor's representative for the Police Benefit Fund Board, such ballots having been wilfully conducted contrary to all recognised honest principles. And by his action in allowing himself to be a candidate, without being qualified at a subsequent election, held in July, 1909, has wilfully and designedly prevented the fulfilment of the promise of Premier Moore, given with the approval of Parliament in August, 1907, viz., that the contributors to the benefit fund would be permitted to select a direct representative from amongst themselves, and that he (Mr. Hare) would be retired from the board. (6), That during the months of October and Novem-

ber, 1911, he (Mr. Hare) wilfully and falsely reported to the Hon. the Minister controlling the Police Department, that he (Hare) had to remove me from station to station owing to my overbearing behaviour to officials and residents of the places where I was stationed, and that I had never been recommended for promotion since I had been in the police force, well knowing these statements at the time to be false.

Those are the charges. I do not think I need go through all the letter except that I would like to refer to the latter part of it, which seems to me to be couched in the most extraordinary and insulting terms. He says—

I claim as prosecutor, having the onus of proof thrown upon me, to be entitled to the custody of the proofs I rely upon, and which will be exhibits at the trial. When I make charges and certain papers discloses incriminating evidence against the defendant—

The defendant, I imagine, being Captain Hare.

—it would be exceedingly dangerous to hand over the custody of that evidence to the defendant. I don't want to deprive Mr. Hare of access to the files, but I would suggest that they now be locked away in a safe which locks with two different keys, one to be kept by myself and the other to be held by someone you might nominate, and that if Mr. Hare required to examine these papers that I be permitted to be present to see that no interference takes place.

Those are the charges. Hon. members will see, from what I have read, that if the charges are correct, then Captain Hare must be branded as corrupt, and as a slanderer and a conspirator. All I can say is that those charges appear to me to show the character of the accuser. However, I am not going to inquire now whether they are correct or not. Constable Campbell was then stationed at Norseman. He came up to frame those charges without the consent of his superior officer, either here or in Kalgoorlie. In the latter place this officer was Inspector Brophy. Campbell remained here off and on for about

two months. After this had been going on for some time the Colonial Secretary required Campbell to appoint his representative to the proposed board of inquiry, but on receiving that intimation, Campbell withdrew his charges on the ground, as he said in his letter, that Captain Hare was to be retired.

The Colonial Secretary: Did you say on the ground that Captain Hare was to be retired?

Hon. D. G. GAWLER: I will read the letter and the hon. member will be able to judge for himself. This is the letter and it is dated the 9th March, 1912—

In view of the fact that the Government are retiring from the service Captain Hare, Commissioner of Police, I do not desire to proceed further with the inquiry authorised herein.

Hon. J. D. Connolly: Was Captain Hare retired then?

Hon. D. G. GAWLER: I am coming to that.

The Colonial Secretary: That is different from what you said just now.

Hon. D. G. GAWLER: I stated that it was in consequence of the retirement, and I think my suggestion was correct. Hon. members will see that that letter is dated 9th March, 1912; on the 20th March, or 11 days later, this minute was passed by Cabinet—

I recommend Cabinet to advise His Excellency the Governor in Council to require Captain F. Hare to resign his office as Commissioner of Police as from 31st March, 1912, and to grant the money equivalent of the long service leave, or proportion of long service leave accrued.

Therefore, 11 days before Cabinet in Council decided on the retirement, Constable Campbell knew that Captain Hare was to be retired from the service. That is obvious from the dates. The minutes I have just read was approved by Executive Council on the 27th March, 1912.

Hon. J. D. Connolly: How many days after Campbell knew about it?

Hon. D. G. GAWLER: Sixteen days after Campbell knew that Captain Hare was going to be retired His Excellency the Governor approved. The question is

how did this constable know that Captain Hare was to be retired? It seems to me it requires explanation, more especially under the circumstances in which Captain Hare and Constable Campbell were placed, as defendant and accuser respectively. Not only that, but Constable Campbell sent in a bill for 25 guineas. This was reduced by Executive Council, which recommended ten guineas to be paid to Constable Campbell to meet his expenses. A similar amount was offered to Captain Hare to meet his expenses, but Captain Hare replied that he did not wish to have anything to do with the money, that it was a question of personal expenses, and consequently he did not wish that it should be a charge upon the public funds. Constable Campbell was down here for a couple of months receiving full pay, and then he received ten guineas, and coolly withdrew all the extraordinary charges against Captain Hare. If Captain Hare was guilty of these charges he deserved dismissal without any compensation at all, but if he was not guilty then I think the way in which he was retired was nothing short of ignominious dismissal. I would like to draw attention to the way in which Captain Hare was retired. That minute which I have just read was dated 20th March, 1912. On the 22nd March, 1912, Captain Hare received this letter, which I believe is the only intimation he ever had from the Government in regard to his retirement or the reasons therefor—

Dear sir,—The Hon. Colonial Secretary has desired me to acquaint you of the fact that the Government have decided to terminate your services as from the 31st instant. I will advise you at a later date, namely, when the matter is settled, of the conditions attaching to your retirement. (Signed) J. R. Campbell, Under Secretary.

Here was a man in Captain Hare's position subjected to these charges which were coolly withdrawn; a man who had been 36 years in the Government service without a stain against his character or his administration called upon by the Government in those terms to retire, and without a single word of appreciation of long and honourable services rendered to the

country. The only bright spot in the whole of the circumstances of his retirement was a letter which Captain Hare shortly afterwards received from the officers of the Colonial Secretary's Department recognising his long and honourable public services, and wishing him every success in his future life. I wish to say at once that Captain Hare has not the slightest desire to suggest that the result of any inquiry which may be held in consequence of this motion should be to reinstate him in the office of Commissioner of Police. He does not suggest that at all, but he suggests that if it had not been for the action of the Government he would have been still in the public service of the State.

Hon. Sir E. H. Wittenoom: And would have saved his pension.

Hon. D. G. GAWLER: Not only that, but many people outside believe, rightly or wrongly, that the charges laid under the circumstances I have mentioned were the cause of Captain Hare's retirement. He is at the present time labouring under a stigma, and he wants that stigma removed from what he regards as an honourable name and career. He only asks for this inquiry to clear his reputation at the hands of the Government, who were only too ready to allow an inquiry to be held as desired by Constable Campbell into those charges brought by him against Captain Hare.

On motion by the Colonial Secretary debate adjourned.

BILLS (2)—THIRD READING.

1. Interpretation Act Amendment (transmitted to the Legislative Assembly).

2. Declarations and Attestations. (*passed*).

BILL—MENES REGULATION.

Second Reading.

Debate resumed from the previous day.

Hon. A. SANDERSON (Metropolitan-Suburban): Unless it was the Arbitration Bill, I do not know any measure which has caused me more anxious thought and

careful study than the Bill under discussion, and if, in the classical diction of Mr. Cornell I was anxious to spread myself on this Bill, I do not think you would call me to order if an exhaustive review of the mining industry was made. But so far from wishing to spread myself I am most anxious to compress my remarks within reasonable limits, and not only to compress them within reasonable limits but to deal with only two main points, which chiefly appeal to me. Before doing so I should like to make some reference to the speech of the Minister who introduced the Bill. I would suggest to him that he made the miner's occupation rather more objectionable than it really is.

Hon. J. Cornell: Did you ever do any of it?

Hon. A. SANDERSON: I was a dry-blower probably before the hon. member came to this country.

Hon. J. Cornell: Then you must have been born here.

Hon. A. SANDERSON: It is not necessary. I think, to be a miner to have some opinion of mining, any more than it is necessary to be a politician to have some opinion of politicians. I do not think it would be difficult, if one wished to do so, to paint the life of a politician in very similar language to that through which we heard of the miner. Anyone who looks back on the history of politicians in Western Australia, to go no further—and I have gone from Wellington to Perth in pursuit of the Australian politician—will realise that it would not be difficult to paint in most sombre language the occupation or career of a politician. Death, disease, the criminal dock, bankruptcy, drink, and many other similar states are common in the career of the politician.

Hon. J. Cornell: Can they be attributed to the industry?

Hon. A. SANDERSON: In a great many cases they can. The temptation to disregard one's own affairs, the temptation to unhealthy excitement, the temptation to late hours, the temptation to drink, in a politician's life, treated seriously or treated as a joke, could be urged

very strongly indeed against the life of a politician. And, as I say, I regret that the Minister should have painted in colours without any relief the life of the miner, because I do not think he brought about the result which he desired.

Hon. J. E. Dodd (Honorary Minister): If you had my experience you would not say that.

Hon. A. SANDERSON: If the hon member had my experience and knowledge and careful examination of the lives of Australian politicians he would be with me.

Hon. Sir E. H. Wittenoom: It is certainly very sad.

Hon. A. SANDERSON: It is sad, so sad that it is quite a relief to find one of the even temperament and smiling demeanour which we admire in Sir Edward Wittenoom.

Hon. J. Cornell: Chiefly owing to their contortions.

Hon. A. SANDERSON: I must be a provocative speaker, because I scarcely ever rise to speak without being met by a flood of interjections. However, I welcome these interjections, especially on this Bill, for I wish to get to close quarters with the main points of the Bill. But I think hon. members will agree that it is rather apt to lead one off the line if one gets too many interjections, and if it is continued I will have to pursue the policy of the leader of the House, who goes straight along quite regardless of any interjection, pertinent or impertinent. But that is a mere aside, and if the hon. member objects I am quite prepared to withdraw it, recognising as I do that at any rate the miner's occupation is a hazardous one. I propose to deal with the Bill, not making any reference to this gold stealing question which was brought up, although from the investor's point of view and the legal point of view. I believe the rascality of the gold stealer could only be equalled by the rascality of the company promoter, and that both of them have had as much to do as anything else, unless indeed it is the gambling nature of gold mining itself, with the alienation of a number of supporters of the industry. Men in England invest

their money here, and it is openly acknowledged and known that their property is stolen, and they have not the redress they ought to have. I do not wish to touch upon that point although one is tempted to do so by the remarks of one hon. member. Neither do I wish to touch on any of the technical points raised, because few people are less qualified than myself to deal with these highly technical matters. The whole speech of the Minister, the speech of his supporter, the speeches in another place in support of the Bill, the whole basis of them all has been on what we might call humanitarian grounds, and so ably was it done that I, at any rate, in the short experience I have had in this House, do not recollect any speech that has impressed the House more. When Mr. Cornell can elicit an encouraging "hear, hear," from Mr. Piesse, and when the hon. member sits down and gets at any rate two or three mild taps on the benches, I think we can say he has made an impression on the House, and the whole basis was on humanitarian grounds. It certainly appealed to me, and it appeals to me now, and at this point I come to what I may call a dead end with very refractory ore.

Hon. Sir E. H. Wittenoom: You know a little about mining.

Hon. A. SANDERSON: I have picked up a few words in debate. These statistics are the trouble. It is of no use hon. members denying that the Minister and his supporters have made out a *prima facie* case in favour of some legislative interference, because we can take up the statistics of the Minister, of the mining officials, of Mr. Cornell, and even of the Chamber of Mines itself, or, as I did, the Commonwealth statistics, and we find that the number of deaths in Western Australia calls for attention. I am not going to quote any statistics, but I refer members to any source they like to go to, and they will find that the figures call for some inquiry at least on the part of Parliament. I am not going to make any charges, either of carelessness on the part of the men, although I believe that is a contributory cause, or the statis-

tics being inaccurate, although I believe that there again they want a very careful analysis, but *prima facie* those figures call for some inquiry and legislative interference, because they seem to show that in the number of deaths—and here at any rate there can be no malingering—Western Australia compares unfavourably with the other States, as it does also in regard to accidents. I do not require to have it pointed out to me that the accidents may be reckoned on a different basis in the various States, and that, therefore, it would be fallacious to make comparisons on the bald figures alone, but as one who spent many years in dealing with figures and statistics, I have no hesitation in saying that these figures from the different sources undoubtedly call for some consideration and certainly justify the Minister and his colleagues in bringing forward some legislation to try to stop it. I am prepared to go as far as that, and I have tried to guard myself against any exaggeration of these figures. That is one of the reasons why I make a special appeal to Mr. Colebatch not to decide offhand and not to use his influence, which is undoubtedly great, to secure the rejection of the Bill on the second reading. I say the Government have proved that some inquiry should be made, and when the lives and limbs of our fellow countrymen are concerned, I do not think we should be blamed if we stretch a point or two, especially in the Legislative Council, to give them every consideration. I do not know that this body is very popular with the miners on the goldfields, and perhaps it is a matter of indifference to us whether it is or not.

Hon. R. G. Ardagh: You ought to pay a visit to the goldfields to find out.

Hon. A. SANDERSON: I have paid a visit, and whilst I have profound gratitude for the kindness of the people to me, I feel nothing but amusement and contempt for their political views.

Hon. R. G. Ardagh: They evidently thought the same of you.

Hon. A. SANDERSON: Perhaps they did, but I am not to be drawn aside again. I am trying to make a special appeal to Mr. Colebatch not to vote against the

second reading as last night he hinted he would do, because I think that would not be a reasonable and fair action. If the case had not been made out as strongly as I maintain it has been made out, for at least some legislative inquiry, I still think it would be advisable to stretch a point and let us get into Committee. Similarly in regard to Mr. Cullen's remarks, I cannot see that it would do any good to refer to these trades union leaders in the way he does.

Hon. R. G. Ardagh: Pure abuse.

Hon. A. SANDERSON: Well, I do not think that comes very well from a member of the hon. member's party, because I am gently remonstrating with my hon. friend, and when I want abuse I can go to the goldfields and listen to the people there talking to each other. I do not think it is advisable to refer to those men in that way, because certainly they are the leaders of the men, and they are just as fully justified in calling themselves the representatives of the people they are elected to represent, as we in this Parliament are. It certainly has been debated by some of my critics whether I represent the constituency I do, but at any rate I am here and determined to do my best. The only points I am going to deal with are the questions of the humanitarian appeal and the employment of foreigners. We are told that the stopes are dangerous, that the inspectors are insufficient, and sometimes prejudiced, that the hours are too long, and are detrimental to health, that the managers are uncertificated, and that the foreigners by reason of their ignorance of the English language are a menace to life and limb. That in outline is the appeal made to us in this Bill. I admit that there is a case made out and if they can satisfy me that is a fair argument, apart from the figures, if they can satisfy me that the clauses they propose are going to assist—as Mr. Colebatch pointed out, if we have no mining there will be no accidents, but we must have some reason—if I can be satisfied that the proposals in this Bill offer a solution of the difficulty I will support the Minister. But what are we to say of men whom we find using this humanitarian appeal for

some other motive altogether? That, I maintain, seems to be the case. On these questions of stopes and inspectors I am going to listen very attentively to what the Minister has to say. Of course one of the great difficulties in the discussion is to arrive at an agreement as to what the facts of the case are. I gave the illustration of these statistics, and they are denied. Similarly last night Mr. Colbatch stated that the Royal Commission did not recommend anything in the nature of the present proposals. The Honorary Minister said the Commission did, and if the hon. member would read on he would find it. Who is right there? I have not had time to examine into the report, but here we have a contradiction on a very important point. I certainly was misled with regard to this question of check inspectors. It may have been my carelessness in not listening more attentively, possibly it was my ignorance in not realising more clearly the distinctions made and not being acquainted with these very voluminous reports. But I certainly was astonished to find that in the 1906 Act the men have already power to appoint inspectors.

Hon. J. E. Dodd (Honorary Minister): The power has never been availed of.

Hon. A. SANDERSON: Why not?

Hon. J. E. Dodd (Honorary Minister): Because it is impossible to put it into operation.

Hon. A. SANDERSON: I will be dealing with that in Committee, and possibly at some length. I am surprised to hear the Minister say that. We are told that possibly the men are frightened to appoint these inspectors, and yet what an astonishing tribute we had from the Minister and his supporters as to the integrity, humanity, and skill of these mine managers. It was quite remarkable. Not a word was said against the mine managers, but we had a most extraordinary tribute, such as I have seldom heard from employees to their employers, to the skill, humanity and integrity of those gentlemen.

Hon. J. E. Dodd (Honorary Minister): I never said the men were afraid to appoint inspectors.

Hon. A. SANDERSON: Well, what is the reason?

Hon. J. E. Dodd (Honorary Minister): I will give the managers' own words when I reply.

Hon. A. SANDERSON: That is one of the reasons I am anxious to get into Committee. I do not wish to detain the House at too great length. It is quite possible there is a satisfactory answer to be given to the question I have raised, but I am not yet satisfied about it. On the question of stopes also we must get into Committee. I certainly have, I think, a fairly clear idea of the point involved in this stope question and I have come to the conclusion that it varies greatly, and to give a fair analogy it is like the vexed question of motor speeds. Forty miles an hour may be perfectly safe and justified in some cases with a motor car, whereas in other cases anything but the merest crawl at two or three miles an hour, anything but a dead stop, may be the only thing which is reasonably safe. That is the impression I have in regard to these stopes and therefore to say that we should pass this legislation on humanitarian and health grounds—unless there is some ulterior object in it, which there may be for aught I know—seems to me to be as absurd as the ridiculous regulations in regard to motor speed, which some hon. members consider should not exceed 12 miles an hour. I say, vary it according to the circumstances of the case.

Hon. J. E. Dodd (Honorary Minister): You admit that the speed needs regulating.

Hon. A. SANDERSON: I admit that these figures alarm me somewhat and any appeal on humanitarian grounds will get my consideration, but because some person tells us a wrong yarn about a wife and ten children and no bread in the house when the parties are not married and are thirsting for something else, anyone with a knowledge of the condition of affairs would not be guided by such a statement. I am coming to the strongest point of the case, the case of the foreigners. I admit that these figures have caused me to look very carefully

into the matter. Taking any test I can find, an increase in the death rate, an increase in the accident rate, and in comparison with the rest of Australia, to go no further, the figures cause me to give the fullest consideration to the appeal which has been made. If I may be permitted to make a second appeal, if the first has not been successful, I would ask the hon. Mr. Colebatch to reconsider his decision, if it is a decision, though he only hinted at it, and not to use his influence to secure the rejection of this measure on the second reading.

Hon. J. Cornell: That is a high tribute to the hon. Mr. Colebatch.

Hon. A. SANDERSON: I pay the highest tribute to the hon. member with the greatest pleasure. The only important points on which we differ, and they have been obvious during the few months we have been in session, are with regard to our functions in this House. I maintain, and I am carrying out my election pledges in doing so, that the functions of this House are legislative of course, but that we are permitted and ought to exercise some judicial faculty rather than follow this party division to its fullest extent. If I were fortunate or unfortunate enough to find myself in another place, I believe I could sit there many sessions with hon. Mr. Colebatch and say ditto to nearly every important public question that occupied attention, so I gladly pay to him this tribute. I realise more closely as these important discussions go on how we do differ on this question, but I perhaps have a more difficult and more democratic constituency to represent. This is seen by the presence of the hon. Mr. Davis on the other side of the House. It was seen in the election where the Liberal candidate with a less broad-minded view of the functions of the Legislative Council was rejected in favour of myself. When we find the hon. Mr. Gawler, whose broad-mindedness, statesmanlike view is known to all and the hon. Mr. Davis and myself returned for the Metropolitan-Suburban Province, the largest in the State, and I think, undoubtedly, the most im-

portant, is it surprising that with one on one side of the House—

Hon. H. P. Colebatch: One on the other and one on both.

Hon. A. SANDERSON: That is a somewhat hard interjection, but I will not be drawn aside. There have been many light interjections during this discussion and they have been somewhat painful to me, because after all is said and done that impassioned appeal made by the hon. Mr. Cornell and the appeal of the Minister dealt with what to me is one of the most serious matters we can deal with here, namely the lives and limbs of our fellow countrymen. We can find medical men who jest over these things; the gravedigger in Hamlet jested in the grave, but for myself, I take a most serious view of this important question, the protection of the lives of the miners. I do not think it will be difficult to show that at any rate in the case of the foreigners, they have used this humanitarian appeal with no idea whatever of protecting the lives and limbs of other workers, but with the one object of securing some cash to put in their pockets. I would not make that statement unless I were prepared to justify it. We have one Labour member telling us, if he is reported correctly in the public prints, this—

Not one of us wished to insult the nationality or question the integrity of these foreigners, but we say that in a country which we call our own we should have at least equal opportunity of getting employment.

And I would like hon. members to mark the succeeding statement—

Whether this is a selfish attitude or not concerns only ourselves.

This is the humanitarian appeal for the protection of life and limb in connection with the dangerous occupation of which we have heard so much. What are we to say to that, not that I expect much consideration for the foreigner? When it suits some hon. members they are quite prepared to wave the flag of imperialism. When it suits other hon. members they are quite prepared to wave the flag of internationalism. We were referred by hon. Mr. Cornell to the international con-

ference of miners which met in Europe. I would like to hear the opinion of the international conference of miners in Europe on the hon. Mr. Cornell's attempt to work the Germans and Italians out of the mines here.

Hon. J. Cornell: Englishmen cannot get work in German mines.

Hon. A. SANDERSON: The hon. member could not tell me anything that I know better or that makes me more proud to be under the British flag. It is not a question of adding continent to continent that arouses my admiration for the British flag; it is because we have liberty and justice such as is enjoyed in no other country. The Labour party use this argument regarding the British flag when it suits their purpose, preferential trade, and preference to their own miners, and I regret to think, recollecting what occurred last session, that there are a few here who are not prepared to put in a word for the foreigners in this country, unless it suits them. Let us recollect what occurred last session. Representatives of capital, representatives of the employers, were prepared to deprive the survivors of miners who were injured, of the benefit of compensation. That was the attitude, if my memory serves me correctly, of some hon. members who were well qualified to speak, and who were speaking from the point of view of the employers.

Hon. J. F. Cullen: My memory does not bear that out.

Hon. J. Cornell: Then it must be very short.

Hon. A. SANDERSON: My recollection is so distinct that I intend to continue my argument on the point. If I find that my recollection has been wrong, I will be ready to withdraw my statement.

Hon. J. W. Kirwan: Some hon. members of this House, too.

Hon. A. SANDERSON: I am glad that the recollection of some other hon. member agrees with mine, that that argument was put forward in this House. An unfortunate creature is killed—not injured, that is a different matter—he is a German, an Italian, a Spaniard, or an American; his representatives living in a

far country, and it might be that a widow, a mother or a child is not permitted to receive one penny of compensation, simply because they do not live in Western Australia. That was the argument and I am glad that I have secured some endorsement of my recollection of what occurred. I was shocked and pained beyond measure and the Labour members supported it. They were ready to advance this international ground when it suited them because it put a premium on the employment of foreigners, because naturally enough the employer would readily engage the man whose dependants in the event of him being killed would have no claim to any compensation.

Hon. J. W. Kirwan: The representatives of Labour uphold that.

Hon. A. SANDERSON: I admit that; that is the whole point of my argument.

Hon. J. W. Kirwan: On the grounds that it would have meant that the foreigners would have received preference of employment.

Hon. A. SANDERSON: I thought I said that. It is the whole point of my argument. The capitalist uses this international argument regarding the foreigner because it deprives his representatives of any cash return and Labour representatives oppose it because of preference of unionists and because the difficulty of getting employment would thereby be increased. I may be permitted to read that statement again, because it really exhausts one's patience to be appealed to by Labour members on humanitarian and international grounds when the members of the hon. Mr. Cornell's party have the audacity after appealing on these grounds to say in another place where apparently it does not matter what one says, or on the public platform when surrounded by their own people, that the object of this is to deprive the foreigner of employment and "whether this is a selfish attitude or not concerns only ourselves." If the hon. member thinks that the British Empire—

Hon. J. Cornell: What are you quoting from?

Hon. A. SANDERSON: I am quoting from *Hansard*, page 700.

Hon. J. F. Cullen: They are trying to corner you.

Hon. A. SANDERSON: I am not afraid of being cornered; I am cornered already. I have no supporter in the House on that point, but I would stand here and protest against this narrow-minded, foolish, discreditable policy of treating the foreigner in that manner.

Hon. J. F. Cullen: Nearly all the previous speakers made the same appeal.

Hon. A. SANDERSON: Of course they put in the appeal this time. The representatives of the employers put it in, and very wisely from the point of view of logic. They put in the claim for the employers this time because it suited their argument. But what are we to think of the members who last session deprived the unfortunate representatives of these foreigners of a few paltry pounds because they lived outside the country? That was the argument put forward. I will not pursue this subject further as I want to draw my remarks to a conclusion, but in regard to what I have said I have a distinct recollection, my most distinct recollection in connection with my first session in this House. It is strange that it should be confirmed by one who realises what he is saying and realises the importance of accuracy, as newspaper men do. We have jeers from my sophisticated friends, but I say the newspaper man is trained, at any rate the better class of newspaper man is, to be accurate.

Hon. W. Kingsmill: Which accuracy he uses when it suits him!

Hon. A. SANDERSON: I intend now to conclude my remarks, which I have made as short as I could, not that there is not plenty to be said on the subject, but I am going to appeal to the House again to let this Bill go into Committee and if the Minister can show that these clauses are going to make any appreciable difference with regard to the life and limbs of these miners, I will support him, but up to the present, so far as my examination has gone, I have found nothing in this Bill that would increase the protection of the miners, except this one point of the inspectors. I am prepared to go to great lengths and the mine owners, I under-

stand, would not object, no one would object, to have the most careful inspection and supervision of the mines. The question of the carelessness of the men is one which wants some examination and I am not going to deal with it, as I have not got sufficient evidence on the point.

Hon. J. Cornell: Hear, hear! It is only an assertion very often.

Hon. A. SANDERSON: How can the hon. member make that assertion when he has only employed perhaps a wood boy or a poultry boy? In half the cases of illness and accident which occur, as we find from our own experience and that of our friends, carelessness is undoubtedly often a contributing factor. I believe that in phthisis and these explosive disasters, sometimes at any rate, carelessness is a contributing factor. It is certainly a most difficult appeal to resist, but the Bill is certainly an impossible one to accept as it is, but I am anxious to go into Committee, as one can thrash out points there more easily and carefully than one can in the second reading debate. So I will vote for the second reading of the measure, and sincerely trust that other members will do likewise.

Hon. C. SOMMERS (Metropolitan): I do not intend to delay the House at any great length in regard to this Bill, and I am rather diffident in speaking about it at all. It is, I think, a measure born out of its time and it has been so kicked and cuffed about by those who have already handled it that I think it would be cruel if I subjected it to further ill-treatment. I have listened to the speeches, and very excellent speeches indeed most of them have been. I am at one with previous speakers in desiring to make mining healthier and safer for those employed in it, and I would go a long way to do something in that direction. Coming to the main features of the Bill we may first take the contract system. If this is prohibited it is going to be a serious blow to those engaged in the industry. Why should it be prohibited? I was speaking to an hon. member of this House in the lobbies a few days ago and he said that no miner should be allowed to earn more than the average mining wage. I said that would

be almost impossible as the poorer worker would expect to get the highest pay and would not work alongside the man better paid than he was, and the hon. member said that if he was a poorer worker he should try some other calling. I suppose that to be consistent in that way it would have to be said that if employees in other callings showed equal aptitude to do good and intelligent work, they would be told to get out of it, and their last case would be worse than the first, and they would find themselves over the edge at last. If the contract system is to be prohibited why should we limit that prohibition to mining? We find that in every calling men will come to the top, and if some are more able than the ordinary workman they should be allowed to do so. We find prominent men in all callings who prefer to do contract work. Notably in the timber trade hewers are not ready to work for a daily wage; they scorn it. They are paid by results and earn big money, and we do not hear of any difficulty. I venture to say that if a Bill was brought in to limit the hewing of sleepers to day labour there would be a very big outcry indeed. If contract is a good system in one calling why should it not apply to all callings? Take the railway contract system, and it has been found to work well. If men like to take certain sections of railway work, and thereby the work is expedited, and they can earn good money, and everybody is satisfied, why should they not be permitted to do so? Particularly in regard to the growing of wheat we hear of numerous instances of men going out and taking clearing contracts. On my own farm a prominent labour man was offered weekly work the other day and he said he preferred a contract, and I let him have it as it was better for him and better for me as well. Under this Bill a man will have to be content with an ordinary weekly wage and cannot raise himself above that average earning.

Hon. J. Cornell: He has to content himself with that now.

Hon. C. SOMMERS: I venture to say to the hon. member that if he could earn more by contract than day labour he

would be one of the first to take the opportunity and no one would blame him. In regard to the night shift, surely it cannot be to the interests of the working miner to prohibit this. It cannot be particularly unhealthy. It has been recognised that men do not do as much work on the night shift as is done on the day shift, and if it suits them to work on the night shift, why limit the conditions of labour. It is for the men themselves and their unions to see that the occupation is not more unhealthy than can be avoided, and I think we should leave it to the unions. If night work is to be restricted under this Bill it would only be consistent to limit it in other callings. With regard to accidents, we know that a number of them cannot be avoided, but I venture to say that in comparisons between accidents in this country and other countries, perhaps one of the reasons why our figures are so large is that in this State every accident is accurately recorded, no matter what it is, and that is not the case in other countries.

Hon. J. Cornell: Fatal accidents are recorded in other countries and we show up with 17 per cent. of those in the Commonwealth.

Hon. C. SOMMERS: I have talked to both mine managers and men employed in the mines and from what I gather they do not expect us to pass the provision in regard to workmen's inspectors. I have been told that one prominent Labour man on the fields, when asked about this matter said, "We are asking for it but know jolly well the Upper House will not pass it, and we will have a grudge against them at the elections for throwing it out." If more inspectors are wanted the Government should appoint them, and the men they would appoint would be impartial and would be qualified. The hon. Mr. Gawler quoted the correspondence which has passed between the Minister for Mines and the Chamber of Mines and that correspondence clearly shows that both authorities were at one in seeking that the status of the inspectors should not be lowered, but rather should be increased. Here we find that, according to the provisions

of this Bill, the qualifications of a workman's inspector will be simply that he has served five years at underground work, but it does not say, as has already been pointed out, how long ago that five years may have been spent. In regard to the limitation of employment of aliens, I think the limitation is a cowardly one, and one which I would be no party to. As an Australian I would be ashamed to be any party to such a limitation. An Australian and a Britisher should not be afraid of any foreigner.

Hon. J. Cornell: There ought to be no need for it.

Hon. C. SOMMERS: Britishers are allowed to go into other parts of the world and we are asking decent healthy men and women to come from practically all parts of the world to this country, and when we get them here they should be treated decently. I think if it is passed as proposed it will be an everlasting disgrace to this Chamber. I do not think this Bill is needed and the second reading should not be carried. But if an effort is made to in every way possible make mining safer and healthier than it is at the present time, I shall do my best to help in that direction.

On motion by Hon. F. Connor debate adjourned.

BILL—FREMANTLE IMPROVEMENT.

In Committee.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.
Clauses 1, 2—agreed to.

Clause 3—Compensation:

Hon. M. L. MOSS moved an amendment—

That the following stand as Sub-clause 1:—"Provided that section sixty-three of 'The Public Works Act, 1902,' shall be deemed for the purposes of this Act to have been amended as follows:—(i.) By the substitution of the words 'ninth day of September, 1913,' for the words 'the land was taken' in paragraph (a). (ii.) By the addition of the following subsection:—

(2.) For the purpose of determining the amount of any such compensation the court shall assess the unimproved value of the land as at the date aforesaid, and in its award shall allow for such value at no more than the amount assessed. The amount of such assessment shall not exceed by more than ten per centum the amount stated by or on behalf of the claimant to be the unimproved value of such land in the last return preceding the date when the land was taken, made with respect thereto for the purpose of land tax under 'The Land and Income Tax Assessment Act, 1907,' but may, if the court so decides, be less than the amount stated in such return."

Hon. C. Sommers: I hope you do not own any land there.

Hon. M. L. MOSS: It was with regret that he informed the House that he did not. In the session of 1911, which was the first session of Parliament after the present Government took office, a Bill was brought in to amend the Public Works Act, 1911, and the addition he (Mr. Moss) was now submitting to the Committee was part of the policy contained in that Bill. It was thrown out in the Legislative Council, and he took a prominent part in getting that Bill thrown out, for this reason: that such a proposal would always be a very unfair proposal unless one took the whole of the land belonging to the person whose land was being resumed. That was his sole objection to the measure the Government brought forward.

Hon. J. F. Challen: Is the hon. member sure of that?

Hon. M. L. MOSS: Yes, absolutely sure. Mr. Sommers would remember that when he was contesting his election for the Metropolitan Province which was in the session referred to, he (Mr. Moss) assisted that hon. member in Perth, and in the speeches he delivered on the public platform he condemned a measure of that kind, because it would work unfairly. If a person owned 500 acres or 1,000 acres of land and he valued that land at per acre it must be obvious that if we took two or three acres on which there might

be a valuable coal mine or a gold mine or a valuable water supply, then the payment at the rate of per acre would be an unfair basis on which to pay compensation. Where we took land there would be everything to recommend the proposal he was submitting to the Committee. It certainly would do this: if persons had been dishonest in the making of their returns and had been attempting to cheat the revenue in the amount of land tax they had been paying they would have to pay a big penalty. An incorrect statement in the return under the Assessment Act of 1907 was tantamount to the commission of the offence of perjury, and every man and every woman knew that when making a return of their property they had to give the true and fair value of that property.

The Colonial Secretary: How do they arrive at it?

Hon. M. L. MOSS: How was it arrived at when it was resumed and when an owner asked for compensation?

Hon. C. Sommers: An owner takes advice.

Hon. M. L. MOSS: He had a sufficiently good opinion of human nature to know that there were a multitude of people who desired to present their returns fairly and pay to the country what was due to it in the way of taxation. But there was no desire to discuss that. In this case there was a certain piece of property valued at so many pounds per foot, made up of so many feet of land at so much per foot, and the improvements were worth so much, and both the value of the improvements and the unimproved value of the land, and the total value of the property were given. The owners had been paying their municipal tax on that basis, and their land tax on that basis, and when for public purposes it became expedient to take that property, why should the municipality or the State pay more than the fair value which those had stated for taxation purposes.

Hon. J. F. Cullen: Heads I win, tails you lose.

Hon. M. L. MOSS: Mr. Cullen interjected "Heads I win, tails you lose." He knew to what the hon. member was alluding. In the amendment he was proposing,

the amount of compensation might be the amount the owner stated, and it was set out that ten per cent. might be added for the compulsory taking of the property. That was inserted as it was inserted in the Government Bill to meet this case. There might be instances of gross overvaluing.

Hon. C. Sommers: Suppose it is undervalued.

Hon. M. L. MOSS: Then it would be the owner's own lookout. If a man grossly overvalued his property that was no reason why he should get that amount.

Hon. C. Sommers: Leave out the word "grossly."

Hon. M. L. MOSS: Then if it was overvalued no man should be expected to be paid for that overvalue. He should be perfectly satisfied if he got the full value when it came to compensation for land taken in the interests of the general public. It was a fair proposition if a man received what he said was the value for taxation purposes. The amendment went further. It provided that he should get that compensation plus ten per cent. for the compulsory taking.

Hon. J. F. Cullen: The ten per cent. is always paid under the Public Works Act.

Hon. M. L. MOSS: Yes, and he was carrying that forward in the amendment.

Hon. J. F. CULLEN: The references the hon. member had made to his previous utterances on a similar question might be left to others to check.

Hon. M. L. MOSS: You can refer to *Hansard*.

Hon. J. F. CULLEN: If the hon. member referred to *Hansard* he would find that his comparisons might be open to serious correction. At that time the hon. member took a much broader and sounder view of the question. However, he had already arranged with Mr. Gawler to deal with that. His desire was to deal with another point, and it was this: that the hon. member (Mr. Moss) had unconsciously and unintentionally insulted the resumers of land for public purposes. He was placing these resumers in the category of catch-penny Jews.

Hon. M. L. MOSS: That is a very insulting expression.

Hon. J. F. CULLEN: There was not the slightest intention or thought of any national allusion or reference. The hon. member would give him credit for that. He was only speaking in common parlance.

Hon. M. L. Moss: I can assure you, Mr. Cullen, that I do not like it. I think it was a very unkind remark.

Hon. J. F. CULLEN: Then he would withdraw that remark, and express himself as exceedingly sorry for having said it. The hon. member would believe him when he told him that he had no thought of being offensive. It was not an uncommon thing in Parliament to use what was common parlance outside. The hon. member overlooked this aspect of the question entirely. The fixing of values for taxation purposes was first of all a declaration on the part of the taxed person, but that was not the end of the matter at all. It was not in human nature that the owner of land for taxation purposes would over-value.

Hon. J. Cornell: He might do it in ignorance.

Hon. J. F. CULLEN: But he would not intentionally do so. The attitude he generally adopted was the attitude taken when valuing for mortgage purposes. He did not let sentiment come in at all. An honest owner would be dealing with the whole market question of what would his land fetch from ordinary bidders. That sum such a man would put down as his valuation, but that was not his sentimental valuation. The owner might say the market value of his land was £500, but that he would not take £1,000 for it. Such a man could say such a thing and be perfectly honest. Such a man could conscientiously say to a would-be buyer that he did not wish to sell the land, unless for a very tempting price. There was no dishonesty in taking up such an attitude. The hon. member had overlooked that, and had overlooked the still more important consideration that it sometimes happened that an owner submitted £500 as the value of his land, and the taxation commissioner raised that value to £1,000 and claimed taxation on that sum. In such circumstances the land owner, rather than waste time in appealing, paid under

protest on the higher value. He (Mr. Cullen) had done it himself. It was a common thing. Under the amendment the Government were to accept payment of taxes on the commissioner's valuation, and later on resume the land, not on that valuation, but on the lower valuation honestly estimated by the owner, but on which the owner had not been allowed to pay taxes. The position really was that the mover of the amendment had announced to his friends that he was withdrawing from Parliament and in consequence was engaged in burning his boats.

Hon. J. Cornell: That is a very unfair thing to say.

Hon. J. F. CULLEN: The hon. member had utterly misrepresented a former speech and now, when faced by an unanswerable argument, was content to sit down.

Hon. M. L. Moss: I cannot stand up while you are up.

Hon. J. F. CULLEN: No, but on other occasions the hon. member had not been so sensitive on the point of interjections.

The CHAIRMAN: The hon. member would be required to address his remarks to the amendment.

Hon. J. F. CULLEN: If the amendment was carried it would mean that the taxation commissioner could force a landowner to pay on double the value of the land, and yet when the land was to be resumed the Government could disregard the taxation commissioner's valuation and resume the property on the valuation which the owner had put in for taxation purposes. The amendment was "Heads I win, tails you lose," and, therefore, while good enough for a racecourse, was an insult when seriously proposed in a legislature. It did not even bind the Government to give the valuation which the land owner had put in. The Government could give less but in no case more. If the Government would have power to give less, then an honest Government should hold themselves bound to give more if a better and more perfect valuation showed that more was due. Where was the need for a powerful Government or a powerful Legislature to treat an indivi-

dual land-owner as being necessarily a thief and robber? The powers of resumption under the Public Works Act were adequate. Under that Act if a dispute arose the question went to arbitration. What fairer proposal could be conceived? The present Government when first returned to office had put this vicious "Heads I win, tails you lose" device into effect whereupon the hon. member who now moved the amendment, was loudest in denunciation of the nefarious proposal. Now, however, that hon. member, seeing that the Government had dropped the proposal was attempting to put it in the Bill. The amendment should receive the shortest of shrift from the Committee.

Hon. J. CORNELL: The amendment was a good one. He was surprised at the attitude adopted by the hon. member who had just sat down. That hon. member was not so much concerned as to how the amendment would fare in the Bill as with the question of what would be the future outlook. The hon. member had indulged in remarks altogether unfair to the mover of the amendment. By innuendo it had been conveyed that because the hon. member (Mr. Moss) who had moved the amendment proposed to leave the House—and however much he (Mr. Cornell) had disagreed with that hon. member in the House he had a profound admiration for the hon. member and was convinced that the passing of the hon. member would be a distinct loss to the House—that hon. member was attempting to launch this legislation. The inference was altogether unfair and unjust and was on all-fours with other utterances of the hon. member (Mr. Cullen) at other times. That hon. member had declared that Mr. Moss had turned a somersault, and had gone on to say that the hon. member would explain his somersault per medium of *Hansard*. As a new member he (Mr. Cornell) thought it would be a wise proposal to have *Hansard* burnt after every session.

The CHAIRMAN: The hon. member's remarks should be confined to the amendment.

Hon. J. CORNELL: The Chairman had allowed the hon. member who had just sat down to make certain assertions.

The CHAIRMAN: That hon. member had been called to order, and now he (Mr. Cornell) was called to order.

Hon. J. CORNELL: The amendment was essential, for the Bill proposed to resume for public purposes certain lands. The amendment proposed to fix in the Bill a valuation for the purposes of that resumption. The purport of the amendment was that the land tax assessment value should be taken plus 10 per cent. What could be fairer? Was the amendment going to harm any man who honestly and conscientiously filled in his taxation return? Similar legislation had been in operation for many years in New Zealand and though it might be an innovation here it could be well applied in this instance. It would hurt only those persons who had put in false valuations for the purpose of escaping taxation and who desired to put in another valuation when it was a question of resumption.

Hon. M. L. MOSS: The hon. Mr. Cullen had made a most spiteful speech. It was contemptible to suggest that in moving the amendment he was actuated by the fact that after this session he no longer intended to be a member of the House. Any vote or action on his part in the House for the last 13 or 14 years had not been considered from the point of view of its influence on his constituents. His only desire was to do what he thought was right and he threw back the dirty and base insinuation that he was actuated by any such motive.

The CHAIRMAN: The hon. member must use better language.

Hon. M. L. MOSS: It was a base insinuation and he would not allow anybody to attribute false motives to him. He had moved the amendment because he considered it right. The fact that he was to be castigated by hon. members did not concern him. He had used the strongest language possible to condemn anything that he had considered wrong and he did not complain if the hon. member held strong views

but when the insinuation was made that he had done this thing because he was relinquishing his seat in Parliament it was grossly improper. He would allow no man in the House or outside of it to attribute a motive like that to him. He was pressing for something which he considered was right. He had only roughly perused the speech he delivered on 22nd December, 1911, but it contained two momentous things. There was an attempt to take away from persons their land without paying for the improvements and to pay only the unimproved value. The objection he raised, and which he had raised publicly in Perth when supporting the candidature of the hon. Mr. Sommers was conveyed in his words in *Hansard*, page 1504 :—

This Bill is intended to deal with property, the whole of which is taken. There is an entire disregard of circumstances that may surround portions of the land. Suppose a person is the owner of a thousand acres, and instead of the Government wanting the whole thousand acres they require ten acres. The valuation of the whole property is £10 an acre but in one particular portion of it there is a coal mine, or a magnificent quarry, so enhancing the value of the property generally. The Government would take that 10 acres and pay £10 per acre, whereas there might have been a discovery which would make that 10 acres worth thousands of pounds. Is that a fair thing? It seems to me that this position has never been considered. The Government bring this measure down on the last day of the session, and without consideration people are to be deprived of what they are justly entitled to.

Emphasis was laid on the next portion—

I will support a fair measure so that people will not get undue amounts for land required for public purposes, but the Bill must be on a fair basis.

Hon. D. G. Gawler: You gave another case; read on.

Hon. M. L. MOSS: That was right. He had put the case of land valued for assessment purposes at £20,000 and of a sale taking place before the re-

sumption at £30,000, and the man whose land was to be resumed was to be restricted to the valuation of £20,000. That could not happen in this instance because we were passing this as the position on the 9th September and to his knowledge the owners of the land had been in possession for the last 10 or 15 years.

Hon. D. G. Gawler: Might not they have made a contract for sale?

Hon. M. L. MOSS: There were three owners and he knew they had not done so. The objection raised by him on that occasion could not enter into this specific case. We were not making a law for all resumptions but for one particular instance, and the objection was untenable in this instance. It was proposed to take the whole of the land. The insinuation thrown out that he was doing this because it was his intention not to again be a candidate for parliamentary honours was grossly unfair and he expected better things from the hon. Mr. Cullen. He had hoped that while there were plenty of hon. members who had disagreed with him during the long years he had sat in the House, everyone would attribute to him the highest motives, and the best intentions towards everybody in this country. There was no desire on his part to resort to any miserable subterfuge or anything which was dishonest. He had been under the impression that hon. members gave him credit for being actuated by honest and honourable motives but in that he had been deceived. The hon. member whom he had regarded as his friend evidently thought his motive was base. He (Mr. Moss) would not be the person he was if he did not repudiate in the strongest possible language such a suggestion as that. It was rather painful to him, after having been in politics since 1895, that in his closing days some dishonest and disreputable motive should be attributed to him and he would not allow any one to do this so long as he had the power to repudiate it.

Hon. J. F. CULLEN: It was not his desire that the hon. member should have in his mind any worse impression

than might be fairly founded on what he had said. He had immediately withdrawn the words which did not have the meaning which the hon. Mr. Moss supposed. He had explained to the hon. member privately that he was not even aware such words—

Hon. M. L. Moss: I am not alluding to the first incident but to the second. I have accepted your explanation.

Hon. J. F. CULLEN: There was no insinuation in his speech.

Hon. M. L. Moss: The hon. Mr. Cornell viewed it in the same way as I did.

Hon. J. F. CULLEN: There was no attribution of unworthy motives. His meaning was that from the time the hon. member had made public his intention to withdraw from politics, he had not given the same close and analysing thought to measures that he was accustomed to do.

Hon. J. Cornell: Previously he gave them too much.

Hon. J. F. CULLEN: Some of the hon. member's actions were hasty and ill-advised, and this amendment especially was contrary to his attitude in the past, and contrary to what he expected from the hon. Mr. Moss now if he would only give the same attention as before. He regretted that the hon. member had taken such a view of his remarks. In his mind the hon. member was on a pedestal among hon. members of the House; for him he had the highest possible regard and he could only express regret that his remarks had not been so guarded that the hon. member could not have formed the impression which he had.

Hon. H. P. COLEBATCH: It was impossible for him to imagine any but one motive that could possibly have actuated the hon. member in moving the amendment and that was because he thought it in the best interests of the people he represented. That, however, did not prevent him (Mr. Colebatch) from disagreeing with the hon. member. If this was a good principle to embody in this Bill it would be a good principle to adopt for all land resumptions. There

was one portion of the proposed amendment to which he would like the hon. Mr. Moss to give special consideration, in view of a certain statement which he had made. That portion stated—

The amount of such assessment shall not exceed by more than ten per centum the amount stated by or on behalf of the claimant to be the unimproved value.

It had been stated that the claimant was not in a position to state his own valuation. It would be wrong to make this an exceptional case no matter what the circumstances were, but in this instance there was a reason why the owner should have his land assessed by the repurchasing authorities in the fairest way possible. The man's assessment had been made by someone else because the owner was not in a position to make it himself. It would be unwise to limit the man's estate to receiving the amount which his agent had set down for him. Should not the unfortunate position of the owner compel hon. members to say that if the land was to be compulsorily resumed the owner must have a chance to get a fair value for it, without being tied down by anything his agent had done? He opposed the amendment.

Hon. D. G. GAWLER: The hon. member ought not to press the amendment. In alluding to his speech on a former occasion the hon. Mr. Moss had given excellent reasons why we should oppose the amendment. One was in the event of there being an agreement to sell prior to the resumption. The hon. Mr. Moss stated that he knew no agreement had been made in this case but it would be dangerous to rely on a statement of that sort, even though it came from the hon. member. He opposed the amendment strongly on the ground that we were asked to give compensation for the land. We were not asked to penalise the man who had put in a wrong return. Under Section 68 of the Land and Income Tax Act a person was liable to a penalty for putting in a wrong return, therefore why punish the person twice? By inserting the amendment we would be letting in a

dangerous principle and establishing a bad precedent.

Hon. C. SOMMERS: It was almost impossible for people to arrive at the actual market value of their lands when preparing an assessment for taxation purposes. Land in a country like this was continually changing in value, and if this principle was carried in the Bill we should have to insert it in other Bills, and many hard cases would crop up. Why spring this surprise on the few people at Fremantle. If the clause had been drafted, by the Fremantle Municipal Council he could have understood it. It was to be hoped the amendment would be rejected.

Amendment put and negatived.

Clause put and passed.

Clause 4—Poll may be demanded on question whether lands are to be acquired by the municipality:

Hon. D. G. GAWLER moved an amendment—

That the last word of subclause 1 be struck out and the following inserted in lieu, "election of the owners of rateable land situated within the municipal district."

The object was that the referendum should be submitted to the owners of the rateable land situated within the municipal district. This clause was going outside the provisions of the Municipal Act of 1906, which gave power to the owners to say whether or not money should be borrowed. This provision would override all the special Acts dealing with the borrowing of money for special undertakings except that dealing with the purchase of the gas company by the municipality of Perth. No reason had been shown for depriving owners of the right of saying whether their property should be taxed for the purpose of obtaining the money required for the loan.

Hon. M. L. MOSS: If this were an attempt to acquire property in the ordinary sense of the term for a particular undertaking, and the ultimate result was that the owners of property had to bear the burden of repayment of interest and sinking fund, he would go the whole way with Mr. Gawler, but

it was a pity that this matter had to be referred to any body of constituents at all. There were two death traps in a very crowded part of Fremantle, one at the corner of Adelaide and High-streets, and in the public interests it was essential that the street should be made wider. The Government had introduced the Bill on behalf of a large section of people at Fremantle and he gave them their sincerest thanks for attempting at a most opportune time to enable the municipality to acquire the property and make the street safe for all time. He had the shrewdest suspicion if the voting was left to the owners of property, those who feared the imposition of a small additional rate would be short-sighted enough to vote against the proposal. Everybody used the public streets, and at the corner of Market and High-streets when the tram-car rounded it, there was not a distance of ten inches from a telegraph pole. It was satisfactory to know that no serious accident had occurred there yet, but it was the most crowded thoroughfare in Fremantle, and there was bound to be some serious accident at that corner unless the street was widened. The ratepayers as a whole should have the right to say whether this street should be widened at this corner or not. To restrict the voting to the owners of property was to allow it to be settled by a favoured few. The lives and limbs of the people of Fremantle were at stake and the whole people of Fremantle should have an opportunity of expressing their opinion on this question. He would go further, and would give nobody an opportunity of expressing an opinion on the question. This was a dangerous place and in the interests of a large section of the community we should stop this danger before an accident occurred to allow the street to be widened, whether the owners liked it or not.

Hon. H. P. COLEBATCH: If the clause was not in the Bill at all, and the question whether Parliament should resume the land arose it would be necessary to consider the matter from a different point of view, and members

would have to make themselves familiar with the circumstances as to whether it was justifiable for Parliament to override the ratepayers and resume the land. But that was not the question which had to be considered. We had to consider a proposal for the taking of a poll, and there was no reason for adopting in the taking of that poll a method different from that prescribed in the Municipalities Act. After the poll was taken the council might borrow money on the credit of the municipality for the payment of compensation for the said lands, the payment of the cost of erecting buildings or of otherwise improving the said lands, or of laying out any new road or street. Provision was not confined to the purchase of the land but could be extended to the improvement of the land.

Hon. D. G. Gawler: Pure land speculation.

Hon. H. P. COLEBATCH: That was so, and once the Bill was passed and they had the approval, not only of the property owners who had to carry the burden, not even of the ratepayers—because the extraordinary proposition here proposed was that ever occupier and owner should be deemed a ratepayer—once the Bill was passed there were numberless directions in which the council could spend money. It would be satisfactory if the clause went out of the Bill and the Committee had an opportunity of considering the question raised by Mr. Moss as to whether it was desirable that we should compel the corporation to buy the land without giving the ratepayers an opportunity of expressing an opinion. In any case there was no reason for departing from all the provisions of the Municipalities Act. It might be said that this scheme was bound to pay; but we always had that argument, although it frequently happened that even when the best balanced minds had decided on these projects there was a burden to be carried. It was because of this that our Acts of Parliament provided that the man who had to carry the burden should be entitled to say whether or not the work

should be carried out. The clause should not be insisted upon.

The COLONIAL SECRETARY: The amendment would be opposed. There were good reasons why an occupier should have a vote in connection with any proposal by a municipality for the borrowing of money. In this particular case there were even more cogent reasons than were to be found in ordinary cases of borrowing by a municipality. In ordinary borrowings it could be urged that the borrowing would mean an added burden on the property owner and it might also increase the rate of the property owner. But we all knew that the landed proprietor generally got those rates out of the ratepayer. The commonest argument in favour of the property owner having a vote in connection with any borrowing proposal was that the owner himself had to pay the piper. Even admitting for the sake of argument that this was a sound principle, it was to be remembered that the present proposition was not on all fours with the ordinary proposition for borrowing money. This was not a proposal to embark on any undertaking of a problematical value. It was a proposal to purchase a very valuable asset and at the same time to accomplish a laudable object in the widening of a dangerous street. It had been urged that by taking the whole of the property adjoining the street the cost of widening would be reduced to nil, and that the widening of the streets would put up the value of the resumed property 25 per cent., and not only the resumed property but the property opposite, and that consequently there would be a large increase of rates for the municipality. Taking a full view of the subject and remembering that it was a matter in which every person in Fremantle was vitally concerned, he would urge hon. members to permit not only the property owners, but the occupiers as well to have a vote in connection with this question.

Hon. J. F. CULLEN: Mr. Moss, it seemed, would give practically everybody in Fremantle the right to vote on this question.

Hon. M. L. Moss: I said I would not give anybody a vote, that I would do it willy nilly because it is in the public interest.

Hon. J. F. CULLEN: But the hon-member had previously said that he would give practically everybody a vote.

Hon. M. L. Moss: I said nothing of the kind. You are imagining.

The CHAIRMAN: Order!

Hon. J. F. CULLEN: To carry out the clause as it stood would necessitate the cost of a special lease. Even supposing that there was some differentiation between this and an ordinary resumption, was it sufficient to justify the creating of a precedent which would cause trouble in the future? Mr. Gawler's proposal was not only sound but economical also.

Hon. J. D. CONNOLLY: The amendment moved by Mr. Gawler was worthy of support because, as had been previously pointed out, if this land was resumed the property owners would have to bear the burden. Surely the owners of land in Fremantle, if they had to bear the burden, should be the people to say whether or not the land should be bought. He could not imagine the owners voting against it, but the giving of the vote to the ratepayers on such a question was a bad principle. It would be just as reasonable to say that the electors on the Assembly roll for Fremantle should have a vote on the question. If the Government said that this land should be compulsorily resumed he would be prepared to support it, but it was altogether a wrong principle to allow the ratepayers to vote upon the question.

The Colonial Secretary: What about the poll authorised by the previous Government on the question of the Perth Gas Company?

Hon. J. D. CONNOLLY: That had been an altogether different question. It had been previously decided that the gas company's property should be purchased, and therefore the Bill had been put through in that way.

Hon. D. G. Gawler: That was a going concern.

Hon. J. D. CONNOLLY: The cases were not at all similar. It might be argued against the giving of the vote to the owners that the project was in the public interest. So much could be admitted. But the very people who were most concerned in the proposition, namely, the general traffic of Fremantle, were not to get a vote at all. Why then should he give the vote to an occupier?

Hon. J. CORNELL: It had been affirmed that because he was called upon to pay, the owner should be the person to vote. That would be good logic perhaps if the owner had to pay for all time, but when subsequently a man who had not a vote at all came along and bought some of the property, the argument fell to the ground.

Hon. J. D. Connolly: He buys it with his eyes open.

Hon. J. CORNELL: That was so, but such a man would not have had a vote.

Hon. H. P. Colebatch: Would you give the vote to anybody who intends to hold land there at some subsequent time?

Hon. J. CORNELL: To follow the idea out to its logical conclusion it would be necessary to hold a continuous ballot at which succeeding owners could vote.

Hon. H. P. Colebatch: You might as well make a man pay for a drink to-day because he proposed to have one to-morrow.

Hon. J. CORNELL: If it was admitted that the land had to be resumed, then in the final analysis the owner should be compelled to pay. It was well-known that the occupier invariably paid the rates, and therefore the ratepayers who were the most competent to judge should be given the vote. The proposition was a sound one, and in his opinion in ten years' time the resumption would have been completed not only without loss but with benefit to the Council. The vote should not be limited to owners as that might jeopardise the passing of a very important measure.

The COLONIAL SECRETARY: The House had approved of the principle in 1911 when authority was given to

the Perth City Council to purchase the Gas Company's works.

Hon. D. G. Gawler: That was a going concern.

The COLONIAL SECRETARY: The same principle was involved. In that instance a special roll of ratepayers was provided for, and that Act provided that not only should occupiers and owners have a vote, but that each should have one vote only. This measure was in strict harmony with that.

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

Ayes	9
Noes	7

Majority for	2
--------------	----	----	---

AYES.

Hon. H. P. Colebatch	Hon. C. Sommers
Hon. J. D. Connolly	Hon. T. H. Wilding
Hon. F. Connor	Hon. Sir E. H. Wittenoom
Hon. J. F. Cullen	Hon. D. G. Gawler
Hon. A. G. Jenkins	(Teller)

NOES.

Hon. R. G. Ardagh	Hon. R. J. Lynn
Hon. F. Davis	Hon. M. L. Moss
Hon. J. E. Dodd	Hon. J. Cornell
Hon. J. M. Drew	(Teller).

Amendment thus passed.

Hon. H. P. COLEBATCH moved an amendment—

That Subclause 2 be struck out.

It was now necessary to have a definition of "owner," and he proposed to take the definition from the Municipalities Act.

Amendment passed.

Hon. H. P. COLEBATCH moved a further amendment—

That the following be inserted as Subclause 2—"For the purposes of this section the term 'owner' means any person entitled to a legal or equitable estate or interest in ratable land in fee simple or for a term of years having at least seven years unexpired."

As the previous alteration would necessitate an alteration to a number of clauses, the Minister should agree to report progress.

Progress reported.

House adjourned at 5.47 p.m.

Legislative Assembly,

Thursday, 30th October, 1913.

	Page
Papers presented	2174
Questions: Eight Hours Day, Government employees' leave	2174
School at Jarrahdale Landing	2175
Motion: Government Business, precedence	2175
Bills: Esperance Northward Railway, &c.	2175
Land Valuation, Report stage	2175
Factories Amendment, 2a.	2176
Annual Estimates, Votes and Items discussed	2176

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

PAPERS PRESENTED.

By the Minister for Lands: 1, Reports and returns in accordance with Clauses 54 and 83 of the Government Railways Act for the quarter ended 30th September, 1913. 2, Return of receipts and expenditure of the Government Tramways for the quarter ended 30th September, 1913. 3, Police Benefit Fund, amended by-laws. 4, Return of work done for private firms at Government Printing Office (ordered on motion by Mr. B. J. Stubbs).

QUESTION—EIGHT HOURS DAY, GOVERNMENT EMPLOYEES' LEAVE.

Mr. LANDER (for Mr. E. B. Johnston) asked the Minister for Works: 1, Is it true that the workers employed on the construction of the Yillimining-Kondinin, Wickepin-Merredin, Wongan Hills-Mullewa, Brookton-Kunjinn, and other railways were refused a holiday on full pay for Eight Hours' Day? If so, why? 2, Is it true that holiday on full pay was granted on the said date to all persons employed by the Government in the Metropolitan area, including the workers on the Perth sewerage works, and other public works near the City? 3, If so, why was the discrimination exercised against the workers on public works in the country? 4, Will the Government now see that all workers on railway construction works are granted a paid holiday, or double pay for last Eight Hours Day? 5, If not, why not?