

## Legislative Council,

Wednesday, 17th September, 1941.

	PAGE
Bill: Workers' Compensation Act Amendment, 1R. ....	673
Motion: Obituary, late Hon. J. Nicholson, M.L.C.	673

The PRESIDENT took the Chair at 7.30 p.m., and read prayers.

### BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Received from the Assembly and read a first time.

### MOTION—OBITUARY.

*The Late Hon. John Nicholson, M.L.C.*

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West) [7.35]: It is with very deep regret that I move, without notice, the following motion:—

That this House desires to place on record its sincere appreciation of the public services rendered to the State by the late Hon. John Nicholson, O.B.E., who, at the time of his death was a member for the Metropolitan Province, and to express its deep sympathy with the members of his family in the irreparable loss that they have sustained by his decease; and that the President be requested to forward the foregoing resolution to the members of the family.

In submitting the motion, I do so not only as a duty devolving upon me as Leader of the House but as a sincere tribute to one I was privileged to look upon as a friend. Our late colleague was in many respects a remarkable man. In his professional life he earned the esteem and confidence of all associated with the Law, but he was particularly outstanding in the extent and varied nature of the public services rendered by him during a long and honourable lifetime. He gave distinguished service to his country, the Empire and his fellow-men.

As a comparatively young man he first entered public life 40 years ago as a councillor of the City of Perth and was later honoured with the mayoralty of the City. Since 1918, just 23 years ago, he was a member of this House. During that period he played a conspicuous part in the business of the Chamber, and none will deny the important bearing his contributions had on

the legislation of the State. During the trying times through which we have passed at different periods, he always displayed an ardent desire to assist in every way possible. I think he impressed us signally with his high sense of honour and loyalty. He surprised us with the vigour with which he prosecuted his viewpoint on important public questions at a time when he could reasonably have been expected to take life more easily. He never spared himself.

Notwithstanding his many public and professional engagements, he found scope for the exercise of his humanitarian instincts in his association with the Western Australian division of the Red Cross and the Y.M.C.A. As head of the Red Cross in this State he, I have no doubt, provided a driving force and gave counsel, both of which are reflected in the splendid achievements of that body. In addition to all these activities, he was associated with many other organisations established for the benefit of citizens generally.

He was prominently associated with his church, and so it can be said of him that during the whole of his life he was actuated by the highest possible motives. In his passing the State has lost one who gave of his best on all occasions, one who richly deserved the honours that came his way, and one whose activities will be sorely missed. Personally I recall his many friendly gestures and the assistance he rendered to me from time to time. I feel sure his memory will be cherished by those who were privileged to be associated with him either in this Chamber or in connection with the many activities to which I have already referred. I trust that the very high reputation and the many accomplishments of our late colleague will afford some consolation to those he has left behind.

**HON. C. F. BAXTER** (East) [7.41]: With the Chief Secretary, I regret the occasion for the motion of condolence he has placed before the House. For the past 23 years the late John Nicholson was a fellow member of this Chamber. During that time we learned to love and respect him. He possessed most wonderful attributes. He was the soul of honour. His integrity was wonderful. He gave of his best in every avenue, and those avenues were many. His work in this House will be found on record not only in the pages of "Hansard" but in many Acts

of Parliament that he in no small measure helped to frame on very sound lines. In that direction I feel, with other members of this House, that his loss to us is very great indeed, particularly when matters of a critical nature, such as often crop up here, are before us for consideration. At such times we require the clear analytical powers of a professional man such as the late John Nicholson to elucidate difficult points as they arise.

Although past the middle stage of life, the efforts he put forth in public matters were untiring. More particularly was that manifest in the realm of charitable effort. Many such avenues of charity—some known; very many not known—to which the hon. gentleman gave of his best, benefited considerably through his help, and that in itself was his reward. His energy was untiring, probably to an extent that took its toll on his constitution. No man had higher regard for principle than he, and he fought for his principles tenaciously. Once he arrived at a decision on an issue—and we all know that his decision on such occasions was almost sure to be right—he never gave up the fight, even though it was carried on into the early hours of the morning. As I remarked before, his loss to this House will be great.

As a citizen of Perth and of Western Australia his demise will be felt greatly. We in this House will miss him and feel his loss sadly. We know that there has departed from us not only a fellow-man but a very loyal and true friend whom it was always a pleasure to meet. He had a hearty manner with which he greeted us. If we were a little pessimistic, he did his best to help us out of that frame of mind.

While the loss is great indeed to his fellow-men and to his companions in Parliament, and indeed to the State, how great must be that loss to those who were near and dear to him! Our hearts go out to them. In him passes a very fine man indeed—one of the exceptions in the world. I feel that the late Mr. Nicholson, having carried out his duties with unswerving faithfulness, has left an enduring mark on the public life of Western Australia. I support the motion.

**HON. J. CORNELL** (South) [7.46]: In associating myself with the motion, my meed of praise of the many worthy attributes and admirable qualities of the late John Nichol-

son will be brief. A retrospect of my 20 years' association with him demonstrates amply that though he had manifold virtues, very few faults were to be found in him. His attributes comprised approachableness, kindness, honesty, and sincerity each to the fullest degree. Throughout his life, it may almost be said of him that he devoted his whole energies to the public weal and the benefit of mankind generally. Excepting his sorrowing family, we who knew him best will miss him most. To his family we may say, "Though your loss is irreparable, much consolation and solace may be found in the reflection that throughout his lifetime your late dear father was always a loving parent." He has passed to that bourne from which there is no return, but throughout his life he was respected and honoured by all who knew him.

**HON. J. J. HOLMES** (North) [7.48]: I feel impelled to add a few words to what has been so ably said by previous speakers. Probably I was more intimately acquainted with the late John Nicholson than most members of this Council. I lived in the same locality. I knew him as the head of a family of whom he was justly proud and who were, and will continue to be, justly proud of him. I knew him as a citizen, as a member of this Chamber, and as a personal friend; and no better friend could one have than John Nicholson. With him there was no middle course; it was either right or wrong. If it was right, he would fight for it; if it was wrong, he would fight against it to the last ditch. To him it meant nothing whether the hour was early or late. At the end of the session he cared not whether it was 5 o'clock in the afternoon or 5 o'clock in the morning; John Nicholson would be standing there fighting for what he thought right. I met him on select committees and in conferences between the Houses. His one desire was to do the right thing in the right way. As for his association with the Red Cross, to which the Chief Secretary has referred, not only did the deceased gentleman take an active part during this war in Red Cross effort, but he also bore his share of similar endeavour during the first world war. His name is known from Wyndham to Esperance; in fact, I believe I am right in saying that it was known all over Australia, as he had attended Red Cross conferences in the East, and his good work there was appreciated. He never

spared himself. I begged him to go slow, but it was no use trying to convince John Nicholson that he should go slow when he had a duty to perform. He performed that duty strenuously in every walk of life in which he was interested. I do not wish to delay the House, but I would like to ask hon. members, and also the public at large, just to think what a good man should be. The response would be that John Nicholson lived up to that standard. On the life of John Nicholson there can be only one comment, and I am quite certain that this Chamber will agree with me that the comment should be: "Well done, thou good and faithful servant."

**HON. J. M. DREW** (Central) [7.51]: I rise with great regret to refer to the death of our late colleague. Mr. Nicholson was worthy of his reputation. In him the State has lost one who established in the community, from the standpoint of public service, a position which will be very difficult indeed to fill. He was a most honourable man, and one who had qualities that are all too rare. I had special opportunities for forming a judgment on his character. A powerful debater, he was often opposed to measures which I introduced to this Chamber, and he could sometimes be heated as well as tenacious in his adherence to principle; but never did there fall from his lips a word that inflicted a wound. Even the most brilliant imagination could not place any other construction on the attitude Mr. Nicholson assumed in this Chamber. He was very kind to me from the beginning to the end of my leadership, but he was also forbearing when I expected drastic criticism in return for the attitude I adopted. As I said before, he was very kind to me; and it was in keeping with his nature that he followed the same course in relation to every other member of the Chamber. In every respect, so far as I can call to mind, he was a model which all members of the Chamber could well imitate. Mr. Nicholson is gone, but his example remains for the edification of every member who enjoyed his friendship and had experience of his career. I support the motion.

**HON. V. HAMERSLEY** (East) [7.53]: The late John Nicholson was a friend of every member of this House. His legislative duties were carried out with conspicuous

skill. He was a keen debater, but every member has at one time or another been helped and encouraged by him, for he was ever ready to give guidance and advice. Mr. Nicholson never spared himself. His keen sense of duty has, I feel sure, been partly responsible for his early demise. We shall all miss him, for he was a tower of strength in this Council. The State has lost a wonderful guide in Mr. Nicholson, and to fill his place will be difficult indeed. I personally regret the loss of a friend.

**HON. H. V. PIESSE** (South-East) [7.54]: I wish to be associated with the motion. I have known the late hon. gentleman since 1901. I remember as a young man having transacted some business with him. I was then struck with his fairness in every way, and I admired the manner in which he advised me on that occasion. From that day until we heard last night the sad tidings of his passing, I know of no other man whom I value so highly because of advice and friendship. It has been my privilege to be able to call the late Mr. Nicholson my friend—a personal friend and a good friend. I have lived in the same building as he for the past eight or nine years, and I can certify that the thoughts of everyone in the building today were for the man whom we called our friend. Mr. Nicholson endeared himself not only to everyone who came in contact with him, but also to the people of Western Australia as a whole. I can almost see now that delightful, courteous smile with which he always met me. Undoubtedly his fine family, a daughter and three sons, will gain some solace from the glowing tributes paid tonight to the memory of honest John Nicholson, whom we were all proud to know as a friend.

**HON. W. J. MANN** (South-West) [7.57]: I would like to add my few words of appreciation of our late colleague, the Hon. John Nicholson. In these days when many people are inclined to say things about Parliamentarians, we can be thankful that we had in this Chamber a man who was absolutely above even the whisper of reproach. On no single occasion did one ever hear the slightest breath of adverse opinion concerning the late Mr. Nicholson. He was the very embodiment of dignity and graciousness. I think I can best express my thoughts when I say, that each of us

who enjoyed the privilege of sojourning with him and meeting him in this Chamber, is the richer for that experience.

**HON. L. B. BOLTON** (Metropolitan) [7.59]: As one of the youngest members of this Chamber, I, too, would like to be associated with the motion moved by the Chief Secretary. My first association with the late Hon. John Nicholson was during his occupancy of the position of Mayor of the City of Perth. At that time I happened to be Mayor of East Fremantle, and I became associated with him in war work during the years from 1914 to 1918. At that time I had already formed the highest opinion of his uprightness, his wonderful kindness, and the manner in which he handled anything with which he was connected. Later, when I became a colleague of his in this House as a representative of the Metropolitan Province, he came to me and offered—as he did to every new member and particularly the younger members of this Chamber—his help, advice and assistance. How faithfully he gave effect to his offer I think we all realise and appreciate. For the last 11 years I have been very closely associated with him not only in this House but also in various other activities, and I feel that I have lost not merely a colleague but a great personal friend. He lived a life that should be an object lesson to us all. It was truly said by the gentleman who conducted the service today that John Nicholson did not dream noble things but did them. His death is a great loss to the community, and we in this Chamber will miss him.

**HON. G. FRASER** (West) [8.1]: I feel that I cannot allow the occasion to pass without paying a tribute to our late friend. I suppose that only on rare occasions during my 13 years in this Chamber did he and I find ourselves on the same side on any particular question. Notwithstanding that we generally clashed in our opinions, I can pay a tribute to his honesty and doggedness. We can always appreciate those qualities in any man. A man who stands for a principle and is prepared to fight for it, can always be admired. I feel that the hon. gentleman undermined his constitution in recent years by the doggedness with which he fought, particularly during the Committee stages of various measures. He did that

because he thought it was his duty. I desire to pay a tribute to one to whom I was politically opposed but whom I looked upon as a friend. I support the motion.

**THE PRESIDENT** [8.2]: Before putting the motion, I would like to add a few words. During the 23 years the late Mr. Nicholson was a member of this House the more I knew of him the more I appreciated his qualities and the more I respected and admired him as a man who was very hard-working, extremely conscientious and imbued with a splendid spirit of public service; a man of rugged honesty of purpose and strict adherence to principle. Before I was President of the Council, and when I was on the floor of this House, I worked with him on many matters of importance. I remember his bringing forward certain private Bills with which I did not altogether agree. I talked them over with him and we had many meetings on the issues involved. There were no great principles involved to which he felt very strongly bound and I found him, when approached in the proper way, remarkably amenable to compromise. When we were both on the floor of the House in those days, he and I got on remarkably well indeed and whatever differences we might have we were usually able to adjust by a quiet talk together.

I also found that he was very generous in a way that was not known even to those who were most closely associated with him. On more than one occasion he approached me and told me of circumstances regarding individuals. More than once the person concerned was a member of Parliament. I know that he gave such people generous assistance and went to the extreme extent of approaching other people with a view to securing further help from them. I found him, when I knew him well, to be ever kind in another's trouble, and he always possessed courage in his own. I would like to say, too, as President—and I know the Chairman of Committees will agree with me—that as Deputy Chairman of Committees he rendered considerable service both to the Chairman and myself. He was ever ready to take the Chair and to assist in any way either the Chairman and myself and to relieve us of our duties.

Today at St. Andrew's Church the Rev. Mr. Tulloch paid an eloquent and beautiful tribute to the late Mr. Nicholson. If my memory serves me rightly he said that Mr.

Nicholson was upright in body, in mind and in soul, a practical commonsense man who did good things, instead of dreaming them all day long. That is what our departed friend and colleague was, and his memory will long be kept green in this House and indeed in Parliament as a whole because I do not believe there is a single member of Parliament who did not regard him as a friend. There is no member who has not a kindly word for him, and I do not think he had an enemy either in Parliament or anywhere else.

Question put and passed; members standing.

*House adjourned at 8.10 p.m.*

## Legislative Assembly.

*Wednesday, 17th September, 1941.*

	PAGE
Questions: Dairying, cream grading ....	677
Sewerage, Graylands ....	677
Justices of the peace ....	678
Motions: Traffic Act, to disallow regulation ....	678
Companies, shareholders' borrowings, to inquire by select committee ....	679
Farmers and pastoralists' debts ....	687
Bill: Workers' Compensation Act Amendment, 88. ....	678

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

### QUESTION—DAIRYING.

#### *Cream Grading.*

Mr. WATTS asked the Minister for Agriculture: 1, Are Government cream inspectors instructed to differentiate in any way in grading cream checked at—(a) factories in the metropolitan area; (b) factories in country districts? 2, If such instructions have been issued, have any instances been brought under notice where any differentiation has, or appears to have taken place? 3, If the answer to question No. 1 is in the affirmative, what differentiation is permitted, and why? 4, If the answers to questions Nos. 1 and 2 are in the negative, can he explain why state-

ments are being made at certain country centres that identical cream is graded in the country as second-grade and in the metropolitan area as first-grade, or even choice cream? 5, If the answer to question No. 2 is in the affirmative will he advise what action has been, or is proposed to be, taken to prevent any differentiation? 6, If instances as referred to in question No. 4 are brought under his notice by reliable persons, is he prepared to take strong action to prevent the unfair handicap to country factories which must be occasioned by such practices?

The MINISTER FOR AGRICULTURE replied: On a point of explanation, I have taken the second question asked to be in the negative instead of the affirmative. 1, The department has endeavoured to ensure that a uniform standard for the grading of cream is maintained at all factories throughout the State. 2, See reply to No. 1. 3, See reply to No. 1. 4, From time to time, statements are made that creams supplied alternately to different factories by an individual farmer are graded into different grades. Such statements usually are made to infer that cream is being deviated on account of a lower standard of quality ruling at an opposition factory. However, the rates paid for cream vary at factories, and this is found to be the real reason for deviating supplies. The Department of Agriculture endeavours to check grade a reasonable percentage of cream at factories, but it is impossible to inspect all cream received. It is difficult to attribute a reason for such statements being made unless the full facts are known. 5, See reply to No. 1. 6, The department would be pleased to receive evidence that differentiation in the grading of identical creams is being practised. Instances have occurred where evidence has been secured and strong action has been taken, and the department is prepared to take further action should sufficient evidence be obtained proving the wrongful grading of cream by factory operatives.

### QUESTION—SEWERAGE, GRAYLANDS.

Mr. NORTH asked the Minister for Works: 1, Are any negotiations taking place between the Claremont Council and the department regarding sewerage in the Graylands district? 2, If so, has anything resulted?