

for the driver by sauntering over the cross-walks, thus compelling the motor driver to make sudden stops. What could be taken in hand at an early date is the compelling of people to cross the road at the cross-walks. Far too many are not using the cross-walks and there is a good deal of jay-walking. The police should endeavour to compel as many people as possible to pass over at the cross-walks placed there for their convenience.

Vote put and passed.

Progress reported.

*House adjourned at 10.59 p.m.*

## Legislative Council,

*Tuesday 8th November, 1938.*

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

### QUESTION—NATIVE ADMINISTRATION ACT.

*Case of Native Munmurrie.*

Hon. H. SEDDON asked the Chief Secretary: Will he lay on the Table all papers relating to the native Munmurrie?

The CHIEF SECRETARY replied: Yes. I now lay the papers on the Table.

### QUESTION—EDUCATION.

*Parents and Citizens' Associations, Grants.*

Hon. J. A. DIMMITT asked the Chief Secretary: In view of the grant of £60 made to the Carnarvon Parents and Citizens' Association, is it the intention of the Government to make similar grants available to other parents and teachers' associations?

The CHIEF SECRETARY replied: Consideration will be given in similar circumstances.

### LEAVE OF ABSENCE.

On motion by Hon. J. Cornell, leave of absence for six consecutive sittings granted to Hon. W. J. Mann (South-West) on the ground of private business.

### BILL—FREMANTLE GAS AND COKE COMPANY'S ACT AMENDMENT.

*Third Reading.*

THE HONORARY MINISTER (Hon. E. H. Gray—West) [4.39]: I move—

That the Bill be now read a third time.

HON. G. FRASER (West) [4.40]: I do not wish to oppose the third reading of the Bill but to express regret that opportunity was not taken to amend the Act in other necessary directions. I am rather surprised that that was not done because when a Bill to amend the principal Act was before Parliament last year, attention was drawn to several defects that could have been remedied by the Bill now before the House. I do not desire to deprive the company of business that may be obtained in the extended area, nor do I wish to prevent people from having the advantage of a gas supply. In my opinion, the company should give greater consideration to the requirements of the area within the original radius of five miles. Not only are sections of the area within that radius not supplied with gas, but in portions of areas where the gas mains have been laid down some residents are not able to secure supplies. Only this morning I received a letter embodying a complaint from a resident of one of those areas indicating that the company is not prepared to extend the gas to his premises unless he is prepared to pay about £8 for the installation. The trouble does not arise because he

resides a long way from the existing gas mains; he lives in a side street and is merely a hop, step and a jump from the principal street where the gas main is installed. As the Act stands to-day, reference to which I made last year when the amending Bill was under discussion, if a person resides more than 80ft. from the main, the company can refuse to supply gas. That is a ridiculous distance to provide. A block of land that is 80ft. long would not be regarded as very extensive for building purposes. Most of the blocks on which buildings are erected are from 140 to 150ft. in depth and in the side street in question it means that the person living on the corner block is more than 80ft. away from the gas main, and that can debar him and the rest of the people in the side street from securing a supply of gas. The company's attitude is that because of the provision in the Act to which I have referred, it cannot be compelled to supply gas. I stressed that point last year, and I thought it would have been dealt with in the amending Bill. The Act has been in existence since 1886 and it is high time that particular provision, at any rate, was amended. I again draw attention to the point in the hope that the Government will introduce legislation to effect the necessary alteration. With these reservations and expressions of regret, I support the third reading.

Question put and passed.

Bill read a third time and *passed*.

### **BILL—STATE GOVERNMENT INSURANCE OFFICE.**

Reports of Committee adopted.

### **BILL—MINES REGULATION ACT AMENDMENT.**

*Second Reading.*

Debate resumed from the 3rd November.

**HON. A. THOMSON** (South-East) [4.46]: I secured the adjournment of the debate last week in order to obtain further information, if possible, in helping me to decide which way my vote should go on the Bill. The section that the Bill seeks to amend was passed in 1906 and the intention of the Government was to ensure that the men working in the mines would receive

their pay in two instalments each month. So far as I can gather, the mining companies have no objection to the proposal to pay mine workers fortnightly, and I strongly support that phase. I realise the difficulty regarding the payment of contractors and, in view of the fact that the present system has operated satisfactorily with regard to measuring up for piece workers, it seems to me that if we make provision for the ordinary mine workers to receive their wages fortnightly, the Arbitration Court will then be able to deal with the question and make provision accordingly. On the other hand, I understand from the debate that the mining companies desire that the measuring up of piece work shall be a matter for mutual arrangement between the companies and the piece workers. That would be a happy solution of the difficulty. I shall vote for the second reading of the Bill in the hope that the desired measure of relief to the mine workers will, in due course, be accorded them through the Arbitration Court. The policy of the present Government, and certainly of all previous Governments, has been that the Arbitration Court should decide all matters pertaining to wages. After provision is made for the fortnightly pays, as I have indicated, the adjustment of the matter as regards the piece workers could be considered by the Arbitration Court. I shall support the second reading in the hope of giving the wives of the miners, who are chiefly concerned, the benefit of a uniform fortnightly pay, leaving the matter of the pays for the piece workers to be mutually arranged between the companies and the contractors.

**HON. C. H. WITTENOOM** (South-East) [4.50]: I propose to support the second reading. At the same time I do not like the Bill very much, and apparently the companies do not like it. One of the chief objections to the measure is that it will upset a system that has operated for about 40 years.

**Hon. C. B. Williams**: About time it was upset!

**Hon. C. H. WITTENOOM**: A still worse effect will be that it will add to the costs of mining. When the Bill was first introduced it appeared to me to be a simple and harmless piece of legislation. It had the appearance of being generally advantageous and devoid of many objections. We

have been told that the Bill has been warmly welcomed by the goldfields community. Naturally, the shopkeepers should favour it, and another section that should welcome it is the hotelkeepers, because of the additional money that would be circulated. That may or may not be so, and it hardly matters, because most people spend their money as they get it. The argument that the housewife will be spared considerable worry in making provision for household bills and rent is undoubtedly a sound one. Regular fortnightly payments will enable the housewife to plan her expenditure much more satisfactorily.

One objection to the Bill is that it represents another of the many steps that have to be combated to prevent further rises in the costs of industries. Members may argue that the price of gold to-day is high. Undoubtedly it is, and the conditions of the miners should be improved at such a time, but always within reason. Still, there is another aspect of the matter. When the price of gold is high, the opportunity should be taken to open up new mines and reopen mines known to contain lower-grade ore. We should endeavour to infuse new life into old workings, thereby providing employment for a greater number of people and encouraging more people to come to Western Australia. We have been told that before long the population of Australia will be decreasing, which will place the Commonwealth in a very difficult position. But what is happening? When things are improving in the mining industry, up go wages and up go expenses in all directions. Shorter hours of labour are mooted; we are told that the miners are talking of a 30-hour week. Thus the position of the State, instead of improving, remains stationary. We are continually imposing further charges upon industry, which act detrimentally to the welfare of the State, the workers and everyone else.

The arguments advanced during this debate really boil down to whether the pieceworkers are to be paid regularly at the end of each fortnight, or whether they are to receive the first pay of the month at the end of the first fortnight and the next pay at the end of the next fortnight plus two or three days to the end of the month. The companies object to the alteration, which will involve two extra measurements and pays per year. A system of 12 pays has been

the custom in many countries. A majority of the companies' offices are located in London, and, for the sake of comparison, a universal system of returns is desirable. The present system has been operating at Kalgoorlie for 40 years and apparently has not been the subject of much objection during that time. An alteration will certainly involve an increase of mining costs, chiefly on account of the extra measuring up and office work involved to determine the remuneration due to contractors. The measuring up is a very important matter. It has to be done in a most exact manner; otherwise there would be chaos in the relations between the managers and the contractors. A great deal of the measuring up in the big mines is done from day to day. This involves increased work in the survey office and considerably more clerical work; in fact, it means increased costs in every direction. In the hope that the Bill can be improved in Committee, I shall support the second reading.

**HON. G. FRASER** (West) [4.57]: I support the second reading. I cannot understand why such opposition should be offered to a simple measure of this sort. When such opposition is offered to a very simple measure, one cannot wonder at the protests entered against the attitude of this Chamber to industrial measures. All that is asked is an alteration in the number of pays per annum from 24 to 26, an increase of two.

Hon. H. S. W. Parker: But there is the extra measuring up of work.

Hon. G. FRASER: Statements have been made that extra cost will be involved, but nobody has explained why. There will be only two extra measurements, and nobody has said that additional staff will have to be employed. Surely no extra cost could be involved unless additional staff had to be engaged. The same staff will do the work, and the only extra cost to which the companies will be put will be the cost of the pens and ink—a trifling matter not worth considering. Mr. Wittenoom told us that the mines measure up from day to day.

Hon. C. H. Wittenoom: I said the big mines.

Hon. G. FRASER: If they measure up from day to day, what will be the difference in making up the total every 12 days? The opposition on the score of the extra cost that will be entailed is not sound.

Hon. C. H. Wittenoom: The hon. member does not understand the difficulty of measuring up.

Hon. G. FRASER: I took the hon. member at his word that the mines measure up every day, and the Bill will involve only two additional measurings every year.

Hon. H. S. W. Parker: There is more involved than that.

Hon. G. FRASER: For a number of years I worked in a Commonwealth department when salaries were paid twice a month.

Hon. C. F. Baxter: Was your work ever measured up?

Hon. G. FRASER: It was always above standard and did not need measuring. Subsequently, I worked under the system of fortnightly pays, and having had that experience I can appreciate the difference. The fortnightly pay stabilises the management of a home and is of great benefit also to the business community. When the system of two pays a month operates, the pay period often extends over nearly three weeks.

Hon. J. M. Macfarlane: There is no opposition to the fortnightly pay.

Hon. G. FRASER: What else does the Bill contain? I am of opinion that some members who oppose a Bill of this sort need measuring up. Because two extra measurings a year will be necessary, members are prepared to deny the miners the benefit of the fortnightly pay.

Hon. H. S. W. Parker: You were not here when the speeches were made pointing out the objections.

Hon. G. FRASER: At present the companies have to measure up 24 times a year and the Bill will increase the number by two. To such a slight alteration, I cannot see why there should be any opposition. Opposition in the Committee stage has been forecast. The nature of that opposition, as indicated, is such that the measure might as well be thrown out on the second reading. The Bill is a small Bill, and asks for very little. I hope members will allow it to go through.

**HON. E. M. HEENAN** (North-East) [5.1]: I wish to offer a few remarks in support of the second reading, without anticipating what may happen in the Committee stage. Already it has been pointed out that the Bill is before Parliament at the urgent request of goldfields people, requests emanating from those most vitally interested in the question of pay days—namely, the housewives. I have received no fewer than 20

letters from representative housewives in the goldfields districts. If the Chamber has not already been informed on the point, I may express my confident belief that every other goldfields representative has received similar communications. I feel sure members will give the Bill their earnest consideration. For 40 years, apparently, the bi-monthly system of pay days has been in operation; but I think all members will admit that the time has arrived for the introduction of a regular fortnightly pay. I shall not weary the House with a repetition of the disadvantages incident to the present system. However, they are many. Take the case of the boardinghouse-keeper. I have come in contact with boardinghouse-keepers a good deal professionally, and they have informed me that the present system means great hardship to them. Members will appreciate the fact that an extra week's board and lodging falls due quarterly. The rate is a weekly charge, and at the end of a quarter the boardinghouse-keeper experiences great difficulty in satisfying boarders that she should receive an extra week's charge.

Hon. L. Craig: Do not any of those goldfields people ever save any money?

Hon. C. B. Williams: Goldfields savings banks hold the record in this State.

Hon. L. Craig: Surely the people up there can meet an extra week's board in three months!

Hon. E. M. HEENAN: But in the meantime they might leave. A boarder, or a person renting a house, may probably leave a week before the quarter is up.

Hon. L. Craig: Without ever thinking of paying?

Hon. E. M. HEENAN: I do not know what they think about, but the fact is that hardship does occur to someone, and the hardship can be avoided by the introduction of the regular fortnightly pay. Unquestionably pay days for men working on wages should occur at regular intervals, either weekly or fortnightly, and should always fall on the same day of the week.

Hon. J. Cornell: The biggest hardship of the boardinghouse-keeper is the bird who does not pay at all.

Hon. E. M. HEENAN: The Bill cannot deal with such a situation, and the disadvantage referred to applies not only to boardinghouse-keepers but to other business people on the goldfields.

Hon. C. F. Baxter: How can there be the extra week?

Hon. E. M. HEENAN: If the hon. member will make a hurried calculation, he will be able to ascertain that easily. Under the present system there are 24 pays representing 48 weeks. A miner pays his board fortnightly, and when the 12 months have gone by—

Hon. J. Nicholson: He forgets the extra days.

Hon. E. M. HEENAN: Yes. If the hon. member attempted to conduct a boarding-house on the fields, the difficulty would be brought to his notice forcibly. There must be reasons why over 4,000 housewives on the goldfields have signed a petition in favour of the Bill. I have endeavoured to point out one of the reasons. With respect to payment of pieceworkers, the arguments as to additional cost and bookkeeping difficulties have been exaggerated. The principal mining companies employ highly efficient staffs, and I shall be greatly surprised if a change-over such as the Bill proposes will mean the employment of any extra clerical workers or any additional cost. I support the second reading.

**THE HONORARY MINISTER** (Hon. E. H. Gray—West—in reply) [5.9]: The only objection raised to the second reading by various members is on the score of change of system. I may point out that in Broken Hill, which works under similar conditions to those obtaining on our goldfields, the fortnightly pay has obtained for over 40 years, to my knowledge. If that can be done at Broken Hill, why cannot it be done here?

Hon. H. S. W. Parker: Is the work at Broken Hill done by contract?

The **HONORARY MINISTER**: Yes. Everything is done by contract there. The arguments used against the Bill are utterly insufficient to justify its rejection.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Hon. J. Nicholson in the Chair; the Honorary Minister in charge of the Bill.

Clause 1—agreed to.

Clause 2—Fortnightly payment of wages:  
Hon. H. S. W. PARKER: I move an amendment—

That Subsection (1) of proposed new Section 55 be struck out.

If those words are struck out, I shall move that the following be inserted in lieu:—

“Subject to the terms of any award or industrial agreement under the provisions of the Industrial Arbitration Act, 1912-1935, the Governor may direct by notice in the ‘Government Gazette’ that after the date of such notice the wages of all workmen employed on all mines shall be calculated up to the last Tuesday of each successive fortnight and be paid on the Friday immediately following: Provided that where a workman is employed as a pieceworker he shall be paid on the last Friday of every second fortnight any excess moneys earned by him up to the preceding Tuesday in every such second fortnight: Provided that the Governor may, at any time, by notice in the ‘Government Gazette,’ exempt any particular mine from the provisions of this section.”

I regard the Arbitration Court as the proper body to say when and how wages shall be paid. The amendment allows the usual three days for getting pay sheets ready. As regards piece-workers, measurements will be made every four weeks, instead of, as at present, once every two weeks.

Hon. T. Moore: The worker asks for bread and you give him a stone!

Hon. H. S. W. PARKER: No; four weeks’ stone. The amendment means that the mining companies will have to measure up the same number of times. I am informed that measuring up will have to be done at the end of each calendar month for the purpose of computing costs and other information required by the head offices in London. Measuring up fortnightly would mean 26 measurements for the purposes of the pay, and 12 measurements which would arise owing to pay day not falling on the last day of the month. The main object of the amendment is to leave the matter entirely to the discretion of the Arbitration Court.

Hon. C. B. WILLIAMS: The first part of the proposal appears to me to be useless. There is no necessity for it; neither the mining companies nor the men have asked for a fixed time for payment of wages. In my opinion, the first of the proposed provisos will not be carried by the Committee, because a majority of members will feel disinclined to interfere with the provi-

sions of an award of the Arbitration Court. The existing award provides that the reckoning period shall be bi-monthly.

The CHAIRMAN: A question has been raised whether "bi-monthly" may not mean once in two months.

Hon. C. B. WILLIAMS: There is no doubt about the meaning of the term, because the actual practice is the law, and "bi-monthly" here means twice a month. That has been the custom in the mining industry for many years past, even before I went to school. If the amendment is carried, then the companies, instead of measuring the work—as they do now—twice a month, will measure it once a month. The last Friday of a month may fall on the 28th, when the work would be measured; and, under the proviso, the work might have to be measured again on the 31st. That would be ridiculous. It may so happen that the day on which the second measuring is to be made will fall on a Sunday. At present, piece-workers work on a bi-monthly contract; they understand exactly what the contract means, without legal quibbles. What they earn each fortnight stands by itself. If a piece-worker earns £30 in the first fortnight, he is paid that amount. If in the second fortnight he earns only 12s., assuming, for easy reckoning, that the rate is £1 per day, he would be paid £12.

Hon. L. Craig: Whether he earned it or not?

Hon. C. B. WILLIAMS: Yes. Under Mr. Parker's amendment, if the piece-worker earned £36 in the first 12 shifts and 12s. in the second 12 shifts, he would receive £36 12s. for the month. Under the award, however, he would receive £48. That is the difference.

Hon. L. Craig: That is a great argument against the Bill.

Hon. C. B. WILLIAMS: Against the amendment.

Hon. L. Craig: No.

Hon. C. B. WILLIAMS: I hope I have made myself understood.

Hon. L. Craig: Could not a piece-worker waste the second fortnight?

Hon. C. B. WILLIAMS: Possibly, if his employer would tolerate it. However, a piece-worker will not rush to earn £2 or £3 per day for a fortnight, and then sit down and earn only 1s. a day in the succeeding fortnight. Much depends upon the luck

attaching to the job. Piece-workers do not desire to work for wages; their desire is to earn more. The proposal seeks to alter the award of the Arbitration Court governing the conditions in the mining industry. If the Committee is determined to accept the proposal, we might as well clean the matter up now, as we have more important measures to deal with.

Hon. L. Craig: Would it not be possible to measure the work once a month?

Hon. C. B. WILLIAMS: In some of the stopes.

Hon. L. Craig: But not in all stopes?

Hon. C. B. WILLIAMS: Not in shrinkage stopes.

Hon. H. Seddon: What about the man who got £140 in one pay?

Hon. C. B. WILLIAMS: Good luck to him, but he will not live long. It might be possible for the men to be paid yearly on a tonnage basis, which I believe is the practice at the lead mines at Broken Hill. A shrinkage stope may take 10 years to empty, by which time most of the men who worked in it would probably be dead.

Hon. L. Craig: How is the work measured at Broken Hill?

Hon. C. B. WILLIAMS: I do not know much about the system there. I would like a vote taken on the proviso. With all due respect to Mr. Parker, there will be no extra cost; the companies would effect a saving in the aggregate.

Hon. J. CORNELL: I intend to oppose the amendment. There are three or four alternatives. The first is to pay every second Friday, as set out in the Bill. I do not intend to enter the argument about measuring up. The Legislature has decreed that the pay should be twice a month, and the Arbitration Court has declared it is not competent to amend the statute. Any added cost due to an alteration will have to be borne by the mining companies. The employers are the people that will have to face the results of altering wages, costing charges or other conditions that may increase the pay-roll. I do not pay much attention to the statistical argument. Like Mr. Seddon, I regard it as more or less mythical. There will be an added cost because two extra pay days will be necessary, but I do not think the expense will be very great and the advantages to the workmen will outweigh the additional cost. If the Committee will not

agree to the Bill as printed, I hope it will not agree to Mr. Parker's amendment, because if it does so, the position will be the same as it is now. If decisions are to be left to the Arbitration Court, we should not set up qualifying machinery, which may be misleading. If the Committee will not agree to the Bill there are two alternatives: one is to repeal the section altogether and leave the question open; the other is to retain the section, but preface it with the words "subject to the terms of any industrial agreement or award made by the court after the passing of this Act." Then, until the court decided the matter, the law as it is, would stand. The arguments for and against could then be laid before the proper tribunal by the proper persons. If the Bill cannot be passed as it is, I would ask for a qualification of the present section placing beyond doubt the power of the Arbitration Court to alter it.

Hon. H. S. W. Parker: You would first have to strike out the words as they appear in the Bill.

Hon. J. CORNELL: If members want the Bill to stand as it is, they will have to vote against the first part of the amendment, to delete certain words. If the amendment to delete the sub-clause is agreed to and Mr. Parker then moves to insert his proposed subsection I will then move along the lines I have suggested.

Hon. H. S. W. PARKER: If we strike out the words the deletion of which I have suggested, the way will be left open for us to insert in their place anything that might be desired. All I wish is that the Act shall be amended. All parties are anxious for that, and I suggest it should be left open for some tribunal to decide when the wages shall be paid. The section cannot be deleted *holus bolus* because if that is done, we shall run counter to the Workmen's Wages Act, which provides that wages shall be paid every week. What is needed is that we should delete certain words and if it is the wish of the Committee other words can be inserted giving the Arbitration Court power to fix the dates of payment.

The HONORARY MINISTER: Everybody is agreed that there should be fortnightly payments. Why take cases to the Arbitration Court? Cases are only taken to the court when there is a disagreement.

Hon. H. SEDDON: If the Mines Department were prepared to vary its present system of requiring monthly returns, that might

be an indication that the objection of the mining companies would not stand investigation, but the department insists on monthly returns. For the companies to be tied in the iron fasion suggested by the Bill, means that the situation will remain as at present. The court will simply say that it has no power to make adjustments. There should be some arrangement whereby the court could adjudicate. I should like to see a fortnightly pay established, the court to have the right to revise the position.

Hon. T. MOORE: Does Mr. Parker want us to understand that we must give the Arbitration Court some power to amend this Act? Is that the usual procedure?

Hon. H. S. W. Parker: The Arbitration Court at present cannot act because of this section.

Hon. T. MOORE: Then why not alter the Act under which the Arbitration Court derives its power?

Hon. H. S. W. Parker: We must alter this Act so as to give the Arbitration Court power.

Hon. T. MOORE: I say it is the other way round.

Hon. A. Thomson: Not according to Mr. Williams.

Hon. T. MOORE: If we want to give an instruction to the Arbitration Court, we amend the Arbitration Act.

Hon. H. S. W. Parker: This prevents the Arbitration Court from acting.

Hon. T. MOORE: This is not the Act that should be amended. If power is to be given to the Arbitration Court, it should be given by an amendment of the Arbitration Act. It does not appear to me that by altering this Act the hon. member will achieve the object he has in view.

Hon. H. S. W. Parker: Why did you not use the same argument when the Factories and Shops Act was under revision?

Hon. T. MOORE: The hon. member could perhaps have been consistent in that regard. He is taking the reverse argument now. I find that solicitors are prepared to take opposite sides in cases in which they might be engaged. I hope the House will agree to the amendment of the Act asked for by so many people. Business people desire an alteration in the Act in order to abolish the credit system. A miner who does not want to pay his bill can explain that there will be an extra pay coming shortly, but if it is known that the men are going to be paid each fortnight whatever they have

earned, there will be no argument. As so many business people and the workers desire this amendment to the Act, why should this Committee consider it is wrong?

Hon. A. Thomson: Mr. Williams stated—

Hon. T. MOORE: I do not care what Mr. Williams said. He put up a good case for the passing of this measure and I know that the amendment of the Act is the desire of the business people, who wish to get away from the infernal credit system.

Hon. A. THOMSON: Mr. Williams stated that the miners were offered a fortnightly pay 12 months ago, and that they refused it. Consequently, where are we?

Hon. C. B. WILLIAMS: It seems to me that the older we get the sillier we become and I, too, am in that category.

The CHAIRMAN: I hope the hon. member is speaking for himself.

Hon. C. B. WILLIAMS: Yes, and so there will not be any withdrawal. We were offered fortnightly pay almost on the terms of Mr. Parker's amendment—every second Friday in the month, provided the piece-workers would take what Mr. Parker now suggests; that is, that the piece-worker should receive payment at the end of the month after the monthly measurement. The mass meeting that considered that said "No." We had no wish to sacrifice the piece-worker and we are asking to-day that he should not be sacrificed.

Hon. J. M. Macfarlane: What is the proportion of piece-workers to the wages men?

Hon. C. B. WILLIAMS: On the Golden Mile I should say about one-third and at Wiluna perhaps two-thirds of the underground workers are piece-work men.

Hon. E. M. HEENAN: Too much has been made of the point that this is a matter for the court. At the present time the Act provides for a bi-monthly payment. The Bill proposes that fortnightly payments shall be substituted, the payments to be made on a Friday. The mining companies agreed to the proposal where it concerned the wages men and the arguments in favour of that far outweigh anything that has been heard against the proposal now before us. Mr. Williams has dealt effectively with the piece-workers' position and it is surprising that we have not had any facts or figures to support the suggestion that this is going to be a costly matter for the mining companies.

Hon. C. B. Williams: Merely bald statements.

Hon. E. M. HEENAN: I am not competent to speak about mining practices, but it seems to me that the two extra payments per annum and the two extra measurements that will be involved should not mean very much to the efficient organisations that the companies have. It does seem absurd that if a man is a piece-worker he should receive wages, say, on this fortnight and that at the end of the month he should receive the extra amount he earned in that fortnight. At the present time the Act deals with the question and we are not altering it to any extent. The Act provides for bi-monthly payments and all we suggest now is that we have regular fortnightly pays and that the pays should apply to everyone working in the mines. The only logical argument that can be used against the proposal is the question of expense to the companies, but no facts or figures have been submitted in that regard. I am satisfied that the change will not inflict any hardship and therefore the amendment should be rejected.

The CHAIRMAN: The question before the Chair involves the deletion of the proposed new subsection. If that is deleted, an amendment to insert other words can then be moved.

Hon. J. CORNELL: The Committee would be prepared to accept the clause as it is, subject to the alteration being agreed to by the Arbitration Court. The other alternative is to allow matters to stand as they are.

Hon. H. SEDDON: As the clause now stands, no latitude at all is provided, because it says "notwithstanding any award." We have had evidence to show that there are difficulties; otherwise the matter would have been adjusted long ago. The Minister for Mines said that the only difficulty about fixing up the fortnightly pay by agreement was that relating to piecework. If we pass the clause as it stands, we establish a fortnightly pay regardless of the piece-worker. That matter should be determined by the court.

The HONORARY MINISTER: Mr. Parker's amendment will interfere with the award of the Arbitration Court.

Hon. H. S. W. Parker: No.

The HONORARY MINISTER: We have already wasted over an hour over the clause, and there has been very little to argue about except the fortnightly pay. I hope the Com-



mittee will stick to the terms of the clause as it appears.

Hon. C. F. BAXTER: Mr. Williams and the Honorary Minister seem to think that the Bill is of very little importance. I assure them it will have a far-reaching effect if we pass it as it is. It will directly interfere with the court. It says distinctly "The Governor may direct that notwithstanding the provisions of any award or industrial agreement." That is what we have been guarding against for years past. Members of Parliament cannot adjudicate on these matters. There is only one body to do so and that is the Arbitration Court. I desire to see fortnightly pay introduced but it must be safeguarded. Mr. Parker's amendment does not quite fill the bill. An amendment can, however, be drafted to meet the position, but it would only cover wages men and that has been the difficulty in the past. It is for the Committee to say how the matter can be adjusted between the mining people and the contractors, or whether it should be dealt with by the court, which is the proper body to take evidence on the question.

Hon. C. B. WILLIAMS: I do not ask that Parliament should interfere with an arbitration award. We attempted to get what we wanted from the Arbitration Court but were not successful. The court said that Parliament must adjust the question. I want to see something better than we would get from Mr. Parker's amendment, which is of no value and will only be thrown out by another place. There are two months in the year when the pay day proposed by the hon. member will come at the end of the month.

Hon. H. S. W. PARKER: There may be nine such pay days.

Hon. C. B. WILLIAMS: There are two or three periods of two days over the month, and two periods of one day over the month. No mine will measure up on a Tuesday and measure up again on a Wednesday. If Parliament does not give the miners the concession they are asking for the unions may assert themselves to get the pay day they want, and that would be very costly to the State. There is a distinctly militant section in the mining industry. We can well imagine what would happen should the industry be rendered idle for a week. The Chamber of Mines does not worry about inconveniencing the London offices, provided the workers will make this sacrifice. The concession

asked for would not cost the Chamber of Mines a penny.

Hon. J. M. MACFARLANE: The arguments for and against the proposal are so strong that I, as a layman, cannot tell exactly where the difficulty lies. We know that 4,000 women have advocated the fortnightly pay, and they claim that the position will be serious for them if they do not get it. A regular fortnightly pay is a sensible thing, and I am in sympathy with the principle. I am not sure, however, that in connection with contracts some other difficulty does not arise. There may be something behind it all that should be settled by the Arbitration Court and no one else.

Hon. A. Thomson: I suggest the Honorary Minister should report progress at this stage.

Hon. J. Cornell: This is the test vote.

Amendment put and a division called for.

The CHAIRMAN: Before tellers are appointed, I give my vote with the ayes.

Division resulted as follows:—

Ayes	..	..	..	..	14
Noes	..	..	..	..	13

Majority for .. .. 1

#### AYES.

Hon. C. F. Baxter	Hon. J. Nicholson
Hon. L. B. Bolton	Hon. H. S. W. Parker
Hon. L. Craig	Hon. A. Thomson
Hon. V. Hamersley	Hon. H. Tuckey
Hon. J. J. Holmes	Hon. C. H. Wittenoom
Hon. J. M. Macfarlane	Hon. G. B. Wood
Hon. G. W. Miles	Hon. E. H. Angelo (Teller.)

#### NOES.

Hon. J. Cornell	Hon. E. M. Heenan
Hon. J. A. Dimmitt	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. T. Moore
Hon. J. T. Franklin	Hon. H. Seddon
Hon. E. H. Gray	Hon. C. B. Williams
Hon. E. H. Hall	Hon. H. V. Plesse (Teller.)
Hon. W. E. Hall	

#### PAID.

AYE.	NO.
Hon. W. J. Maun	Hon. G. Fraser

Amendment (to strike out words) thus passed.

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

Hon. H. S. W. PARKER: I move an amendment—

That the following new subsection be inserted in lieu of the words struck out:—“(1) Subject to the terms of any award or industrial agreement under the provisions of the Industrial Arbitration Act, 1912-1935, the Governor may direct by notice in the ‘Government Gazette’ that after the date of such notice the wages of all workmen employed on all mines

shall be calculated up to the last Tuesday of each successive fortnight and be paid on the Friday immediately following: Provided that where a workman is employed as a pieceworker he shall be paid on the last Friday of every second fortnight any excess moneys earned by him up to the preceding Tuesday in every such second fortnight: Provided that the Governor may, at any time, by notice in the 'Government Gazette,' exempt any particular mine from the provisions of this section."

Hon. J. CORNELL: I shall move an amendment on the amendment.

Hon. H. S. W. PARKER: Before Mr. Cornell proceeds, I wish to intimate that I am prepared to accept his amendment. That will save the necessity for his proceeding.

Hon. J. CORNELL: No, it will not. I move—

That the amendment be amended by inserting after the figures "1912-1935" the words "made after the passing of this Act."

Later on I shall move a further amendment to strike out all the words after "mines" with a view to inserting the words "shall be paid in two instalments in each month."

Hon. H. SEDDON: In the event of Mr. Cornell's amendment being agreed to, will it still be competent for the Arbitration Court to provide, after investigation, for fortnightly pays?

Hon. J. CORNELL: I have not come to that point yet.

Hon. H. S. W. PARKER: If the amendments on the amendment, as outlined by Mr. Cornell, be agreed to, the effect will be that pays will continue each half calendar month as at present, but the matter will be entirely open for the Arbitration Court to provide what it likes in the next award issued. At present the court has no power to deal with this question, and the amendment, as amended, would leave the court free to do as it chooses. In the meantime the position remains as at present.

Hon. J. CORNELL: The Committee is faced with the position that it has agreed to strike out the essential part of the Bill. If nothing were substituted for the proposed subsection that has been struck out, there will be no reference to an amendment to the Mines Regulation Act, and we might just as well move the Chairman out of the Chair. My amendments have been framed so as to allow the Arbitration Court to deal with the pay question in future without being hamstrung as it is by the provisions in the

Act. I would prefer to move for pays on every successive Friday, but I cannot do that in this Committee. If the amendments on the amendment be agreed to the Arbitration Court will be able to deal with the question of pay day in any future award. When the report stage is reached, if the Committee desires to reverse the position and make provision for pays every successive fortnight until the Arbitration Court otherwise decides, the words "in two instalments in each month" can be struck out, and the words "every successive fortnight" inserted in lieu. By that means we can test the whole question.

The CHAIRMAN: Perhaps it would be better to report progress.

Hon. J. CORNELL: There is no need to do that.

Amendment on amendment put and passed.

Hon. J. CORNELL: I move—

That the amendment be further amended by striking out all the words after "mines" and inserting the words "shall be paid in two instalments in each month" in lieu.

Hon. H. SEDDON: Assuming the further amendment be agreed to, I take it that the Arbitration Court will be competent to deal with the question of pay with a free hand.

Hon. J. CORNELL: We are really re-enacting what is already law except that we are giving the Arbitration Court power to decide the matter.

Amendment on amendment put and passed.

Hon. J. CORNELL: If Mr. Williams is not satisfied with the amendment as amended, he will be able to move on re-committal to test the feeling of the Committee.

The CHAIRMAN: The amendment will practically re-enact Section 55 with the inclusion of the words, "Subject to the terms of any award or industrial agreement under the Industrial Arbitration Act, 1912-1935, made after the passing of this Act." I point out that the Act could have been amended by inserting those words in Section 55. The matter requires consideration, and I suggest that the Honorary Minister move to report progress.

Hon. J. J. Holmes: Why report progress? What could be simpler than the amendment?

The CHAIRMAN: I think the Honorary Minister would be well advised to report progress and give the matter further consideration.

Hon. J. CORNELL: There is no need to report progress.

The Honorary Minister: If the amendment is not in order, we can recommit the Bill.

Hon. E. M. HEENAN: The position will be more difficult than it was before. Previously the Governor could direct that wages be paid twice monthly. Under the amendment, the Governor's power will be subject to any award made after the passing of this measure.

The CHAIRMAN: I think the words "Subject to" should be deleted and the words "Unless otherwise provided for by" inserted in lieu.

Hon. J. CORNELL: The amendment does not alter the existing law. The argument has been that the Arbitration Court was hamstrung by Section 55. The Committee desired some elasticity in the section so that the court could determine the matter. Until the court makes an alteration, the status quo will continue.

Hon. T. MOORE: I fear the court will regard the amendment as a direction to continue the two pays a month as in the past. We shall get nowhere under the amendment.

Hon. J. CORNELL: The alternative would be to repeal Section 55 of the Act. That can be achieved by voting against every question put from the Chair. Then, on re-committal, all the words after "repealed" could be struck out and the title amended accordingly.

Progress reported.

### **BILLS (2)—FIRST READING.**

- 1, Financial Emergency Tax.
- 2, Financial Emergency Tax Assessment Act Amendment.

Received from the Assembly.

### **BILL—WORKERS' COMPENSATION ACT AMENDMENT.**

*Second Reading.*

Debate resumed from the 2nd November.

**HON. L. B. BOLTON** (Metropolitan) [8.1]: Though the Bill has been debated by several members already, I feel that there

may be, as regards some of its provisions, information which I can give and which not only will be of interest but may help the House to a decision on the measure. In discussing a similar Bill last session I with other members expressed regret that the Government had not seized the opportunity to overhaul the parent Act and the benefits under it more thoroughly, in order that justice might be done to employers as well as to employees. For many years it has been recognised that Western Australian industries are bearing a heavy burden by reason of the Workers' Compensation Act. Notwithstanding that the Government has repeatedly suggested amending the Act, the invariable result has been to impose further burdens on industry. I express the opinion, and shall endeavour to show, that the burdens are becoming too heavy for industry to carry.

Hon. A. Thomson: In competition with the Eastern States.

Hon. L. B. BOLTON: Yes, and overseas competition as well. I shall not detain the House with many figures, as I gave them last year. However, I wish to refer to certain figures quoted by Mr. Angelo, especially the rates of insurance per head in the various Australian States. I shall not go through the whole list, but content myself with drawing attention to the fact that the lowest rate is that of Tasmania, 1s. 6d., and the highest—I need hardly say that of Western Australia—10s. 11d. In this State, moreover, the cost of insurance is enhanced by the liberal allowances for medical expenses which our Act provides, necessitating a scale of premiums constituting that excessive impost on industry to which I have alluded. Last session I mentioned one particular industry which elsewhere was paying a premium of 27s. per cent., whilst the premium was 110s. per cent. in this State. I desire now to follow that up by pointing out that although so far I have quoted only Tasmania, in the two States from which our most serious competition comes, South Australia and Victoria, the rates are 3s. 3d. and 2s. 8d. respectively. Last session I quoted details of one eastern industry which was paying 35s. per cent., comparing with a rate of over 100s. per cent. paid in Western Australia. Speaking a few evenings ago on the State Government Insurance Bill I suggested that although we have assurances to the contrary from this Government, the present

Government will not always be in power, and that if it ever came to pass that a monopoly was granted to the State Government Insurance Office the rates would certainly rise above their present level.

I think that in view of my association with Western Australian industries I cannot be accused of being one who desires to deprive the worker either of his just due or of reasonable compensation for any disability he may incur through his employment. Nevertheless my experience over a long period has been that in many cases, I may say in a very high percentage of cases, the injured worker returns to his employment practically without any disability whatever, earning the full 100 per cent. wage that he received prior to his accident. Not only in my own factory, but in others as well, I have definite knowledge of cases where that has been the position. In the long experience I have of my own industry, not one worker has returned to the factory but has received the full wage, although having been paid compensation up to £300 and £400. I feel sure members will not for a moment accuse me of arguing that a man should not receive such compensation, because, after all, there is not one of us who would be willing to lose a finger or a hand or an eye for the amount of compensation provided in the Act. True, in some cases it has been suggested that such injuries were brought about deliberately; but I do not believe any British workman to be capable of such an act.

Before agreeing to extend the operation of the statute, involving additional burdens on industry, we should carefully consider the effect of national insurance on Western Australian industries. We know that national insurance will force the employer to pay in respect of every employee a sum of 1s. 6d. per week. We know also that the worker will have to pay a like amount. However, most of us will agree that it is only a matter of time when that amount of 1s. 6d. payable by the worker will be added to industrial awards. That is almost certain to come about. In addition we are advised that the Federal Government will for some time have a large sum available to meet the cost of the national insurance scheme. There again it is the industries of this State that will have to bear their share of that added burden. To my mind, the outlook for our industries is black if the amounts I have men-

tioned are to be further increased by the provisions of the Bill under consideration. For those reasons alone I feel I must oppose the second reading.

The reasons I have advanced will serve also—I was nearly saying as an “excuse,” but that is hardly the word—for voting against Clause 2, which provides for the extension of the maximum amount a worker coming under the Act may earn from £400 to £500. This means additional cost to employers who have workers engaged at that rate of pay. Let me quote an instance of how the proposed extension would affect one industry. Take the case of an employee earning £500 per annum, the amount to which the maximum is to be raised. In an industry paying 110s. per cent. by way of premium, it would mean that the annual cost of insurance for such an employee would be £27 10s., to which must be added the 1s. 6d. per week, or £3 18s. per annum, payable under the national insurance scheme. That makes a total of £31 8s. for insurance of one employee in receipt of the maximum amount of £500 a year. It is equal to 12s. per week for the one employee. Having taken a worker on the highest rate, I will now take an average case. A first-class artisan to-day earns an average of £6 per week. Taking the same figures that I have quoted and adding national insurance, the insurance which the employer would have to pay for that worker would amount to 8s. per week. Compare that with the figures I have quoted for one of our Eastern States competitors; at a rate of 27s. the insurance would work out at 3s. per man per week. How can our industries stand up against such competition? It is utterly impossible.

The Chief Secretary: To what industry are you referring?

Hon. L. B. BOLTON: To my own industry. Surely I know the ropes and understand the conditions of that industry.

Hon. H. V. Piesse: The same thing applies to the milling industry.

Hon. L. B. BOLTON: The position there would be even worse. I am not saying that I pay an average of £10 per week. I have quoted the rate of £6 per week, which is the average wage paid to a first-class artisan in my factory. Mine is not an isolated case; but I admit it is an excellent factory to quote, because it has many different departments, some where the work is a little dangerous, others where there is no danger at

all. I am endeavouring to point out the difference in the cost to industry of workers' compensation in Western Australia and in the Eastern States.

Hon. J. Nicholson: Have you considered the position in regard to the building trade?

Hon. L. B. BOLTON: I suppose the same thing must apply to that trade.

Hon. J. Nicholson: I believe the insurance rates for the building trade are very high.

Hon. L. B. BOLTON: The rates would probably be as high. The building trade is a dangerous calling. Clause 4 of the Bill proposes to add the weekly payments to the amount provided in the Schedule, as well as medical fees. This, in my opinion, is most unfair, and again adds to the burden on industry. Clause 4 provides for the deletion from Section 6 (3) (a) of the words "but any sum so paid shall be deducted from the compensation payable in accordance with the said table," and inserting in lieu thereof the words "but any sum so paid shall be in addition to the compensation payable in accordance with the said table." This will have the effect of keeping men away from work after an accident. Every employer wants his men to return to work as quickly as possible; but if, in addition to the compensation payable under the Schedule, the worker is to receive his weekly payments as well, naturally he will be in no great hurry to return. I have already mentioned that in my particular industry, as well as in other manufacturing industries, the percentage of cases where workers receive less than the rates prescribed by the Arbitration Court is very small.

Mention has been made of Clause 5. I have no objection to the clause. I think every honest employer will welcome the provision that a declaration must be furnished regarding wages.

Hon. H. V. Piesse: That is the only reasonable clause in the Bill.

Hon. L. B. BOLTON: I am prepared to support that clause. It is the only clause, so far, that I can support, and I am afraid that will not satisfy the Minister. Clause 6 deals with the amendment to the much-discussed Section 10 of the parent Act. The section has been quoted so often that members must almost know it by heart. I shall require to be satisfied that sufficient safeguard is provided for all insurance offices so as to ensure that the State Insurance Office

will not obtain a monopoly of this insurance business, before I vote for the third reading, even if the second reading is carried. I suggest to the House the advisability of holding up the State Government Insurance Office Bill until we are certain this clause is amended to the satisfaction of private companies and private firms. That is very necessary. If by any chance the Bill should reach the Committee stage and a suggestion is made to amend Subsection (3) of Section 10, I hope provision will be made to protect a firm or group of firms. As I have already said in this House, many firms, owing to the high rate of premiums, are forced to carry their own insurance.

Hon. H. V. Piesse: Insurance companies will not accept certain risks at all.

Hon. L. B. BOLTON: I hope adequate protection will be given to such firms and groups of firms. Needless to say, the Government will make sure that sufficient guarantees are furnished by those firms. I have no objection to Clause 7.

Hon. C. F. Baxter: There is nothing wrong with that clause.

Hon. L. B. BOLTON: With regard to paragraph (b) of Clause 10, in my opinion the medical benefits are already much too high. Although I have the greatest sympathy with the worker who meets with an accident, I consider the cost of an artificial limb should come out of the medical fee provided. The medical fees in our State are very high and, in my opinion, sufficient to cover that item. I think our medical fees are the highest of all the States. In New South Wales the amount is £50—£25 for medical and £25 for hospital expenses; in Victoria the amount is £25; in Queensland, £50, and in South Australia, £50.

Hon. A. Thomson: Ours are double those of the other States.

Hon. J. B. BOLTON: Yes. The amount we provide here should be sufficient to cover the cost of artificial limbs.

Hon. C. B. Williams: The amount of £100 for medical expenses is cut out in no time; the doctors get it. The worker would not have much chance of getting an artificial limb out of the medical fees provided here.

Hon. L. B. BOLTON: Clause 11 must be viewed from several angles. It provides for the expenses of a worker who has to visit a doctor other than the one who may be convenient to the factory or the place of residence of the worker. In my opinion,

the provision should not apply to the city or suburbs, where a worker experiences no inconvenience in visiting a specialist or a doctor nominated by the insurance company or the employer. In the cases mentioned by Mr. Williams, I think a worker is entitled to travelling expenses, because he must travel some distance to come to the city to consult a specialist. He should be entitled to some additional payment.

Hon. H. V. Piesse: He usually gets it.

Hon. L. B. BOLTON: Yes. Most firms are willing to meet the worker in this direction. Those are the main points I desire to bring before the House. We often have figures quoted to us; but when it is a question of saddling our industries with further burdens, such as this Bill proposes, we should view the matter in the light I have suggested. Rather should the Government overhaul the Bill with a view to giving the employers some relief than pile up costs to industry, as has been done in so many instances in this State. Most of the clauses of the Bill are similar to those contained in the measure which was before us last session. As an employer and one representing the industries of this State, I feel I am not justified in voting for the second reading of the Bill, and I therefore intend to oppose it.

On motion by the Honorary Minister, debate adjourned.

## **BILL—BUREAU OF INDUSTRY AND ECONOMIC RESEARCH.**

### *Second Reading.*

Debate resumed from the 2nd November.

**HON. C. F. BAXTER** (East) [8.30]: Coming at the present time and in such peculiar circumstances, the Bill is a most extraordinary one. If the State were in a prosperous condition and the future seemed bright, Parliament might be justified in approving of an experiment of this kind but, even then, not at this particular period. The latter part of Mr. Bolton's speech on the previous Bill before the House can well be considered in conjunction with this Bill. That speech revealed the futility of the Bill. The aim is to establish a board comprised of ten members with the Minister as an ex-officio member. The ten persons are the people we must consider. First of all we

would have to obtain a super man as director of the bureau. Where he is coming from I do not know. The director would be engaged for a period of seven years at a salary to be decided upon by the Governor-in-Council. The other nine would be appointed for a period of three years, and their salaries would also be decided by the Governor-in-Council. Yet an extreme Labour section of Australasian politics—I am referring to New Zealand, whose Government is very fond of experimenting in many different ways—

Hon. G. Fraser: And has done remarkably well, too.

Hon. C. F. BAXTER: Of course the hon. member would think that it is doing remarkably well, but I ask him to reserve judgment for three years, and then see what happens.

Hon. G. Fraser: The people of New Zealand showed what they thought.

Hon. C. F. BAXTER: That is quite all right; I have heard that sort of thing before. When people are receiving present-day advantage they do not look to the future. In New Zealand, where the legislation is far-fetched and of an experimental kind, an organisation of this character is controlled by the Civil Service and is composed of members from Government departments who report to the Minister, the Government then either accepting or rejecting the recommendations. I do not want to go fully into the duties of the proposed board, but I would like to glance at a few of them. In Part 3 of the Bill are set forth the powers and functions of the bureau. Paragraph (b) reads—

To interpret properly and continuously statistical and other essential information and show industrial and financial trends, and to issue forecasts regarding such trends.

This board is to undertake a task in which a number of State departments is already engaged. It will supplement and override those departments. The board will supersede expert administrative officers who have been chosen for their ability—after climbing to the top of the tree—to fill certain positions. We are to select a wonderful man as director of the board and then nine others, as though they were fruit growing on trees to be picked off in season. Paragraph (c) states—

To obtain from all Government departments, State instrumentalities and public officers any information and copies of any documents which

the bureau may at any time and from time to time require.

So the board is to depend on the Government departments for the information on which to build its suggestions. Paragraph (d) reads—

To solicit, seek for and acquire information relating to industry, trade and commerce and to make such information available to such persons and in such manner as the bureau may think expedient.

I take it that the board is going to instruct people such as the men Mr. Bolton has in his employ as foremen and employees, men who are day in and day out racking their brains to improve their particular branches of industry in competition with others, in an endeavour to supply what is needed by the public. We are going to get somebody from outside to supersede them and tell them what to do. Again, paragraph (k) reads—

To co-operate with the Public Works Department of the State in the development and planning of a long-range programme of public works and to inquire into and report upon the economic side of any works included in such programme.

We are going to have the most highly paid officer in this State put to one side by a board to be selected. We are going to override a man on £2,000 a year who has been highly trained and has proved his ability as one of the most capable engineers of the State. I refer to the Director of Works, Mr. Tindale. We are going to supersede the men under him; men like Mr. Dumas who will expect to fill the higher post later on. I might go on mentioning names. There is a number of them. We are wonderfully supplied with expert officers in the department, but they are to be superseded by the board which must to a certain extent be looked upon as academic.

Paragraph (n) reads—

To investigate and report to the Minister upon unhealthy occupations and dangerous trades.

I ask the Minister, is this necessary? What are the officers of departments doing? What are the particular branches of the Public Service doing if they are not attending to this business? There are officers whose duty it is to attend to this sort of thing. In his speech Mr. Bolton, to a large extent, showed the futility of this measure. The Bill is supposed to be designed to do something wonderful for youth. The Govern-

ment has had six years in which to do something for youth, but it has done nothing yet. I say without fear of contradiction that the reason the Government has introduced the Bill is to be able to put something before the electors. It is endeavouring to say, "We are out to do something now." There was a great blowing of political trumpets about four years ago, when an appeal was made for the youth and the motherhood of this State. As a result of that appeal, £50,000 was raised. What for? In the interests of motherhood £25,000 was spent, but the money raised for the youth of this State has not been expended. With a view to doing something for youth, the Government set out to collect money. It did not know, and does not know now, what to do with the money; but another scheme has been introduced just prior to election time. Mr. Bolton has mentioned the cost of production. Manufacturers are doing good service for the State, but what encouragement do they receive from the present Government? Consider the legislation that has been introduced. Industrial Bills have been brought forward to improve the conditions of the workers; but imposts have been put on industry the whole time, and their adoption would make it impossible for industry to be carried on. Yet an experiment of this nature is suggested. The Government is failing in its duty to the electors of this country in bringing a Bill of this description before the House at this juncture, within five months of a general election. The present Government might not be the incoming Government.

Hon. G. Fraser: There is no doubt that it will be.

Hon. C. F. BAXTER: Even if the party to which the hon. member belongs is returned, the same Cabinet may not be chosen. There may then be men in the Ministry differing in opinion from those at present holding portfolios. No Ministry has the right to tie an incoming Government to a new policy of an experimental nature like this. It has no right to appoint a man for seven years to be head of a bureau of this description.

Member: The Government will go to the country on this issue.

Hon. C. F. BAXTER: Of course. This is one of the Government's attempts to ingratiate itself with the electors, and God

knows they need to win the good graces of the people!

Hon. G. Fraser: Good actions speak for themselves.

Hon. C. F. BAXTER: Then I am afraid nothing will be spoken on behalf of the present Government. Irrespective of the Government's intention in introducing the measure, however, I cannot see any good resulting from its adoption. No outgoing Government, no Government that is dying fast, has any right to impose a policy of this kind on the country it administers.

Hon. J. Cornell: I think the hon. member ought to preface the words "outgoing Government" by the word "prospective."

Hon. C. F. BAXTER: The present Government automatically goes out early next year and has to be re-elected. So it is, in fact, the outgoing Government, and my expression was quite correct. Whether it will be defeated is another question; but that it has to go before its masters next year is indisputable, and in such circumstances no Government—of whatever political complexion—has any right in the latter part of its last session to establish a policy with far-reaching consequences. I hope the House will reject the Bill on the second reading, realising that there is no justification for placing such a measure on the statute-book at this stage. If the Government is re-elected it will be a different proposition, but the House has no right to agree to such a measure now.

HON. L. CRAIG (South-West) [8.41]: As Mr. Baxter has said, perhaps the present is not quite the time for the introduction of a Bill such as this. Nevertheless, this is an earnest endeavour on the part of the Government to remedy something it has been accused for a long time of neglecting. This is an attempt of some sort—though I do not agree with the Bill in its entirety—to cope with the unemployment problem.

Hon. J. Cornell: A belated attempt.

Hon. L. CRAIG: Perhaps it is, but the effort is one that should receive encouragement. Above all, the Bill proposes to encourage and increase secondary industries in Western Australia. As a primary producer myself, I say there is no more worthy or more deserving objective than the encouragement of secondary industries here.

Hon. C. F. Baxter: What about the Council of Scientific and Industrial Research?

Hon. L. CRAIG: That is a Commonwealth organisation that mostly encourages primary industries throughout Australia, though other industries receive attention as well. The proposed bureau is to encourage manufacturing particularly in this State, and that is a very desirable objective.

Hon. J. M. Macfarlane interjected.

Hon. L. CRAIG: I agree that in Western Australia manufacturers are not encouraged, but have burdens placed upon them. However, the bureau can do much good, by its inquiries, in encouraging secondary industries. It is purely an advisory body which will advise the Minister. Nothing is more required in Western Australia than the development of industries other than primary industries. We are in a highly precarious position to-day, being almost entirely dependent on a very doubtful and diminishing market. We have only one market outside our own State for our primary products; and therefore that we should extend the home market for our products is desirable above all things. I have here a cutting from a pamphlet, giving a list of Australian exports and the proportion purchased by Great Britain. The figures show how dependent we are on the British market, and in what a precarious position we would be without that market. One has only to read to-day's paper to discover the position of Great Britain in regard to her markets, and how she has to make agreements with other countries to take products in competition with those we are sending her. Only yesterday the newspaper stated that Britain had taken half Rumania's wheat crop—200,000 tons. That probably means that 200,000 tons of Australian wheat will not be purchased by Britain this year. We must realise that of Australian exports Britain takes the following percentage:—Chilled beef 99½ per cent.; other beef 90 per cent.; eggs 99½ per cent.; mutton and lamb 98 per cent.; pork, 97 per cent.; cheese, 97 per cent.; lead, 95 per cent.; wine, 94 per cent.; butter, 92 per cent.; sugar, 84 per cent.; preserved fruits, 82 per cent.; fresh fruits, 72 per cent.; leather, 70 per cent.; tinned meat, 63 per cent.; wheat, 61 per cent.; dried fruits, 56 per cent.; jams and jellies, 54 per cent.; and wool, 38 per cent. What is to be our position if the English market diminishes? Personally I cannot see how anything else can happen. England is in such a precarious position to-day with



markets for her manufactures that she is compelled to make reciprocal agreements with foreign countries, and every pound's worth of primary products that is brought from a foreign country restricts that amount of purchase by England from Australia.

Hon. J. Nicholson: Our only way out is population.

Hon. L. CRAIG: And the only way to encourage population is to increase our secondary industries. What is the use of increasing the production of our primary products when we have no market in which to sell them? Let us agree to do anything—and what the Bill proposes is an earnest effort—that will assist us to build up our secondary industries. From the point of view of the primary producer, and from other stand-points as well, it is important. A home consumption price for wheat has been accepted by Australia. The home consumption price is greater than the overseas price. Therefore, the greater proportion of our goods that we can sell at the home consumption price, the more profitable does the position become for the primary producer. The only way in which we can sell the greater proportion of our products is by building up a lot of home consumers, people who are not themselves primary producers, but who are producing those commodities that the primary consumer needs. It will be conceded that that argument is sound. Perhaps we may not agree with every clause in the Bill. In some instances perhaps the power of the Minister is too great. All the same I intend to support the second reading and it is only fair to ask other members in this House, who do not approve of the principle, what they can suggest that might be better.

Hon. C. F. Baxter: Reduce the cost of industry.

Hon. L. CRAIG: Perhaps the inquiries that will be made by the bureau will bring about a reduction of costs. The powers of the bureau will be almost unlimited. Its members will be able to inquire into the methods of the reduction of costs, and make comparisons with the other States, a question about which Mr. Bolton has had a good deal to say. The bureau will also have power to inquire into the subject of workers' compensation insurance, and in fact, any subject the Minister in his wisdom considers should be investigated. Therefore, let us give the bureau a trial. I do not agree with everything that is in the Bill, but it is an

effort, and speaking on behalf of the primary producers I am very perturbed about the future. I am greatly concerned about the need to build up consumers in our State. That is not only desirable, but essential. There is also the important question of defence that must be considered and that is associated with population: I hope that members will give close consideration to the Bill and that it will not be automatically thrown out, because there are great possibilities in it and if properly handled much good can come from it.

Hon. C. F. Baxter: You were discussing the future of primary products.

Hon. L. CRAIG: It is most important that we should be certain of our markets in the future. Another point that is important is that no officer associated with the bureau will come under the Public Service Act. If anyone who happens to be appointed is found to be unsuitable, he can be put off.

Hon. L. B. Bolton: But what about the seven years' engagement?

Hon. L. CRAIG: Only the director will be given a seven years' engagement.

Hon. L. B. Bolton: The others will have three years.

Hon. L. CRAIG: I hope members will study the Bill intelligently. I have a few notes for the Committee stage and I trust that the Bill will soon find its way into Committee where we shall be able to give it closer consideration.

**HON. E. H. ANGELO** (North) [8.53]: It is not often that my views do not agree with those of Mr. Baxter. I certainly do not subscribe to his ideas of the Bill. I welcome the Bill with its proposal to establish a bureau of industry. My only regret is that such a bureau was not established many years ago. Had it been formed, we would not have had the unpleasant reading to be found on pages 38 and 39 of the Auditor General's report, certainly not to the extent of seeing recorded there the losses that have been sustained by the Government in respect of assistance given to industries that were in most instances started without the necessary knowledge on the part of the companies, or the private individuals concerned. I agree with Mr. Baxter that what is proposed will to a large extent be a one man concern, and the success of the bureau will depend on who is appointed director.

Hon. J. Cornell: Will it be like the Town Planning Board?

Hon. E. H. ANGELO: I am not saying anything about the Town Planning Board. I have no wish to see the success of the bureau jeopardised by the appointment of an unsuitable person as the head of it. The Bill sets out that the director shall be appointed for seven years. Would it not be better if the director were appointed temporarily, say for two years, and on the understanding that if he gave satisfaction he would receive an appointment for a further five years? That would be a sort of probation. Why should we appoint a person for seven years straight away? It is not good business.

Hon. V. Hamersley: Suppose there is a change of Government while he is on probation.

Hon. E. H. ANGELO: I do not believe that it is a case of spoils to the victors all the time. Even the present Government, it must be admitted, has made some good appointments during its periods of office. But what I propose about the probationary period would be a safeguard.

Hon. J. Cornell: Would you get a good man if you imposed that condition?

Hon. E. H. ANGELO: I consider we would because he would readily understand that if he made good, the remainder of the term would be his.

Hon. L. Craig: Would you make it "in the opinion of the Minister"?

Hon. E. H. ANGELO: Or in the opinion of Parliament, if the hon. member would prefer it. I am concerned about the proposal of the seven years appointment being given to an unknown man, and I trust that it will be possible to alter that in the manner I have suggested. Mr. Baxter quoted one or two clauses of the Bill. In referring to Clause 27 he was satisfied to read certain paragraphs but not paragraphs (a) and (m). The first and foremost object of the Bill as set out in paragraph (a) is to "foster existing industries and encourage and assist in the establishment of new industries." Could we wish for anything better? But how are we going to carry out that objective unless we give the bureau a start?

Hon. H. S. W. Parker: What is the Government for?

Hon. E. H. ANGELO: I am afraid the Government has associated itself with too many ventures without having had proper

investigations made. If the bureau intends to do useful work, it will have to go to Government officials and private people for the necessary information.

Hon. E. H. H. Hall: We have had a Minister for Industries for years.

Hon. E. H. ANGELO: A Minister for Industries may be in office for only a few years or months. In any event, he has other departments to look after, and attend Parliament, and he cannot give the necessary time to a big bureau of this description. We need a super man who will delve into everything. When it is suggested that a certain industry should be established, he must learn all about it, and co-opt people who understand it and if necessary obtain information from the other States.

Hon. E. H. H. Hall: Has not the Minister power to appoint officers to do that sort of thing?

Hon. E. H. ANGELO: I think not.

Hon. J. M. Macfarlane: What will the Minister do with the recommendations of the bureau?

Hon. E. H. ANGELO: He will certainly take notice of what is recommended. Paragraph (m) of Clause 27 says—

To ascertain and report to the Minister upon the manner in which and to the extent to which persons engaged in industry and who have received and are receiving in relation thereto financial or other assistance from the State are carrying out the obligations undertaken by them in consideration of the granting to them of the assistance aforesaid.

Had this bureau been in existence in earlier years many projects that were started with insufficient knowledge and capital would never have been embarked upon.

Hon. C. F. Baxter: The North-West meat works, for instance.

Hon. E. H. ANGELO: I will come to that. The Government has lost nearly £500,000 through its assistance to industries, but, had the bureau been in existence, many industries would not have been started, and probably half the amount would have been saved. Mr. Baxter referred to the North-West meat works. Some 20 years ago the squatters of Gascoyne found they had too many sheep, and were obliged to get rid of old culls and cast-off ewes. A company was accordingly formed for the establishment of meat works for the boiling down and canning of surplus sheep. The estimated cost of the building and machinery at Carnarvon was £18,000 and a capital of £45,000 was raised. It was

considered that £20,000 would be sufficient to provide for the building and machinery, leaving £25,000 as working capital for the purchase of sheep. At the first meeting of shareholders, a directorate, comprising highly honourable and respectable pastoralists, was appointed. Unfortunately for all concerned, the directors did not possess the business training necessary for the management of such a project.

Hon. J. J. Holmes: They would not listen to advice.

Hon. E. H. ANGELO: A gentleman named Dunkley then came on the scene. He had something to do with the Wyndham Meat Works and had erected many meat works in the Eastern States.

Hon. C. F. Baxter: No.

Hon. E. H. ANGELO: I know he erected the works at Ballarat, and I believe he was interested in other undertakings of the kind. He told the directors they were only playing with the project, and suggested they should add to the undertaking frozen mutton, and should deal with 2,000 sheep a day instead of 500. He was given the job of directing the works on a commission basis. The cost, however, greatly exceeded £45,000, and the Government lent another £30,000 in cash. The total indebtedness shown in the Auditor General's report is actually about £61,000, but if we take off interest and compound and accumulated interest the balance represents about £30,000. Not a wheel was turned in the works. It was impossible to get 2,000 sheep a day into the town. Had the works produced frozen mutton it could not have been shipped because vessels containing cold storage facilities were unable to call at Carnarvon owing to their shallow draft. Furthermore, it would not have been possible to secure workmen for the season during which the works would have been running. The object of the undertaking at the outset was to deal with culled and cast-off ewes to the number of 500 a day, and it was intended to employ some of the Wyndham Meat Works men when they had finished their season further north. The Government lost £30,000 and the squatters lost £45,000, of which, unfortunately, £500 was mine. All that money has gone. For years tens of thousands of old ewes have died in the district and their carcases have assisted in the breeding of swarms of blowflies that are now causing so much damage amongst sheep flocks of the Gascoyne and the North-West. Had the bureau been

established then, with expert knowledge at its command, the directors of the company would not have accepted Mr. Dunkley's offer, because no doubt such extensive inquiries would have been made on their behalf that it would have been ascertained how impossible it was to get 2,000 sheep daily into Carnarvon, that there was insufficient water at the jetty for loading, and that ships could not have come alongside.

Hon. J. M. Macfarlane: But you knew all that yourselves.

Hon. E. H. ANGELO: Some knew it, but, as Mr. Holmes has said, the directors would not take the advice of those that knew. Had the company adhered to its original project, it would undoubtedly have met with success. At that time the war was on and for 18 months it would have been possible to supply a magnificent market with canned mutton at a price that would probably have given back to the shareholders sufficient to pay for the works. That was really the inducement to start the undertaking.

Hon. C. B. Williams: How much profit did you expect to make from 500 sheep?

Hon. E. H. ANGELO: The pastoralists would have been glad to sell their sheep to the works for about 2s. 6d. a head. At certain times of the year the culls are fat. I have seen broken-mouthed ewes weighing 58 lbs.

Hon. H. V. Piesse: They have been killed at Albany this year averaging 60 lbs.

Hon. C. F. Baxter: If the works had secured the sheep for nothing, they would have shown a loss.

Hon. E. H. ANGELO: That is the hon. member's opinion. The Government would have saved £61,000. Several fishing projects in the North have failed, largely because of want of experience and lack of capital.

Hon. H. Tuckey: As well as lack of fish.

Hon. E. H. ANGELO: The fish are there. We can find a shark for every mullet the hon. member can produce from his district. Had this bureau been in existence, it would either have prevented these projects from starting, or would have given such expert advice that they would have proved a success. It is shocking to think that we are importing annually about £100,000 worth of fish products, when there are more fish in the North-West than could be consumed in the British Empire.

Hon. J. M. Macfarlane: The cost of bringing the fish down is very high.

Hon. E. H. ANGELO: Yes, and largely because of that fish is a luxury, whereas it should be a common article of diet. Members have said that the Government should depend on its departments for the necessary advice. Year after year I have urged the Fisheries Department to take some interest in the North-West fishing industry. I have suggested that the Government should invite two men from Scotland to come here, one a capitalist who was thoroughly conversant with the preservation of fish, and the other a practical fisherman. If they were invited to come to Western Australia and on arrival were sent to the North-West, they could ascertain for themselves the vast quantities of fish available. They could ascertain the wonderful market available in the Near East, and the practical fisherman would appreciate the favourable conditions under which the industry would be conducted, compared with the dreadful discomforts of fishing in Scottish waters. Had that been done in the past, we would have experienced no difficulty in securing the men and the money necessary for the development of our fishing industry in the North.

Hon. J. Nicholson: And will the proposed bureau deal with that?

Hon. E. H. ANGELO: That is why I am supporting the Bill.

Hon. J. Nicholson: What is the Minister for Industries for?

Hon. E. H. ANGELO: I have merely instanced one or two small directions in which the bureau could assist. If the right men are appointed to the bureau, they will be able to acquire the information necessary and make it available to those inclined to embark upon industry. Fancy a small community like ours importing £9,000,000 worth of products from the Eastern States every year!

Hon. E. H. H. Hall: The value represents £13,000,000 annually.

Hon. E. H. ANGELO: That is worse still; I was conservative in my estimate. If the bureau were to save £500,000 in the first year, £1,000,000 in the next year, and so on, would it not prove worth while? Why utterly condemn the proposition because the Government, as some members suggest, is in the last months of its existence? This legislation shows that in its dying hours the Government has awakened, and still has—

Hon. A. Thomson: A kick in it!

Hon. E. H. ANGELO: I trust the Government will give consideration to one suggestion, and that is that the appointment of the director should not be made for the complete term straight away. As I have already said, a man could be appointed for two years and then, if he demonstrated his capacity and showed results, he could be appointed for the further five years, and could perhaps carry on subsequently until well past 65 years of age.

Hon. J. Cornell: He would not live to be that age.

Hon. E. H. ANGELO: This schoolmaster of ours is always pessimistic, and never ceases caning us. A good man would be satisfied with the conditions of appointment I have outlined. If I were offered such a position—

Hon. V. Hamersley: Now we are getting at it!

Hon. E. H. ANGELO: I have never been so highly flattered in my life! Mr. Hamersley knows that no person who is over 65 years of age can receive an appointment in the Public Service. If I were a middle-aged man and were offered such a position on the understanding that I held it for two years, and that if I worked hard and showed results I would be appointed for a further five years, I would be content to accept it. I am pleased to have the opportunity to support the second reading of the Bill, and I hope that not only will the bureau be established but that its operations will prove effective in improving and extending industries in Western Australia.

On motion by Hon. A. Thomson, debate adjourned.

## BILL—ROAD DISTRICTS ACT AMENDMENT (No. 1).

### *Second Reading.*

Debate resumed from the 1st November.

HON. J. NICHOLSON (Metropolitan) [9.20]: The Bill is very short, and, at first glance, appears somewhat innocent. On the other hand, if members look through its provisions they will find the effect calculated to be much more far-reaching than the clauses suggest at the outset. The measure deals with hawkers and pedlars, and for that purpose the Bill seeks to amend the Road Districts Act. The Title alone would lead any-

one to wonder what connection there was between the two, more especially as the statute-book since 1892, has contained an Act dealing with hawkers and pedlars. Naturally one would have expected an amendment dealing with hawkers to be associated with the Hawkers and Pedlars Act. Mr. Drew, who is sponsoring the Bill, will probably tell us that the Hawkers and Pedlars Act does not give power to license, but merely provides penalties, definitions and certain exemptions. We must observe exactly the effect of the Hawkers and Pedlars Act. The Bill seeks to amend the Road Districts Act, but not the Municipal Corporations Act. Accordingly, the Bill will affect the road boards only. That means that where on one side of the street there is a road board and on the other side a municipality, much confusion will arise, because, if we agree to the Bill, the laws will be vastly different.

Hon. H. V. Piesse: Municipalities and road boards do not mix like that.

Hon. J. NICHOLSON: The hon. member is in error. He is obviously not aware that in the metropolitan area, for instance, we have on one side of the street the municipality of the City of Perth and on the other side the Perth Road Board.

Hon. A. Thomson: And the Nedlands Road Board.

Hon. J. NICHOLSON: We can go further and refer to the municipalities of Midland Junction and Guildford, which are surrounded on all sides by road districts.

The Honorary Minister: There is the Fremantle Road Board, too.

Hon. A. Thomson: Cannot we take this phase as read?

Hon. J. NICHOLSON: The number of municipalities surrounded by road districts is much greater than Mr. Piesse contemplates. In considering the Bill, importance attaches to the anomalies that will arise between road districts and municipalities.

Hon. J. J. Holmes: And between road districts and road districts.

Hon. J. NICHOLSON: That also is true. In considering the Bill reference to the provisions of the Road Districts Act is essential. I have already referred briefly to the provisions of the Hawkers and Pedlars Act, which have not been incorporated in the Road Districts Act or the Municipal Corporations Act, but under Subsection 1 of Section 204 of the Road Dis-

tricts Act power is given to road boards to pass by-laws to regulate the hawking of fruit, fish, meat, poultry, game or vegetables, or any article of merchandise, and also requires licenses to be obtained by hawkers, while it further places the obligation upon hawkers and traders to carry scales. The Bill proposes to delete the words "fruit, fish, etc.," and to insert "goods, wares and merchandise."

Hon. A. Thomson: What is "merchandise"?

Hon. J. NICHOLSON: That is a fairly wide term, and covers articles such as may be dealt with by merchants.

Hon. G. B. Wood: Have not road boards that power now?

Hon. J. NICHOLSON: I have already outlined the powers possessed by the road boards. In another portion of the subsection provision is made for prescribing the annual fees for hawkers' licenses, and for differentiating with regard to hawking in town and country. Power is also contained in the Road Districts Act, although not embodied in the Municipal Corporations Act, to limit the number of licenses to be granted, and to refuse to grant licenses as well. There are other provisions about which I shall not worry members. Very strict provisions are set out relating to the powers of road boards as well as of municipalities. These sections as well as the provisions of the Hawkers and Pedlars Act have been productive of various applications to the court for interpretation and decision, and I feel that if this Bill be passed, it will produce a further crop of cases.

Hon. H. Tuckey: Why do you say that?

Hon. J. NICHOLSON: The interpretation of the words contained in the main clause of the Bill will lead to considerable litigation. There is a somewhat interesting contrast between the provisions of the Road Districts Act and of the Municipal Corporations Act. Section 179 (18) of the Municipal Corporations Act provides for the making of regulations for regulating the hawking of fruit, fish, meat, poultry, game or vegetables, or any articles of merchandise, and prohibiting such hawking in prescribed streets, ways and public places; (b) enforcing the obligation of hawkers and traders to carry scales. Section 181 (h) provides for by-laws for the issuing of licenses for the hawking of meat, fish, poultry, game, fruit

and vegetables, or any articles of merchandise. Then there is a proviso that reads—

Provided that, subject to any by-laws made under Section 179, Subsection 18, it shall be lawful for any person being the holder of a license to hawk fish granted by the council of any municipality in the district whereof he resides and in force for the time being, by virtue of such license, to hawk fish within ten miles from the boundaries of the municipal district in which the license was granted.

To interpret that proviso would be very difficult, but there it is. If a license were issued by the municipality of Perth, Guildford or Midland Junction for the hawking of certain produce or articles, and the man to whom the license was granted went within ten miles from the boundaries of the municipal district, he would find himself penetrating far into some road district.

Hon. A. Thomson: The same thing applies to a man with a license for a motor car.

Hon. J. NICHOLSON: Quite so, but I wish to point out where trouble will arise and show that there is only one course to adopt, namely, to bring up to date the Hawkers and Pedlars Act, which was passed in 1892—such an Act should be reviewed—but not to amend either the Road Districts Act or the Municipal Corporations Act in this piecemeal and patchwork fashion.

Hon. A. Thomson: Who administers the Hawkers and Pedlars Act?

Hon. J. NICHOLSON: I will ascertain. A license could be issued by one authority, as is done in the Eastern States and in England, just as well as by the municipalities and road boards. A license fee is charged in those places by a Government authority, not by every municipality or road board. I was dealing with the proviso to the municipalities Act. Assume that a license has been granted to an individual to pursue his calling, and that he went within ten miles of the boundary of the municipal district, he would find himself in a road district. If we pass this measure, the road board could say, "You have no right to come into this district because we have an Act giving us power to regulate licensing, and under our by-laws we have provided that you shall not hawk unless you obtain a license from our district." Similarly if a man entered another district, he would be met with a similar objection, because this amendment is to be made to the Road Districts Act and the power will be given to every road board. Being an amendment of

the Road Districts Act licenses would have to be procured from every road district in the State to permit of a man carrying on his calling. I am sure that was never intended or appreciated by those responsible for this Bill.

I emphasise that there is only one proper method to deal with a matter that is likely to cause a conflict of authority. To prevent unnecessary trouble to people carrying on their avocations, the principal Act, not the Road Districts Act, should deal with the subject. An amendment made to the Road Districts Act will not amend the Municipal Corporations Act, and therefore the conflict will be greater than ever.

Hon. A. Thomson: When an amendment to the Municipal Corporations Act is brought in, you might make the amendment.

Hon. J. NICHOLSON: I think Mr. Drew called attention to the fact that a Bill introduced last year to amend the Municipal Corporations Act was passed by this House but was not accepted by another place. It contained a provision somewhat akin to the amendment in this Bill.

Hon. J. M. Drew: That is right.

Hon. J. NICHOLSON: But that Bill did not become law. We amended the Bill, and members will recall why it was not accepted by another place. Therefore the chance of getting the municipalities Act amended seems as remote as ever.

My attention was directed to a notice in last week's issue of the "Government Gazette" setting forth that the municipality of Midland Junction was seeking under its powers to apply a certain definition or meaning to the term "hawker" and to various other words, and also to make provision regarding the hawking, not of goods, wares and merchandise as provided for in this Bill, but of meat, fish, poultry, game, fruit and vegetables, drinks, eatables, or other articles of merchandise in any part of the municipality "unless and until the party shall have obtained from the council a license to do so." The Bill before us shows an effort to define "hawker" and that definition follows to an extent only the definition contained in the Act dealing with hawkers and pedlars, but certain words are added that make it very difficult to understand and construe. It reads—

For the purposes of this paragraph the term "hawker" means any hawker, pedlar or other person who, with or without any horse or other beast bearing or drawing burden, travels and

trades and goes from town to town or to other men's houses there soliciting orders for or carrying to sell or exposing for sale any goods, wares or merchandise which are either the property of himself or of some other person who does not carry on the business of selling goods, wares or merchandise in a shop or other permanent place of business.

Hon. A. Thomson: Is not that exactly what is in the Hawkers and Pedlars Act?

Hon. C. F. Baxter: In Section 1.

Hon. J. NICHOLSON: No, that goes down to the word "merchandise," and the subsequent words are new. The definition says "goods, wares or merchandise which are the property of himself." That is to say, if I manufacture my own goods, I cannot sell them. The definition continues, "or of some other person who does not carry on the business of selling goods, wares or merchandise in a shop or other permanent place of business." This, of course, is a matter for the court to decide. The clause is so badly worded that it is bound to create trouble for anyone who may be cited under its provisions. It is the other person who must carry on the business in a shop. But if the goods are the manufacture of the individual himself and he has not got a shop or permanent place of business, I am going to show how it will affect the country people. They will be affected very badly.

Hon. G. B. Wood: They do not worry much.

Hon. J. NICHOLSON: In order to get exempted, one must have a shop or other permanent place of business; and that would be in the particular road district. One must have a shop or permanent place of business in each particular road district where one might be going from town to town or to people's houses soliciting orders. Take for example the very usual thing that happens in connection with people on farms and elsewhere. The farmer's wife usually gets the benefit of the fowls and eggs and butter.

Hon. L. Craig: The family lives on the butter.

Hon. J. NICHOLSON: In the country it is quite a common thing for the farmer's wife to take the eggs in to the grocer; and if she cannot get them sold at one grocer's shop, she may sell them at some other grocer's, or to some people in the town. That happens in places where people may come into a town from another road district altogether. They have not a shop or a permanent place of business in the dis-

trict where the sale may be made. When eggs are plentiful the housewives have to take them round. Sometimes it is difficult to get the grocer to buy all the eggs he is offered, and the result is that some eggs have to be hawked from one place to another. I merely give that as an instance. There are other commodities which might be instanced. Here is a case where hardship might result, and we do not want to pass such laws. It all emphasises what I have said, that the matter should be considered in the light of hawkers and pedlars and the Hawkers and Pedlars Act amended. In that Act there is provision exempting certain people. Section 6 reads as follows:—

The provisions of the next preceding section shall not apply to the following persons as such (that is to say)—

(1) Commercial travellers or other persons selling or seeking orders for goods, wares, or merchandise to or from persons who are dealers therein, or selling or seeking orders for books or newspapers.

Any goods, wares and merchandise, even newspapers, may come within the definition, as well as every kind of movable article. There is also exemption to—

(2) Sellers of vegetables, fish, fruit, newspapers, brooms, matches, game, poultry, butter, eggs, milk, or any victuals.

A further exemption is given to—

(3) Persons selling or exposing for sale goods, wares, or merchandise in any public market or fair legally established, or upon any racecourse, agricultural show ground, or public recreation ground.

And then there is exemption for—

(4) Sellers of goods of their own manufacture.

Nothing of that kind is provided in the Bill. Everybody will be roped in. However unintentional it may be on the part of those who framed the measure, an awkward, a serious position is going to be created for many people. I venture to say that the Bill will extend not only to the people I have mentioned, but even to certain classes of commercial travellers. We are used to having commercial travellers representing wholesale houses visiting here from abroad, from England, or from the other States. Unless these commercial travellers have a shop or other permanent place of business here, they cannot possibly go around from town to town calling on merchants and selling what is required. They could not do so

because the Bill provides that "hawker" means anyone who—

goes from town to town or to other men's houses there soliciting orders for or carrying to sell or exposing for sale any goods, wares or merchandise.

One might even go so far as to say that the definition of "hawker" would cover a milkman, a baker, or a butcher whose business would carry him from one road district to another, or from one municipality into a road district, and so on. We know that such tradesmen sometimes have fairly big rounds.

Hon. T. Moore: Do you know any road board that would prevent them from hawking?

Hon. J. NICHOLSON: This is the question—is that hawking, or is it not hawking? Is that person committing an infringement of the by-law? If he is, then he is liable.

Hon. H. Tuckey: Not until the by-law is made.

Hon. J. NICHOLSON: In most road districts there are by-laws in existence dealing with these matters, and their number would be added to if this Bill passed into law. One might go further and deal with the man selling superphosphate or other fertiliser, and the like of that. Unless the individual going round selling these things—under the Bill as presented—has a shop or other permanent place of business, he will be liable.

Hon. H. Tuckey: I think you are misled.

Hon. J. NICHOLSON: I shall have the pleasure of dealing with that aspect afterwards, probably when the hon. member gets prosecuted for an infringement. Then I shall be able to say to him, "I told you so"; and he will probably be a little wiser after the event than apparently he is at present. The hon. member would be well-advised to look at the Bill a little more closely. I do not want to weary hon. members by discussing the measure, but it seems to me very serious indeed. I think we would be doing something foolish in passing the Bill. We would then be creating a serious conflict between adjoining municipalities and road districts. What I contend in relation to the Hawkers and Pedlars Act is that the whole matter should be revised thoroughly and carefully and such provisions made as would overcome the present difficulties and avoid the risks to which everyone would be subject in connection with a measure like this.

Under the Bill as it stands, penalties would be recoverable and people put to a great deal of trouble which could be avoided if the Hawkers and Pedlars Act itself were amended and brought up to date, and the Government itself made the collecting or licensing authority. The Government could issue licenses which would extend throughout the State. When a man obtained his license from the Government—as is the case in nearly every one of the other States—he would be enabled to carry on his calling. That seems a reasonable and proper method. The same thing as I have stated actually prevails in England. I took the trouble to look the matter up. A certain fee is provided, and that is collected by the revenue authorities, and they issue the license. So the whole difficulty could be got over very simply indeed. Another matter which must be borne in mind, and which was pointed out by Mr. Dimmitt when speaking to the Bill, is the serious result that is bound to follow the passing of a measure like this in bringing about unemployment. As Mr. Dimmitt stated, many men are engaged in the calling of hawker, or whatever one chooses to call it. They go around from place to place, from town to town, and make a living. At present we are seeking to assist the Government in every possible way to establish industries and so to avoid the necessity for men to apply for sustenance. If we pass the Bill, we shall throw a lot of men on the labour market, and they will become claimants for sustenance.

Hon. G. B. Wood: That is very questionable.

Hon. J. NICHOLSON: In my opinion it is not at all questionable. I consider it to be beyond doubt. If the hon. member investigates the matter he will learn that there are many men who make a perfectly honest and good living at this particular calling and also confer considerable benefit on the people to whom they render services. Having expressed these views, and the necessity which to my mind exists for revising the Hawkers and Pedlars Act, instead of merely bringing up patchwork legislation such as we have here to amend the Road Districts Act, and remembering that different laws prevail in municipalities, I say that in these circumstances there is only one proper thing to do with the Bill, and that is to reject it.



**HON. G. B. WOOD** (East) [10.0]: As it is rather late, I intend to be brief. I did not think it possible that so much confusion could be introduced into this small subject and so many red herrings drawn across the trail. Yet Mr. Nicholson has succeeded in doing these. I do not intend to address myself to all the points he has raised; but, in my opinion, a road board is the best authority to say who should be licensed and who should not be licensed. In some districts it may be necessary to impose a license fee of £3; in other districts a license fee of only £1 would be sufficient. That is because the districts are so dissimilar. A great deal more has been made of this amending Bill than is necessary. I have had hurled at me much propaganda from the Eastern States. With your permission, Mr. President, I shall read some extracts in order to show how confused some people are in their conception of the Bill. A man named Smith writes me under the heading of "The W. T. Rawleigh Coy., Ltd." He says—

On behalf of our Western Australian dealers, we respectfully ask you to consider the position of these men and the injustice they would suffer through being ruthlessly put out of business by any legislation sponsored by selfish interests seeking to create monopolies for themselves.

I cannot read anything into the Bill which could be interpreted to put people out of business. I maintain that under the Hawke's and Pedlars Act and the Road Districts Act we have power—

Hon. H. Tuckey: What about the word "merchandise"?

Hon. G. B. WOOD: That word covers quite a lot.

Hon. H. Tuckey: That is the trouble.

Hon. G. B. WOOD: It depends upon the interpretation of the word "merchandise." I have never at any time desired to put anybody to inconvenience. I consider we have had the power for years.

The Chief Secretary: The courts have ruled against it.

Hon. G. B. WOOD: Even so, we know lawyers differ. Mr. Nicholson mentioned the housewife who took her eggs to market. She would be exempt under the Bill. Clause 2 concludes with the following words—

... in a shop or other permanent place of business.

Surely the place where those eggs are produced is a place of business. What road board would do the terrible things that have

been mentioned? That is the point. There are, I think, 125 road board members in this State and I know at least 50 per cent. of them: I do not think one of them would do an injustice or be unkind to people hawking goods. Road boards may impose license fees, and why should not they? Hawkers would then compete more fairly with storekeepers. Mr. Nicholson raised the question of a permanent place of business. He indicated that that expression might mean a permanent place of business in any road board district. If the Bill passes the second reading, I propose to move an amendment to add the words "in Western Australia" after the word "business" at the end of Clause 2, so that that difficulty will be got over. The hon. member also mentioned superphosphate sellers; but, of course, they have a permanent place of business in Perth or at Maylands.

Hon. H. Tuckey: Commercial travellers are exempt.

Hon. G. B. WOOD: Yes. The bogey about the boundary of a municipality is not a matter of any account. If a person can hawk goods on one side of the road, what does it matter if he cannot hawk them on the other? That point has nothing to do with the matter. The following further extract will show the confusion that exists regarding this proposed legislation: I am quoting from Mr. Smith's letter again—

It seems that the proposed new legislation will put the licensing and regulation of hawkers in the power of municipalities and country road boards. We respectfully submit on behalf of our Western Australian dealers that the powers of licensing should be restricted so that no municipality or country road board could charge more than £1 a year.

At the beginning of the letter, the writer said the legislation would throw these unfortunate people out of work; yet here he says road boards should not charge a fee of more than £1! There is a limit beyond which we cannot charge. Road boards can refuse to grant a license; but, as I said before, and Mr. Tuckey, who is a member of a road board agrees with me, what road board would refuse a license? Many of the points put up by Mr. Nicholson are mere bogeys.

Hon. J. Nicholson: You will have a great deal of trouble between road boards and municipalities; there is only one way of dealing with this matter, and that is by having one proper law.

Hon. G. B. WOOD: I understand the Government intends to bring down an amendment to the municipalities Act. We must start somewhere, and this is a first step. Once this Bill passes, I trust the Government will bring down the other measure. I support the second reading, with the object of moving an amendment in Committee.

HON. H. S. W. PARKER (Metropolitan-Suburban) [10.7]: So far as I can gather this Bill means nothing.

Hon. H. Tuckey: Then why have it?

Hon. H. S. W. PARKER: That is what I am wondering. Mr. Drew twitted me with the fact of having agreed that hawkers should be stopped. I am inclined to agree, but I think they should be stopped correctly. We have on the statute-book a Hawkers and Pedlars Act, and it has been construed by our Full Court. The Chief Secretary interjected just now that that Act has been shown by the court to be of no use, but that is not correct. What has been shown to be of no use is the definition of "hawker." That definition has been copied into this Bill.

Hon. J. Nicholson: But not in the same words.

Hon. H. S. W. PARKER: There are a few extra words which, according to the judgment of the Full Court, mean nothing at all. A person named Mooney was charged in 1900 with hawking. In its judgment in that case the court pointed out that the words "or other person" have no meaning of any sort.

Hon. T. Moore: That Act was repealed.

Hon. H. S. W. PARKER: I may stand corrected, but can the hon. member show me that it has been repealed?

Hon. T. Moore: I find I am wrong.

Hon. H. S. W. PARKER: The 1892 Act was amended by inserting the words "or soliciting orders for" in the definition of hawker. In his judgment, the late Sir Edward Stone first stated that the words "other person" meant nothing. He then went on to say—

By a subsequent Act, 61 Vic., No. 7, the words "or soliciting orders for," are inserted after the word "sell." I do not think that affects the question before us, the whole question being as to the construction to be placed upon the words "other person." It will be observed that the term "hawker" . . .

Members will please watch the Bill carefully—

. . . is not defined to mean any person who, with or without any horse or other beast of burden, trades, but the term is simply expressed to mean any hawker, pedlar or other person.

So it is necessary to go to the common law to find the definition of "hawker" or "pedlar." That definition clearly sets out that a hawker is a hawker or pedlar who carries goods from place to place for sale. If members read the judgment I have quoted from, they will find that "hawker" means a person who travels from place to place and who carries goods from place to place for sale. All other words can be disregarded. If the Bill passes and becomes law, the difficulty will not be overcome, even assuming the Full Court to be wrong. I have discussed the matter with three or four solicitors and each one has placed a different interpretation on the definition. What do the words "in a shop" or "in a road board district" mean? If a person has no place of business he can sell as much as he likes. Under the Factories and Shops Act a vehicle is a shop. Owing to the way in which the Bill is drawn, I do not know where we shall get.

Hon. J. Nicholson: It is a hawkers Bill.

Hon. H. S. W. PARKER: I do not know what it means.

Member: Wipe it out.

Hon. H. S. W. PARKER: That is what I desire. Why not amend the Hawkers and Pedlars Act and have one uniform Act for the State? Why tinker with legislation? A person on the Perth-Fremantle-road would be able to carry on business on one side of the road, but not on the other. As soon as he crossed over the middle of the road, a policeman could catch him. Stirling Highway has a municipality on one side and a road board on the other. Why not consolidate the municipalities Act and the Road Districts Act and have one comprehensive measure, and so do away with many of these anomalies? This is the second time we have been asked to amend—in a very small matter—an important Act that requires major amendments. It is impossible for me to vote for a Bill which can only lead to endless and expensive litigation.

On motion by Hon. H. V. Piesse, debate adjourned.

*House adjourned at 10.14 p.m.*