BILLS (2)—FIRST READING.

1, Group Settlement.

2, Gun License Act Amendment.

Received from the Assembly.

House adjourned at 10.37 p.m.

Legislative Assembly,

Wednesday, 16th December, 1925.

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

QUESTION—FRUIT ADVISORY BOARD.

Mr. SAMPSON asked the Minister for Agriculture: In view of the defeat of the Primary Products Marketing Bill and the difficulties surrounding the profitable marketing of orchard products, will he renew the provision of funds to permit the Fruit Advisory Board to function?

The MINISTER FOR AGRICULTURE replied: Funds are not available to finance the Fruit Advisory Board, but in any case fruitgrowers' representatives have definitely stated that the existing organisations are quite competent to handle their own business.

QUESTION—KARRAGULLEN, LAND RESUMPTION.

Mr. SAMPSON asked the Minister for Works: 1, Were public tenders called for the purchase and removal of Mr. T. K. White's house from land resumed at Karragullen? 2, If not, why not? 3, If the house was sold, what were the conditions of the sale and the price secured?

The MINISTER FOR WORKS replied: 1, No. 2, It has not been the general practice in the past to call for tenders for the disposal of such small properties. 3, The disposal of this property is not yet finalised.

QUESTION—WATER SUPPLIES, DARLINGTON AND GLEN FORREST.

Mr. SAMPSON asked the Honorary Minister (Hon. J. Cunningham): 1, Is he aware that the arrangement made in connection with the provision of water for Darlington and Glen Forrest whereby water was to be charged for at 2s. 6d. per 1,000 gallons is not being honoured? 2, In view of the guarantees put up by those requiring water and the later action of the department whereby a charge of 5s. 6d. per 1,000 gallons is levied, will he see that the position is inquired into, in order that the guarantors and others concerned may obtain justice?

Hon. J. CUNNINGHAM replied: 1 and 2, I will make further investigations in regard to the position, and as soon as possible will decide what, if any, reduction should be made.

QUESTION—SANDALWOOD CUTTING.

Mr. NORTH asked the Premier: Is there any provision or regulation in force that prevents or purports to prevent the cutting of sandalwood on private lands?

The PREMIER replied: No, with the exception of sandalwood on C.P. leases approved on or after the 15th February, 1924. Any sandalwood on such leases remains the property of the Crown. A condition to this effect is now inserted in such C.P. leases as follows:—

This application is approved subject to the following conditions.

(1) All sandalwood growing on the demised land is reserved to the Crown, and shall not be cut, pulled, or destroyed by the

lessee or his assigns. (2) Any license heretofore or hereafter granted under the Forests Act, 1918, or the Regulations there under, shall apply to the demised land as if such land were Crown lands. (3) Any registered sandalwood getter holding an order from a person licensed under any license so applicable to the demised land as aforesaid may enter upon such demised land, and remove any sandalwood therefrom. (4) If the lessee or any assignee of the lessee desires to clear the whole or any portion of the demised land upon which sandalwood is growing, he shall send notice of such desire together with an estimate of the sandalwood to be obtained from the land to be cleared, and the Conservator of Forests may thereupon grant permission to the lessee or his assignee to remove the sandalwood from such land, subject to such conditions as the Conservator may think fit to impose. (5) Any sandalwood so removed by the lessee or his assignee shall not be disposed of to any person other than the holder of a license, which is applicable to the demised land, and every disposition of such sandalwood to such licensee shall be on such terms and conditions as the Conservator shall from time to time prescribe: Provided that the lessee or his assignee shall not be compelled to accept in payment for any sandalwood from any such licensee less than the licensee would be called upon to pay to a registered sandalwood getter for a similar quantity and quality of sandalwood obtained from Crown lands.

QUESTION—ELECTRIC POWER SCHEMES AND BRITISH CAPITAL.

Mr. NORTH asked the Treasurer: Have the Government yet obtained definite information as to whether electric power schemes can be included in the provision of cheap money now offering from the British Government?

The TREASURER replied: No.

QUESTION—ESPLANADE FAIR GROUNDS.

Mr. DAVY asked the Premier: What is the intention of the Government regarding the renewal of the lease at Carnival Square, the present term of which is nearly completed?

The PREMIER replied: The matter is now under consideration.

LEAVE OF ABSENCE.

On motion by Mr. Wilson, leave of absence for two weeks granted to the member for Forrest (Miss Holman) on the ground of ill-health.

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the undermentioned Bills:—

1. Land Act Amendment Bill.
2. Newcastle Suburban Lot S 8.
3. Fremantle Municipal Tramways and Electric Lighting Act Amendment.
4. Brookton Recreation Reserve.
5. Industries Assistance Act Continuance.
6. Bush Fires Act Amendment.
7. Racing Restriction Act Amendment.
8. Vermin Act Amendment.
9. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment.
10. General Loan and Inscribed Stock Act Amendment.
11. Parliamentary Allowances Act Amendment.

BILL—MAIN ROADS.

Returned from the Council with amendments.

BILLS (3)—RETURNED FROM THE COUNCIL.

1. Workers' Homes Act Amendment.
2. Loan, £4,000,000.
3. British Imperial Oil Company, Ltd (Private).

Without amendment.

BILLS (3)—THIRD READING.

1. Weights and Measures Act Amendment.
2. Group Settlement.
3. Gun License Act Amendment.

Transmitted to the Council.

BILL—COTTESLOE ELECTRIC LIGHT AND POWER.

Second Reading.

Debate resumed from the previous day.

MR. DAVY (West Perth) [3.14]: It is impossible to oppose the passage of this Bill. Unfortunately a position has arisen where it must be passed. If it were not passed a most extraordinary tangle would be likely to result. I cannot, however, allow it to pass without a protest against what has happened. I do not propose to state anything that is not common ground. Under the Act governing municipalities it is clear that the Cottesloe municipality had no power to sell their electric light undertaking. They established it out of loan moneys, the loan having been approved by the ratepayers. The people could have prevented the enterprise being embarked upon. It was established there, and the municipality, without any reference to the ratepayers, purported to do what they had no legal power to do, namely, to sell their undertaking. That, to my mind, was wrong, in addition to being illegal. The Municipal Corporations Act wisely restricts the exercise of the powers of local authorities. It protects the people against their money being wasted except in certain limited directions. In the event of a large sum being spent, necessitating in the first instance the raising of a loan, the local governing authorities are required to submit the proposal to a referendum of the ratepayers, who are thus able to veto it. In this instance it may or may not have been wise to sell the undertaking; I am not going to say it was unwise. Even though it may have been essential, that does not alter the situation. If the sale was necessary and the Cottesloe council found that they had not the power to sell the concern, they should have come to Parliament and asked for the requisite power. That would have given the representatives of the people an opportunity to protest against the proposal, if necessary. Nothing of the kind was done. The sale was not only given effect to, but the undertaking was handed over and has been working under the new arrangement for the best part of a year before any attempt has been made to legalise the transaction. Such a situation could arise if the alleged sale were declared to be illegal, as would cause the greatest possible hardship and difficulty one could imagine. Thus we have pressure brought to bear upon us to secure the passage of the Bill. I protest against actions of this description. If it is necessary for a municipal council to go beyond the scope of their powers, they should come to Parliament for the necessary enabling legislation. There is another aspect. There is a section of the ratepayers in the Cottesloe district who for many years have successfully opposed the flotation of all loans. Every time the Cottesloe Municipal Council have proposed the raising of a loan, a poll has been demanded and a majority of the resident owners of property have vetoed the loan. That being so, we must take it that a majority of the people there are against any proposal that will mean running into debt to carry out any scheme that the council may have in view. The result is that the Cottesloe municipality is in a good financial position now, seeing that only £8,000 or so is the total indebtedness of the local governing authority. By the sale of the lighting plant the Cottesloe Municipal Council found themselves in possession of a large sum of money. Some of the funds have been spent in a direction the ratepayers objected to when the polls were held. That position merits some consideration.

The Premier: The council should be censured!

Mr. DAVY: They merit the highest possible censure, but this is not the time to do it.

The Premier: Why, they ignored the ratepayers!

Mr. DAVY: I cannot reasonably oppose the passage of the Bill, but had it been brought down at an earlier stage of the session I would have felt inclined to move for an inquiry before this illegal act of the council was made legal by means of an Act of Parliament.

MR. NORTH (Claremont) [3.19]: Although the member for West Perth (Mr. Davy) has said that this was an illegal act, that is only his opinion, although it may be the correct one.

Mr. Davy: If not, why the necessity for the Bill?

Mr. NORTH: At the time the action was taken by the Cottesloe Municipal Council the opinions of the Crown Solicitor and of the solicitor to the municipal council were sought as to whether the agreement was in order. They advised that it was in order and that, should any difficulty arise, such as

apparently has been encountered, a Bill could be brought before Parliament to ratify the transaction. In his comments on the affairs of the district, the member for West Perth mentioned that money had been spent as revenue, although it had been secured as the result of this sale. That aspect does not enter into the question before the Chair, but in answer to his remarks I would remind him that there was no provision for receiving the money. It could not be looked upon as loan funds but merely as general revenue, in which case it had to go into the general revenue fund. That being so, it was for the representatives of the people to whom the money belonged to say whether it should be spent or not. A lot could be said in defence of the expenditure of the money in the directions suggested. It is not the policy of the council in the Cottesloe district to do as the member for West Perth suggested regarding loan funds, but the fact remains that members of municipal councils know more about the requirements of a district than do the ratepayers who, as a rule, take no interest in the affairs of the municipality, beyond voting against loan proposals with regularity. I am glad that the Bill has come before Parliament and I cannot see any possible objection to it. During the time I was mayor of Cottesloe we spent £2,000 of the money raised by the sale of the electric light scheme and used it for roads and other purposes. The balance, I understand, has been spent recently by the council.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Read a third time and transmitted to the Council.

BILL—STAMP ACT AMENDMENT.

Second Reading.

Debate resumed from the 10th December.

MR. DAVY (West Perth) [3.25]: No great exception can be taken to the Bill. It may be a little hard that, where there has been a succession of transfers by direction or a succession of changing hands in the ownership of property without a transfer actually taking place, stamp duty shall be paid every time. Sometimes there may be sale and resale a dozen times before the final sale is effected which results in the transfer. Only at that stage has the stamp duty been paid in the past, and the Bill may be considered to make the transactions slightly more expensive. It is difficult to see why stamp duty should not be paid on successive sales. Probably some of the successive sales will never be heard of if the Bill be passed, in which event the Government will not benefit much by the amendment proposed.

The Premier: That is so. I do not think the Treasurer will collect every time.

Mr. DAVY: Probably he will collect less than he does now. At present there is no point in concealing the sales, but if stamp duty has to be paid every time a sale is effected, some difficulty may be experienced in ascertaining the various sale transactions. If this can be dealt with, however, I see no argument why the duty should not be paid. The only other consideration of real importance to be dealt with refers to the continuance of the enhanced duty instituted as a war-time measure. I do not know that we can really afford to reduce that taxation. I do not know that it is a form of taxation that is hard to bear, particularly when people are engaged in business transactions involving the purchase of land and payment of large sums. In such instances the stamp duty that is paid is hardly noticed. It goes in with the price and is regarded as part of the purchase price. I doubt if there will be any great outcry when the public discover that they will have to continue paying what they have been paying for the last six or seven years. One point I wish to mention is that in the course of the Premier's remarks on the Bill concerning the exemption of forms representing withdrawals from the Commonwealth or State Savings Bank by friendly societies, the inference was drawn that the Commonwealth Savings Bank department had not been using stamped withdrawal forms.

The Premier: I referred to our own savings bank.

Mr. DAVY: I am informed that the Commonwealth Savings Bank has always used stamped forms.

The Premier: If I mentioned the Commonwealth Savings Bank I intended to refer to our own bank. I may have said it, but I meant our own bank.

Mr. DAVY: I have been asked to state clearly that the Commonwealth Bank have used stamped forms. I support the second reading of the Bill.

In Committee.

Mr. Lutey in the Chair; the Premier in charge of the Bill.

Clause 1—agreed to.

Clause 2—Conveyance duty in cases where conveyance is made at the request or by direction of an intermediary:

Mr. ANGELO: Unless a penalty clause be inserted, those who wish to act fairly by the Bill will be burdened, whilst others will be able to evade the duty. The Premier has said he does not expect to get stamp duty on all intermediate sales. I suggest there should be a penalty for evading the provisions of the clause.

The Premier: There is a general penalty in the parent Act.

Clause put and passed.

Clause 3—Amendment of second schedule:

Mr. LATHAM: I move an amendment—

That Subclause (1) be struck out.

That subclause proposes to remit 1½d. of the tax of 2d. per betting ticket issued by bookmakers on the goldfields. I cannot see how the remission will benefit the racing club. When we are increasing taxation year by year——

The Premier: We are not.

Mr. LATHAM: Yes, we are. We added to the land tax only a little while ago. When we are increasing taxation on the producers, it cannot be logically argued that we should remit taxation on bookmakers and betting. Betting is not required to encourage horseracing.

The Premier: How much horseracing would there be but for the betting?

Mr. LATHAM: Since we are now taxing amusements, there can be no justification for remitting taxation on betting. I would support the Premier if he proposed to make all bookmakers taxed pay 2d. To remit the tax on the goldfields bookmakers will be to benefit the bookmakers exclusively; it will not benefit the racing club.

Hon. Sir JAMES MITCHELL: I am sorry I cannot support the amendment. Betting is illegal, but since we tax it I do not see why other centres should be treated more favourably than are the goldfields. There is no reason why the Kalgoorlie bookmakers should pay heavier taxation than those of Northam, Geraldton and other big towns. On the other hand, one cannot help reflecting that it is extraordinary that betting, although illegal, should be called upon to contribute to Consolidated Revenue. It is quite wrong.

Mr. Latham: Let us make the tax 2d. for all.

Hon. Sir JAMES MITCHELL: No fear. I hope the racing club, not the bookmakers, will benefit by the subclause.

Mr. LINDSAY: I will support the amendment. I am sorry it does not go further. I should like to make the tax 2d. for the lot. A tax of 2d. per betting ticket will not stop betting. The only reason I can see for the proposed reduction of the tax on betting on the goldfields is that, possibly, the 2d. per ticket is driving the bookmakers off the course to lay their bets outside, which is worse for the community than betting on the racecourse. I can see no other reason for the proposed reduction.

Mr. SAMPSON: I cannot appreciate the viewpoint of the Premier, who proposes to reduce the tax on betting in the goldfields metropolitan area.

The Premier: There is no such place as the goldfields metropolitan area.

Mr. SAMPSON: But Kalgoorlie and Boulder are important towns with large populations. That is the only area outside Perth where a daily newspaper is issued. Surely that is some criterion of the importance of the place!

The Premier: It might only mean that a profiteering newspaper owner is domiciled up there.

Mr. SAMPSON: He is a lucky owner who can make a newspaper pay at all these days.

The Premier: Why, look at the excessive rates for advertising!

Mr. SAMPSON: Such rates are necessary to enable a paper to continue. In any case, in my view that is the metropolitan area of the goldfields.

The Premier: I have never heard of the publication of a daily newspaper constituting the definition of metropolitan area.

Mr. SAMPSON: Anyhow it suggests that such a place has a good population. I would hesitate to extend the 2d. tax to country districts, but Kalgoorlie and Boulder should be in line with the metropolitan area.

Mr. THOMSON: I support the amendment. It is amazing to find that the only reduction of taxation submitted this session is in favor of one section who neither toil nor spin. If there are any people who can truly be termed parasites, they are the fraternity the Premier proposes to relieve of this tax. Yet the Premier has been tightening up other taxation imposts. The bookmakers do not pay the tax; they pass it on.

Mr. Hughes: I think this is one case where it is not passed on.

Mr. Latham: They shorten the odds.

Mr. THOMSON: Admitting that the bookmakers pay it, the wealth that enables them to pay it is derived from bettors. The goldfields hold race meetings that Perth people attend, and I would rather make the 2d. tax apply throughout the State. From the totalisator last year, the State derived £52,000.

The Premier: The totalisator is not illegal.

Mr. THOMSON: I did not say it was.

The Premier: What has the totalisator to do with illegal betting?

Mr. THOMSON: I wish to show that the State has derived revenue from horse racing. If the Taxation Department find that a receipt has been under-stamped to the extent of a 1d. they impose a fine of as much as half a crown.

Mr. Clydesdale: Do you know that every man who collects a dividend of £2 and over has to pay a tax? The racing people are the highest taxed people in the world.

Mr. THOMSON: So they ought to be.

Mr. Clydesdale: That is right; put it on the other people all the time!

Mr. THOMSON: They ought to be taxed, because they are not producing any wealth for the State. We are asked to reduce the tax on bookmakers' tickets on the goldfields by 1½d.

Mr. Clydesdale: To allow the Kalgoorlie Race Club to keep going.

Mr. THOMSON: If the 1½d. tax is the deciding factor in the success or failure of the club, they must be very hard up.

Mr. Clydesdale: They are.

Mr. THOMSON: It is the Government and not the club that gets the 1½d.

Mr. Clydesdale: You do not understand it.

Mr. THOMSON: I understand it sufficiently to support the amendment.

Mr. MANN: I take it the object of the amendment is to enable the Kalgoorlie and Boulder Race Clubs to carry on and charge bookmakers a reasonable fee for betting.

The Premier: These big national questions always attract most attention in this Chamber.

Mr. MANN: A bookmaker doing a reasonable business would average 1,200 tickets in an afternoon. That means he is taxed to the extent of £9 or £10 above the amount he pays to the club for the privilege of betting —a sum of six or seven guineas. I expect the goldfields clubs find that business has fallen away, and that the bookmakers are not in a position to pay that sum to the club and continue to pay the £8 or £10 in stamp tax.

Mr. Thomson: Therefore the State, not the clubs, should lose the money!

Mr. MANN: The race clubs are an acquisition to the goldfields as they provide practically the only parks there. If the remission of the tax will enable them to keep going, I shall favour the Bill. It occurs to me that the Treasurer might reap a good many thousands of pounds of revenue annually if he applied the Act to street betting.

Mr. Panton: Would you also fine bookmakers in the police court for street betting?

Mr. MANN: The Act does not discriminate between a bookmaker betting on a racecourse and in the street.

Mr. Panton: But the police discriminate.

Mr. MANN: Does the hon. member suggest that, because a man is committing an illegal act, he should not be taxed?

Mr. Panton: No, but he should not be penalised both ways.

Mr. Sampson: The bookmakers in the street break the law and evade the tax.

Mr. MANN: That is so.

Mr. SLEEMAN: I move an amendment—

That the word "metropolitan" be inserted before "or goldfields."

I hold no brief for the bookmaker. In any part of the country he should be able to pay the 2d. tax, but the tax should be uniform.

The CHAIRMAN: There is already an amendment before the Chair.

Mr. SLEEMAN: Shall I be able to move my amendment if the amendment of the member for York is defeated?

The CHAIRMAN: You are really opposing the paragraph in the Bill.

Mr. SLEEMAN: No; I want the tax to be uniform. I am not prepared to support preferential treatment for one part of the State. We were told not long ago that there was too much gambling in Western Australia. If we are going to have gambling, let us have it on a level footing throughout the State.

The CHAIRMAN: The hon. member's amendment cannot be moved just now.

Mr. HUGHES: I see no reason why Kalgoorlie should not rank with Northam and York and other country clubs. To-day Kalgoorlie is not the centre for racing that it used to be.

The Premier: Both the goldfields clubs are expecting to close shortly.

Mr. Thomson: Then why bother to reduce the tax?

Mr. HUGHES: Kalgoorlie should be treated as a country club in view of the reduced amount of betting there. On going into the enclosure of a racecourse here, one pays 10d. tax, and six bets mean another 1s. of taxation. Now, 1s. 10d. is a substantial tax on 2½ hours' amusement. At the theatre the corresponding tax is only 6d. Is it worth while to single out the metropolitan area for specially heavy taxation on betting?

The PREMIER: I do not pretend to any profound knowledge of the intricacies of racing finance, but it requires neither much knowledge nor much intellect to understand that this question does affect the income of the clubs concerned. Some members said that the tax would be passed on and that the bettor would pay it. But the tax cannot affect the odds offered by a bookmaker. However, a number of men pay a license fee to a racing club for the right to bet on the course; and if the income of those men is affected to the extent of £4 or £5 on an afternoon, it stands to reason that there will be fewer bookmakers in a district which, unfortunately, is not too prosperous, and that consequently the income of the racing club will be reduced. This proposal is not a concession to the bookmaker, but to the racing clubs concerned. No country racing club in the State has latterly experienced such difficult times as the goldfields racing clubs. Private sportsmen put up £700 of their own money in order that the last annual meeting on the goldfields might be held. Country clubs like York or Northam are much more prosperous than Kalgoorlie or Boulder. Each of the latter clubs has lost about £1,000 during the last 12 months. Moreover, the racing grounds in Kalgoorlie and Boulder are public parks on which thousands of pounds have been paid in water rates in order that they may be maintained as parks for the goldfields public. If there is justification for a low tax on betting to be paid by the York or the Northam or any other country club, the argument applies with much greater force to the Kalgoorlie and Boulder clubs. Members talk about the concession encouraging parasites. Whether the tax is 2d. or 1d. or nothing at all will not affect the volume of betting to the extent of a single shilling. Whether there are a dozen or 15 or 20 bookmakers in the enclosure on an afternoon does not affect the volume of betting. But to increase the number of meetings in this country does provoke an increase in the number of parasites that the member for Katanning talks about. Where was the member for Katanning a few weeks ago with his loud talk about parasites? If we increase the number of race meetings by 12, we inevitably increase the number of parasites, if bookmakers are parasites. The hon. member roamed all over the field, dragging in wholly irrelevant subjects by the hair of the head. He said that we were increasing taxation here and increasing it there. We are not increasing taxes. The hon. member is in the habit of making incorrect statements of that description.

Mr. Thomson: I ask for a withdrawal of the statement that I am in the habit of making incorrect statements.

The PREMIER: "Incorrect" is not out of order, Sir.

The CHAIRMAN: It may be that in the opinion of the hon. member the statements of the member for Katanning are incorrect.

Mr. Thomson: The Premier said I was in the habit of making incorrect statements.

The PREMIER: That is not out of order.

Mr. Thomson: It is offensive.

The PREMIER: I repeat that the hon. member is in the habit of making incorrect statements, and I venture to add that he

has a motive in trying to convey the impression that the Government are taxing people every day and every week, increasing taxes everywhere. Even on this question of a penny tax on a betting ticket he must get away to land tax and income tax and water rating and all that kind of thing. I want to say at once that the hon. member is in the habit of making incorrect statements, because I do not want to be constantly on my feet correcting his misstatements. I would be too often on my feet—much oftener than I like—if I were to rise every time he makes a stupid, foolish, and incorrect statement. I have never been able to understand why a question of this kind attracts so much attention. When we had the subject of racing before us a few weeks ago, we were honoured with a full attendance here, and with a degree of alertness and interest which is not always apparent in this Chamber.

Mr. Mann: You appreciated it.

The PREMIER: Yes, but when we were dealing with a matter involving the expenditure of millions a little while later we talked to an empty House; we had not a quorum. So it is that to-day a question of a penny tax on bookmakers' tickets—and it affects two racecourses only—is such that the interest taken in the subject by hon. members may mean that it will occupy the rest of the sitting.

Hon. G. Taylor: Perhaps the rest of the session.

Mr. Latham: And it might be a good thing if it did.

The PREMIER: Of course this is a matter of increasing taxation, a subject that interests members on the Opposition cross benches especially! Here we are piling the burden on the taxpayers, you know!

Mr. Hughes: This is not piling taxation on the producers, but on the poor bookmakers.

The PREMIER: But we are told that the producers pay all; they are maintaining these parasites. So it is. I suppose, that we are piling more parasites on the shoulders of the producers. This is not really a concession to the bookmakers at all and hon. members know it—or ought to know it.

Mr. Thomson: That shows you don't know much about racing.

The PREMIER: I know something of the hon. member's motives; of his stupid logic and of his foolish arguments. This is no encouragement to the bookmakers. On the other hand it will be a concession to the Kalgoorlie and Boulder racing clubs that are spending large sums of money upon parks and gardens and in providing the only opportunities for sport and amusement possible in that part of the State. The people there cannot go to the beaches or to other pleasure resorts as the people in the metropolitan area can. It is a question there of attending a race meeting on Saturday afternoon or doing without sport and pleasure of any kind.

Mr. THOMSON: We have heard the statement made that abuse is not argument. I must say that I cannot congratulate the Premier on his speech.

The Premier: I am not looking for congratulations from you.

Mr. THOMSON: Quite so.

The Premier: I should be sorry if you congratulated me.

Mr. THOMSON: Abuse is no argument.

The Premier: That is an original statement!

Mr. THOMSON: I am not prone to make mis-statements. I am always willing to stand up to any statement I make inside or outside the House. As to the Premier's remarks, we heard a good deal about logic. I will show how illogical the Premier is.

Mr. Hughes: Well, do it logically.

Mr. THOMSON: The Premier says he was not making a concession to the bookmakers, but to the clubs. He also said that if the concession were granted, it would not affect the volume of betting, for there would be the same volume if there were only 12 bookmakers. I do not know anything about logic, but I claim to have a certain amount of commonsense and I will exercise my share of it.

The Premier: Don't attempt the impossible.

Mr. THOMSON: It may be funny and it may please some hon. members to hear this abuse. It ill becomes a man occupying the position of the Premier.

The Premier: There was no abuse about it at all.

Mr. THOMSON: A statement was made by the member for Perth that the average number of tickets used by the bookmakers at race meetings on the goldfields was 1,200 during an afternoon. Taking it as averaging 1,000 tickets, we find that at 2d. per ticket the return to the State would amount

to £8 6s. 8d. If the concession the Premier is offering be granted, the amount will be £2 1s. 8d. per week, so that a saving to the bookmakers of £6 5s. per meeting will result.

Mr. Clydesdale: The figures given by the member for Perth were exaggerated.

Mr. THOMSON: I am dealing with the figures before the Committee. They were furnished by an hon. member who formerly occupied a positon in the police force that compelled him to attend race meetings. Therefore his statement is worthy of notice. I would not have spoken had the Premier not attacked me.

The Premier: Well, you started it.

Mr. THOMSON: I did not. I did not attack the Premier, but dealt merely with the Bill and the clause. I made reference to the bookmakers.

Hon. G. Taylor: In a way you should not have done. It was not right.

Mr. THOMSON: I was not speaking of the men, but of their calling. They live in comfortable conditions, but I do not complain about that if the people are fools enough to deal with them. During this session we have been dealing with increases in taxation or giving the right to the Government to increase rates and charges in various directions.

The Premier: That is not right.

Mr. THOMSON: This is the only instance of a reduction.

The Premier: That is another incorrect statement. You are not capable of making a correct statement.

Mr. THOMSON: The only time a proposal to reduce a charge is made, the reduction is for the bookmakers. If there are 24 bookmakers operating there——

The Premier: Who said there were 24?

Mr. Clydesdale: Four would be nearer the mark.

Mr. THOMSON: I am repeating the statement made by the Premier.

The Premier: I said no such thing.

Mr. Mann: He said "if there were 12 or 15."

Mr. THOMSON: He said there were 24. I took a note of it, and if the "Hansard" report were available, it would show that that was what the Premier stated.

Mr. Mann: No, he may have said that if there were 24 bookmakers there it would not make any difference in the volume of betting.

Mr. THOMSON: I took a note of it at the time.

The Premier: I did not say there were 24 at all.

Mr. THOMSON: I am prepared to agree with the Premier when he said that the racing clubs at Kalgoorlie and Boulder had provided excellent parks for the people. If he desires to assist in the maintenance of those parks, let the Premier make provision in another way, and not relieve the bookmakers.

Hon. G. Taylor: There will be no racing if this be not done.

Mr. THOMSON: That is an absurd statement. I will support the Premier in any expenditure he proposes in that direction, but I oppose this proposal.

Mr. LATHAM: I sympathise with the people of Kalgoorlie and Boulder in their endeavour to maintain recreation grounds. We are going the wrong way about it. Instead of doing it in the way suggested, it would be better to introduce a short Bill prohibiting people from betting in the streets. There is a lot of street betting done in Kalgoorlie and Boulder on Saturday afternoons and if those concerned were forced on to the racecourses, it would augment the revenue of the clubs. As it is, I do not think the clubs will get any more benefit than the bookmakers.

Hon. Sir JAMES MITCHELL: I hope this question will be decided on its merits. The charge is 2d. in the metropolitan area, but it is less in the country districts except at Kalgoorlie. The least we can do is to bring Kalgoorlie into line with other country centres.

Mr. Sleeman: Why should the country centres pay less?

Hon. Sir JAMES MITCHELL: Because there are smaller bets and fewer bets. The whole point is as to whether or not Kalgoorlie is to be treated on a basis similar to the metropolitan area or on the basis of country districts. I object to this charge altogether because we are raising revenue from something that we declare is illegal. We say betting is illegal and yet we raise revenue from it.

The Premier: The clubs mentioned are the only two in the State that are losing money regularly.

Hon. Sir JAMES MITCHELL: Let us deal with the question on its merits.

Mr. SLEEMAN: I do not see why all country clubs should not be classed in the

same category, and should not pay the same stamp duty.

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

Ayes	.. .. ..	7
Noes	.. .. ..	32
Majority against	..	25

AYES.

Mr. Brown	Mr. Sampson
Mr. Griffiths	Mr. Thomson
Mr. E. B. Johnston	Mr. Latham
Mr. Lindsay	*(Teller.)*

NOES.

Mr. Angelo	Mr. Millington
Mr. Angwin	Sir James Mitchell
Mr. Barnard	Mr. Munsie
Mr. Chesson	Mr. North
Mr. Clydesdale	Mr. Panton
Mr. Collier	Mr. Richardson
Mr. Coverley	Mr. Sleeman
Mr. Cunningham	Mr. Stubbs
Mr. Davy	Mr. Taylor
Mr. Denton	Mr. Teesdale
Mr. Heron	Mr. Troy
Mr. Hughes	Mr. A. Wansbrough
Mr. Kennedy	Mr. Willcock
Mr. Lamond	Mr. Withers
Mr. Maley	Mr. Wilson
Mr. Mann	*(Teller.)*
Mr. McCallum	

Amendment thus negatived.

Mr. SLEEMAN: I want to move that the word "metropolitan" be inserted in Subclause 1.

The CHAIRMAN: The hon. member is too late to do that now.

Mr. SAMPSON: Subclause 2 imposes a permanent duplication of the stamp duty on land transfers. I move—

That Subclause (2) be struck out.

This would mean that the Act would continue in force as it is at present without the duplication. The double rate would then apply only until the 30th June of next year, and thereafter the rates in the parent Act would be reverted to.

The PREMIER: I cannot accept the amendment. There is just as much justification for the tax continuing after June of next year as there was for it to be imposed for the present year and the year before.

Mr. Sampson: Was it not brought in as a war measure?

The PREMIER: We are not yet outside the influences of the war. There are other avenues of taxation under which relief might well be given before it is given in this direction. It is not a heavy tax, and does not fall to any great extent upon anyone in particular. The doubling of the duty does not make the amount large. Since the duty has been increased we have only just come into line with the other States. Another place started the practice of limiting the operation of Acts, with the object of keeping control over legislation passed in this House. The duty imposed is fair and reasonable, and might well be made permanent.

Hon. Sir JAMES MITCHELL: This is a sort of twin brother to the tax of which we have just relieved Kalgoorlie. It was brought in as a war measure when the Treasury was in need of money. The original tax of 10s. in the pound was quite sufficient, particularly in view of the other taxes imposed upon land. A tax of 1 per cent. is too much. The position to-day is not what it was.

The Minister for Lands: The £6,000,000 deficit still remains.

Hon. Sir JAMES MITCHELL: We are paying interest on that, and our position is very much better. We have not an annual deficit of £700,000.

The Minister for Lands: People are crying out for works, but we have no money with which to construct them.

Hon. Sir JAMES MITCHELL: We have authorised works this year to a greater amount than ever before.

Hon. W. C. Angwin: And they ought to have been doubled.

Hon. Sir JAMES MITCHELL: Of course. The amendment is reasonable and should be carried.

The Premier: This is a tax that does not inflict a hardship on anyone.

Hon. Sir JAMES MITCHELL: It does. The duty means one per cent., and it was imposed by Parliament because of the extraordinary condition in which the Treasury found itself.

The PREMIER: The argument is often used that certain Acts were introduced as war measures, and that the time has arrived now when we should forego them. But the position of the Treasury is such that we cannot say "All right, we will forego all war-time taxation." We ought not to lose sight of the amount of the deficit that has accumulated as the result of the war. We must remember, too, that for the past 20 years we have not paid any sinking fund at all. We have borrowed money to pay into the

sinking fund, and to borrow money for that purpose is not to contribute to the sinking fund at all. The money paid into the sinking fund has been borrowed. Before we start to yield up any tax we should wait until we find ourselves on the road to stability. If we do something for the people that has not been done before, and then say that we are going to make a charge for that service, that is not taxation. If we render a new service to the people, they must pay for that service, and it is misleading to describe that as taxation. It has been frequently described as increased taxation and that statement has come from the cross Opposition benches time after time. It is deliberately misleading to say that, and it can be intended as political propaganda only. It is not a fair statement to make. No Government can spend large sums of money to do something for the people that has not been done before—for instance, draining land or providing water supplies—without making a charge for the service. If we were doing nothing for the people there would be no occasion for us to increase the charges. The very fact that we propose to make charges is evidence that we are doing something. I am tired of listening to the political propaganda about increased taxation.

Mr. Griffiths: Don't get angry.

The PREMIER: Those who complain, who cry out the most if we do not render services, are those who whine the loudest. We have not reached that stage when we can afford to give up taxation, especially of this kind.

Hon. Sir JAMES MITCHELL: The Premier dealt with the loan position a few days ago and showed that our invested money covers well every penny that we have borrowed.

The Minister for Lands: That is all right for outsiders, but it does not go down with us.

Hon. Sir JAMES MITCHELL: The hon. member knows nothing about it. Our borrowed money is represented by sound investments. We pay interest to-day from revenue and we contribute to the sinking fund.

The MINISTER FOR LANDS: How are we to pay interest on our deficit if we reduce taxation?

Hon. Sir James Mitchell: Of course you can; you will have a surplus.

The MINISTER FOR LANDS: The Leader of the Opposition has told us that we were buying our own stock. But when we redeem our loans we have to sell our stock. The position is, can we meet the interest on our loans raised during the war period, and reduce taxation at the same time? How are we going to pay a pound if we have only five shillings with which to do it? It is all very well to say reduce taxation; we cannot possibly do it. We are not yet out of the wood, and consequently we cannot reduce taxation.

Hon. Sir James Mitchell: Of course we can.

The MINISTER FOR LANDS: If the Leader of the Opposition were returned to this side of the House after the next elections he would not do it.

Hon. Sir James Mitchell: I will bet you I will; in fact I will promise.

The MINISTER FOR LANDS: I remember one member on the Opposition side of the House who was returned pledged not to impose taxation, and the first thing he did after he was returned was to impose a land tax.

The Premier: The first land tax.

Hon. Sir James Mitchell: Who was that?

The MINISTER FOR LANDS: Rason. No Government wishes to impose taxation if it can meet its engagements without doing so.

The Premier: The time is not ripe for reducing taxation.

Hon. Sir James Mitchell: It is ripe; rotten ripe.

The MINISTER FOR LANDS: The Government have no desire to build up the deficit. We cannot reduce taxation under present conditions.

Hon. Sir James Mitchell: Of course you can.

The MINISTER FOR LANDS: The effect of the war to-day is still felt as it was felt three years ago. As a matter of fact the position is worse because the deficit has gone on increasing since 1918 when this tax was first imposed.

Mr. SAMPSON: I cannot follow the Premier in his justification of the additional tax.

The Premier: I did not impose this additional tax.

Mr. SAMPSON: But the Premier can have the privilege of remitting it.

Hon. S. W. Munsie: And your Government could have had that privilege.

Mr. SAMPSON: Land, like everything else, has increased in value, and frequently the value has doubled.

The Premier: Then the owners can better afford to pay the higher rate.

Mr. SAMPSON: Apparent values have increased because of the decreased purchasing power of money. The stamp duty is doubled by this Bill, and, apparent values having doubled, the stamp duty is in effect quadrupled.

The Premier: The owner is mighty lucky in getting the increased value.

Mr. SAMPSON: Land dealing is not always a profitable transaction. In Subclause 3 would it not be well to delete the words "or Commonwealth" with a view to increasing the business of our State Savings Bank?

The PREMIER: We ought to hold out all possible inducements to people to bank with the State, but the freedom of choice should not be restricted. The proposed discrimination would not be fair.

Mr. SAMPSON: I fail to see why we should advertise the Commonwealth Savings Bank.

The Premier: The Commonwealth have the power to retaliate on us if we discriminate.

Mr. SAMPSON: The Commonwealth are not animated by such obliging feelings as those of the Premier. I shall not move an amendment.

Mr. GRIFFITHS: In view of the times through which we have passed, it was wise to bring down this Bill annually. I could see no point in the Premier's references to misstatements made by members on these benches. What is the annual amount of the tax here in question?

Amendment put and negatived.

Clause put and passed.

New Clause:

The PREMIER: I move—

That the following new clause be added:—"Amendment of Section 99. A paragraph is added to Section 99 of the principal Act, as follows:—'Where money has been received by a solicitor or agent from his client or principal for payment to another person, the receipt to be given by the solicitor or agent to his client or principal shall be subject to a stamp duty of one penny and no more, provided that the receipt to be given to such solicitor or agent by such other person receiving the payment shall be stamped with ad valorem duty as prescribed in the Second Schedule.'"

This clause is to meet the case where a solicitor or agent merely acts for another person in the collection of money, which the solicitor or agent passes on. There is really only one transaction, and there should not be a double collection of stamp duty.

Mr. DAVY: This proposed new clause is the converse of one previously put into the Act. Under the existing legislation, if a solicitor or agent gets money on behalf of his client, which he proposes subsequently to pay over to that client, there is only one ad valorem stamp duty. Now it is proposed to make the opposite obtain also; that where a solicitor gets money from his client to pay to a third person, the same thing shall happen. It is a true natural corollary of the earlier amendment.

New clause put and passed.

Title—agreed to

Bill reported with amendments, and the report adopted.

Third Reading.

Read a third time and transmitted to the Council.

BILL—JURY ACT AMENDMENT.

Order discharged.

Order of the Day read for the consideration in Committee of a schedule of amendments made by the Council.

On motion by the Minister for Justice, Order discharged.

BILL—DAY BAKING.

Council's Amendments.

Schedule of four amendments made by the Council now considered.

In Committee.

Mr. Lutey in the Chair; the Minister for Works in charge of the Bill.

No. 1.—Clause 3, Subclause (1). Delete the words "whether he is working on his own account or for any other person" and insert in lieu thereof the words "carrying on business as a baker who employs labour in such business."

The MINISTER FOR WORKS: The first three of the Council's amendments deal

with the question of allowing the man who employs no labour to work what hours he likes. This comes of compromise. I met a deputation of the employers, who assured me that they represented all sections of the trade. I agreed to the lengthy spread of hours in the Bill on the assurance given by those employers that that spread would suit all sections of the trade.

Mr. Mann: And the employers have remained loyal to that.

The MINISTER FOR WORKS: I believe they have. After having agreed to that lengthy spread of hours to suit the small man, I am now faced with the demand that the small man be exempted from the Bill. Only yesterday a number of master bakers assured me that the Bill as it left the Council would be of no use to them, that they preferred the Bill as it passed this Chamber. Now we are asked by the Council to exempt the small man and still leave in the lengthy spread of hours.

Mr. Mann: Some of them would like to do away with Sunday baking.

The MINISTER FOR WORKS: Some of them do not want any Bill at all. I move—

That the Council's amendments be not agreed to.

Mr. SAMPSON: On many occasions has it been affirmed here that the liberty of the baker who does not employ labour should not be interfered with.

The Premier: But that liberty would allow him to interfere with others in the trade!

Mr. SAMPSON: If a man starting business be not allowed to work a number of hours in excess of those provided in the Bill he will come to grief before he is firmly established.

The Minister for Works: How many hours are provided for in the Bill? You do not know.

Mr. SAMPSON: If a man starting in business is to be restricted to the spread of hours in the Bill, he will find it difficult to remain in business.

The Premier: What about others who will have to stand up to his unfair competition?

Mr. SAMPSON: If such a man cannot work what hours he likes, he cannot hope to establish himself. I am advised there are only two or three bakers carrying on business by themselves. They cannot do any considerable amount of baking, and so the trade cannot be adversely affected by thei activities. Of course, if a man employ labour, he must observe the conditions o the award. I hope the Committee will agre to the Council's amendment, for it cannc injure anyone, and it may assist baker trying to establish themselves.

Mr. MANN: To be consistent I must sup port the Minister. On a previous occasio I argued that it was necessary to provid a reasonable spread of hours to meet th varying conditions of summer and of winte The Minister went further even than I sug gested with the spread of hours, and th master bakers have told me that the sprea provided in the Bill is quite workable, tha under it even the small man can get out hi last batch of bread at night and have i quite fresh in the morning. If he desire to take advantage of the full spread o hours, his last batch would come out at p.m., and he could start as early as 5 a.m in order to have fresh bread for deliver on the second round.

Mr. THOMSON: When the employee and masters come together on certain cond tions and endeavour to prevent a man fro starting in the industry, it is not in th interests of the workers. Plenty of me in business have got out of the ruck onl by working long hours.

Mr. Mann: Such a man would have th advantage of a 16 hours spread.

Mr. Sampson: You want 100 per cen liberty?

Mr. THOMSON: If a man desires to ge out of the ruck, he should have the oppor tunity to do so.

Mr. Sampson: It looks like an unhol alliance.

Mr. THOMSON: It does. Are we goin to pass legislation to debar two or thre men from working slightly longer hours i order that they might make a start in bus ness for themselves? I regret that the Mi ister has not seen fit to accept the amend ment.

Mr. HUGHES: The member for Katan ning is concerned about getting one ma out of the ruck. What about the gre majority who, through his attitude, woul be kept in the ruck? When a man is pe mitted to work a spread of 16 hours the is not much restriction about it.

Mr. Thomson: When do you do you studying?

Mr. HUGHES: I could not study for eight hours continuously, much less for 16 hours. It is an accepted principle for the legislature to restrict the license of a few people for the benefit of the majority.

Mr. PANTON: It is something new, when employers and employees come to an agreement, to term it an unholy alliance. Most people have been deploring for years the difficulty of getting employers and employees to meet around the table. Big compromises were effected; the operative bakers gave away a good deal with regard to the spread of hours, and yet fault is found with the parties for having come to an agreement. I hope the Minister will not yield on this vital principle. The workers themselves fought this question in the Arbitration Court and secured the recognition of this principle, but if the amendment were accepted, they would have to fight again to retain what they already have gained. Practically the whole of the master bakers employing any number of hands started off scratch. The industry needs to be placed on a reasonable footing.

Mr. TEESDALE: I oppose the Council's amendment. The Minister has been very fair and reasonable in meeting the principal bakers. I support him against this pin-pricking action on the part of the Council. When the Bill left here, it had the approval of the parties most directly interested. Only two or three bakers are supposed to be dissatisfied, and they should defer to the majority.

Question put and passed: the Council's amendment not agreed to.

No. 2. Clause 3, Subclause (3).—Delete the words "whether he is working on his own account or for any other person shall make bread for trade or sale or," and insert in lieu thereof the word "shall."

On motion by the Minister for Works, the foregoing amendment was consequentially not agreed to.

No. 3. Clause 5, Subclause (2).—Insert after the word "similar," in line six, the words "or special."

On motion by the Minister for Works, the foregoing amendment was agreed to.

No. 4. Insert a subclause to stand as Subclause (4), as follows:—"(4) The Chief Inspector of Factories may delegate to any person the authority to issue permits under this section in places outside the metropolitan shop district.

The MINISTER FOR WORKS: I gave the Leader of the Opposition an undertaking that provision would be made in the country districts for special exemption to be granted in case of emergency without referring to Perth. The amendment provides that the Chief Inspector of Factories may appoint a deputy, who might be the police officer or the road board secretary. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

Resolutions reported and the report adopted.

A committee consisting of the Minister for Works, Mr. North, and Mr. Panton drew up reasons for disagreeing to two of the Council's amendments.

Reasons adopted and a message accordingly returned to the Council.

BILL—ROADS CLOSURE.

Council's Amendments.

Bill returned from the Council with a schedule of two amendments, which were now considered.

In Committee.

Mr. Panton in the Chair; the Minister for Lands in charge of the Bill.

No. 1, Clause 7—Delete:

The MINISTER FOR LANDS: This was the only clause discussed at any length when the Bill was before members here. It was proposed to close a road by proclamation and the Council desire to delete the provision until arrangements have been made for providing access for farmers to the Muresk siding. This matter concerns the agricultural college holding at that centre. I gave an undertaking that means would be provided for the farmers to reach the siding. The deletion of the clause will not delay matters and we can bring the Bill before the House next year. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 2. Insert a new clause as follows:—"Power of Governor to close portion of Barker-street, North Fremantle: The Gov-

ernor may, by proclamation, declare that that portion of Barker-street, in the municipality of North Fremantle, lying between North Fremantle Lots 40 and 41 from Bracks-street to Ocean-parade shall be closed, and thereupon all rights of way over same shall cease, and the soil thereof shall by virtue of such proclamation be revested in His Majesty."

The MINISTER FOR LANDS: This provision was requested by the North Fremantle Municipal Council. The British Imperial Oil Company purchased the land on both sides of this street and they want to include the land covered by the amendment in their holdings. The council approve of the proposal. The company propose to erect oil tanks on the land leased between the sea and the North Mole and will supply ships with oil from the tanks there. They will then erect works on the land they own at North Fremantle for casing and tinning oil.

Hon. Sir James Mitchell: I want to know if this was a private subdivision.

The MINISTER FOR LANDS: It was at first, but it has since been declared a public road and vested in the North Fremantle council.

Hon. Sir James Mitchell: That is all right then, but I thought people might have easements over the road and difficulties might be experienced.

The MINISTER FOR LANDS: The last road that was closed was sold by the municipality to the Oil Company concerned. That road had been vested in the municipality. No injustice will be done to anyone in this case. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

BILL—LAND DRAINAGE.

Council's Amendments.

Schedule of eight amendments made by the Council now considered.

In Committee.

Mr. Panton in the Chair; Hon. J. Cunningham, Honorary Minister, in charge of the Bill.

No. 1. Clause 6: Insert after "land" in line 4 of the interpretation of "Works" the words "or preventing its overflow of water upon land of a lower level."

Hon. J. CUNNINGHAM: The amendment will serve only to make the clause more cumbersome. The definition of "Works" is already clear.

Hon. Sir James Mitchell: There can be no objection to the amendment.

Hon. J. CUNNINGHAM: I see no good reason for agreeing to it. I move—

That the amendment be not agreed to.

Hon. Sir James Mitchell: The amendment improves the clause.

Hon. J. CUNNINGHAM: The present definition covers both high and low lands.

Question put and passed; the Council's amendment not agreed to.

No. 2. Clause 17: Delete the word "elective" in line 2:

Hon. J. CUNNINGHAM: I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 3. Clause 31: Delete all words after "to" in line one down to the end of the clause, and insert in lieu thereof the following:—"such number of votes, in respect of his qualification, to each of as many candidates as are required to be elected, as he would be entitled to at an election of members of a road board under the Road Districts Act, 1919."

Hon. J. CUNNINGHAM: It is desired to provide for equality of voting amongst ratepayers. I move—

That the amendment be not agreed to.

Hon. Sir JAMES MITCHELL: I hope it will be agreed to. The Bill imposes a special tax for special services. I have heard no desire expressed for any other system of voting than that proposed in the amendment. If the system is altered in one case it should be altered in all cases.

Hon. J. CUNNINGHAM: When the Bill left this Chamber it provided for equality of voting on the part of ratepayers. It is not proposed to confer upon all residents in a drainage area the right to elect a drainage board. The franchise will be restricted to ratepayers only. In this matter it is desired to fall into line with the other States.

Mr. THOMSON: The Honorary Minister is not giving the ratepayers equality of pay. If a man has only a small acreage he may contribute only 10s. It is of special importance to a man who has a large area and has to pay a large amount of rates that he should have a greater say in the election of the board.

Mr. BROWN: Probably the injustices we anticipate will not after all be committed. No doubt every man within a drainage district will be on an equal footing with everybody else. The point, however, is a vital one, and probably the Legislative Council will wish to adhere to their decision.

Question put and passed; the Council's amendment not agreed to.

No. 4. Clause 60, Subclause (2).—Insert a paragraph to stand as paragraph (c), as follows:—

(c) Obtain from the Engineer-in-Chief a certificate that he is satisfied that the proposed works will be of sufficient capacity to carry off all waters which are likely then or at any future time to flow into such works from the catchment area which will be served thereby, and that proper and sufficient outlet to the sea has been provided.

Hon. J. CUNNINGHAM: I move—

That the amendment be not agreed to.

This amendment would create an impossible position, and retard the construction of many important works. A large amount would have to be expended upon expensive surveys. The important factor in drainage works should be to have them started quickly. Investigations can only be made if the money is available for such a purpose.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. Sir JAMES MITCHELL: The Honorary Minister must not forget that this work, though it is being done at the instigation of the Government, will be carried out at the expense of the people themselves. To say that investigations are not necessary, is wrong; investigations are always made. The amendment is perfectly reasonable and will not weaken the Bill.

Hon. J. CUNNINGHAM: One has only to consider what the amendment provides to realise that in many instances it will be necessary to undertake extensive survey investigation work, and work that an engineer should not be called upon to do. There are periodical floods in Western Australia and it would be most difficult for an engineer to certify that any works would serve entirely the purpose for which they were constructed. At the present time the engineers receive instructions to make investigations and report to the Minister. Upon those recommendations a decision is arrived at. It would not be possible to tie down an engineer to a certificate that a work that might be undertaken would be sufficient to carry off a certain amount of water to-day and water that might come along as the result of torrential rains. The engineers know their business and they are not likely to make recommendations unless they are satisfied that those recommendations will be beneficial and prove satisfactory.

Mr. THOMSON: I hope the Minister will agree to the amendment. The Leader of the Opposition has referred to a work that has been a nightmare to the department.

Hon. J. Cunningham: Do you think that in that case, if a certificate had been obtained, the work would have been better constructed?

Mr. THOMSON: It might have been. I have been informed that the work at Grassmere was never sighted by the Engineer-in-Chief.

Hon. J. Cunningham: That is quite wrong.

Mr. THOMSON: I do not think that the framer of the amendment intended that it should have application to torrential rains, as the Minister indicated. The amendment will be a safeguard to the department.

The MINISTER FOR LANDS: I will give an instance of what happened at the Peel estate during the winter before last. Unusually heavy rains fell and the drain through the estate was not sufficient to carry off the water, with the result that some of the lands were flooded and the engineers were blamed because the drain was not successful in carrying off the water. It was found necessary, to prevent a recurrence of the failure, to straighten the Serpentine River. In the Busselton area about £40,000 has been spent in drainage. After the drainage work was completed it was found during the winter before last that the rivers would not carry away the flood waters. It is a difficult job there even now because the Wonnerup Estuary is a few inches higher than the sea-level. That shows the necessity for a general survey of the whole area, to ascertain the possibility of disposing of the normal water likely to flow into the drain. Under the conditions

laid down here, we could not possibly have any drainage works in Sussex until the whole of that work had been done. The present Leader of the Opposition thought at the time that the rivers would carry off the water. The Engineer-in-Chief should not be required by Act of Parliament to certify definitely that the provisions with regard to both drains and outlets are sufficient for all time. Take Grassmere, which unfortunately I did not see.

Hon. Sir James Mitchell: It is lower than the sea.

The MINISTER FOR LANDS: If a certificate had been given, the position would not be any different.

Hon. Sir James Mitchell: The Engineer-in-Chief would not have given a certificate.

The MINISTER FOR LANDS: A big mistake has been made there, but the requiring of a certificate would not have prevented it. An engineer might be deceived. There is never any excuse made for public officers. The general public and Parliamentarians would immediately condemn the Engineer-in-Chief in case of a failure. There was a proposition to drain part of the south coast lands. The outlet would have been made to carry the flow of water over that part. Now, further investigation showed that it would be necessary to drain a much larger area, and so the estimated cost rose from £100,000 to £390,000. The investigation occupied the surveyors for nearly 12 months. In another case a drainage scheme put up to me as involving an expenditure of £25,000 was found to need double that expenditure if it was to be effective.

Hon. Sir JAMES MITCHELL: When the surface water is carried away, the subartesian water provides as much outflow as the water from the swamps.

The Minister for Lands: I was referring to abnormal rainfalls.

Hon. Sir JAMES MITCHELL: The Engineer-in-Chief would not be held responsible for abnormal rainfalls. The officer would certify that the work could be carried out with reasonable safety.

Hon. J. Cunningham: You are asking for something additional to the recommendation. You know the practice.

The Premier: We have reached the stage when stupid laymen are teaching engineers their jobs, talking about factors of safety and so on.

Hon. Sir JAMES MITCHELL: The Premier would not agree to an expenditure of £20,000 without a recommendation.

The Premier: No, but I would not look to an Act of Parliament to get it.

Hon. Sir JAMES MITCHELL: I fail to see why the amendment should be opposed.

Question put, and a division taken with the following result:—

Ayes	..	..	21
Noes	..	..	18
Majority for	..	..	3

Ayes	
Mr. Angwin	Mr. McCallum
Mr. Chesson	Mr. Millington
Mr. Clydesdale	Mr. Munsie
Mr. Collier	Mr. Panton
Mr. Corboy	Mr. Sleeman
Mr. Coverley	Mr. Troy
Mr. Cunningham	Mr. A. Wansbrough
Mr. Heron	Mr. Willcock
Mr. Hughes	Mr. Withers
Mr. Lamond	Mr. Wilson
Mr. Marshall	(*Teller.*)

Noes.	
Mr. Brown	Mr. North
Mr. Davy	Mr. J. H. Smith
Mr. Denton	Mr. J. M. Smith
Mr. Griffiths	Mr. Stubbs
Mr. E. B. Johnston	Mr. Taylor
Mr. Lindsay	Mr. Teesdale
Mr. Maley	Mr. Thomson
Mr. Mann	Mr. C. P. Wansbrough
Sir James Mitchell	Mr. Latham
	(*Teller.*)

Question thus passed; the Council's amendment not agreed to.

No. 5.—Clause 72, insert the following, to stand as Subclauses (3), (4), (5), (6), and (7):—"(3) Land belonging to any religious body, and used or held exclusively as or for a place of public worship, a Sunday school, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood. (4) Land used exclusively as a public hospital, benevolent asylum, orphanage, public school, private school being the property of a religious body, public library, public museum, public art gallery, or mechanics' institute, or lands held in trust under the University Endowment Act, 1904, or any amendment or re-enactment thereof. (5) Land used and occupied exclusively for charitable purposes. (6) Land vested in any Board under the Parks and Reserves Act, 1895, or in trustees for agricultural or horticultural show purposes, or zoological or acclimatisation gardens or purposes, or for public resort or recreation. (7) Land held or used as a cemetery: Provided that—(a) any land exempted by Subsections (3), (4), or (5) of this section shall be deemed

rateable property while the same is leased or occupied for any private purpose; and (b) any land used or occupied for any of the purposes mentioned in Subsections (4) and (5) of this section shall be deemed to be rateable property if such property is held under lease or rented from any owner except the Crown: Provided further, that no exempted land shall become liable to be rated by reason of such land being used for the purposes of any bazaar, or as a place of meeting for any religious, charitable, temperance, or benevolent object, or for a polling place at any parliamentary or other election.

Hon. J. CUNNINGHAM: The proposed amendment is similar to one which has found a place in the Road Districts Act Amendment Bill, and I therefore move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 6.—Clause 75, insert at the beginning the following words:—"Except as hereinafter provided":

On motion by Hon. J. Cunningham, the Council's amendment agreed to.

No. 7.—Clause 89, insert at the end a proviso as follows:—"Provided that any person feeling himself aggrieved through his land not being graded under this section may, on appeal to the board or a local court under the provisions hereinafter contained, raise as a ground of appeal that the land is entitled to be graded under this section, and the board or court may make such order thereon as shall be just":

Hon. J. CUNNINGHAM: I see no reason why this amendment should be agreed to. The clause already provides power for the boards to grade in the respective drainage areas. The amendment would only make the clause cumbersome. I move—

That the amendment be not agreed to.

Hon. Sir JAMES MITCHELL: An appeal is only British justice.

The Minister for Lands: The appeal is under another clause.

Hon. Sir JAMES MITCHELL: This is the right clause for it.

The Minister for Lands: The right of appeal is provided by Clause 97.

Hon. Sir JAMES MITCHELL: I recommend the Honorary Minister to accept the amendment. What objection can there be to the amendment?

The MINISTER FOR LANDS: If the Leader of the Opposition will read Clause 89, he will find there provision for the grading of the land and the fixing of the rates for each grading. Then if he will turn to Clause 97, he will find provision for appeals.

Mr. Latham: But that is quite different from the amendment.

The MINISTER FOR LANDS: There is in the next amendment a duplication of the provision in Clause 89. However, I would not offer any objection to that amendment.

Question put and passed; the Council's amendment not agreed to.

No. 8.—Clause 97, insert the following to stand as Subclauses (6) and (7):—"(6) That the land or part thereof does not derive the benefit as resolved by the board under Section 89. (7) That the land or part thereof is entitled to be graded under Section 89, and the rates fixed as shall appear just.

Hon. J. CUNNINGHAM: I am opposed to this amendment, or rather these two amendments. They would have been consequential upon amendment No. 7, which has been defeated. I move—

That the amendment be not agreed to.

Mr. DAVY: Surely it is only proper that a man shall have the right of appeal against the arbitrary decisions of the board! Without this amendment he will not have an appeal against the grading he gets. What these two amendments mean is that he shall have the right to appeal against the grading. I think we ought to have these amendments.

Hon. J. CUNNINGHAM: Both these amendments are consequential upon the one that has been defeated. The rating will be in accordance with the grading. What would result if the amendment were agreed to? There would be numberless appeals, hampering the drainage board in its work. The ratepayers will have representation on that board, so there is no need for the amendment.

Hon. Sir JAMES MITCHELL: Already the Government have agreed to these two amendments.

The Minister for Lands: No they have not. I did.

Hon. Sir JAMES MITCHELL: Well, we accepted your word. What objection can there be to the amendments on the score that they will result in a large number of appeals? Tremendous rating powers are given in the Bill, and there should be due provision for appeals. It is an unheard of thing that there should be no right of appeal. I will support the Council's amendment.

Question put and negatived; the Council's amendment agreed to.

Resolutions reported, the report adopted, and a committee consisting of Hon. J. Cunningham, Hon. W. C. Angwin, and Mr. Mann appointed to draw up reasons for disagreeing with certain of the Council's amendments.

Reasons adopted and a message accordly returned to the Council.

BILL—BILLS OF SALE ACT AMENDMENT.

In Committee.

Mr. Lutey in the Chair; Mr. Davy in charge of the Bill.

Clause 1—agreed to.

Clause 2—Repeal of definition "apparent possession":

Mr. DAVY: This clause should be deleted. With the amendments recommended by the select committee, it becomes redundant.

Clause put and negatived.

Clause 3—Repeal of Section 8 and insertion of new section:

Mr. DAVY: I move an amendment—

That the following words be inserted at the beginning of Subsection (3) of the proposed new section:—"Every bill of sale shall be registered and."

Amendment put and passed.

Mr. DAVY: I move an amendment—

That in lines one, two, and three, the words "every bill of sale containing the declaration of an attesting witness as aforesaid" be struck out.

Amendment put and passed.

Mr. MARSHALL: Does this mean that every person who gives a bill of sale over private goods must have that fact made public?

Mr. DAVY: The clause under consideration merely simplifies the procedure for registering bills of sale. Clause 8 is the crux of the Bill and as it stands provides that an unregistered bill of sale is null and void. The select committee propose to modify that clause very considerably.

Clause, as previously amended, put and passed.

Clauses 4 to 7—agreed to.

Clause 8—Repeal of Section 25 and insertion of new section:

Mr. DAVY: This clause represents the Bill itself. As it stands, it provides that an unregistered bill of sale shall be null and void as between the parties concerned and everyone else. That represents a drastic departure from the existing law and it was felt by the select committee that it required careful investigation. The committee took evidence from a number of witnesses, including some of the best legal advisers in the community.

Mr. Marshall: In view of the disclosures in the Federal High Court, that does not go for much. I am not referring to local legal opinion, of course.

Mr. DAVY: I am. The evidence we took was unanimous on the point that the clause was dangerous. The amendments we propose will overcome the difficulty. The members of the select committee were unanimously of the opinion that an evil existed that should be dealt with. The only difficulty was to decide upon the best means of wiping out that evil without creating a new one. I move an amendment—

That all the words after "therefore," in line two, be struck out, and the following inserted in lieu:—

Effect of non-compliance with Act or non-registration.

25. (1.) Every bill of sale or debenture not complying with the terms of section six or fifty-one of this Act, as the case may be, or not duly registered or renewed in the manner and time in this Act provided, shall be deemed fraudulent and void as against—

(a) the official receiver or the trustee or liquidator (under any law relating to bankruptcy, insolvency or winding up) of the estate of the grantor;

(b) the assignee or trustee acting under any statutory deed of assignment for the benefit of the creditors of the grantor,

so far as regards the property in or right to the possession of any chattels comprised in such bill of sale which, at any time within three months before the time of the presentation of the petition in bankruptcy or winding up, or of the passing of an effective resolution for the winding up, or of the execution of such deed of assignment, as the case may be, and after the expiration of the time and extended time (if any) allowed for the registration or renewal of such bill of sale or debenture shall have been in the possession or apparent possession of the grantor.

(2) Such bill of sale or debenture shall also be void as against all sheriffs, bailiffs and other persons seizing any chattels comprised therein in the execution of the process of any court

authorising the seizure of the chattels of the grantor and as against any person on whose behalf such process shall have been issued so far as regards the property in or right to the possession of any such chattels comprised in such bill of sale or debenture which, at the time of such seizure and after the expiration of the time and extended time aforesaid, shall be in the possession or apparent possession of the grantor

(3) When, in accordance with this section, any document, whereby chattels are let on hire (with or without right of purchase) or otherwise bailed by the owner, or are acknowledged to have been received on hire or as a bailment from the owner, is or becomes void in respect of any chattels as against any person, then the chattels affected shall, as between the owner and such person, be deemed to be the property of the person to whom they have been so let on hire or bailed as aforesaid, but nothing herein shall affect the respective rights, as between themselves, of the owner and hirer or bailee of any such chattels.

The first proposed subsection means that if a secret holder of a bill of sale seizes goods under that unregistered bill of sale, then if the person granting the bill of sale goes bankrupt within three months, the seizure is null and void against the Receiver in Bankruptcy or the assignee or trustee or receiver concerned with the estate. In that event, the holder of the bill of sale comes in with the other creditors and shares alike with them. He does not lose his whole claim but comes in with the others.

The Premier: Under existing circumstances he would have a prior claim?

Mr. DAVY: Yes, provided the secret bill of sale holder gets in quickly and grabs the goods. Although his existence may never have been heard of previously, he can come in at the right moment and snap the goods from under the nose of the execution creditor or of the Receiver in Bankruptcy.

The Minister for Lands: Is not the period of three months a bit short?

Mr. DAVY: No, we went into the question carefully and we considered that time adequate. It is inadvisable to fix a period one day longer than is necessary, because the longer the period the greater the possibility of a transaction being upset. The evidence we took favoured the fixing of the period at three months. Even so, this will materially alter the existing law. The only person who can get in ahead is the judgment creditor, but if the holder of a secret bill of sale is watchful, he can get in before anyone else. We do not propose to interfere with the right of the execution creditor to get in ahead of the holder of a secret bill of sale. We propose, however, that if anyone is able to seize before the holder of a secret bill of sale, everyone concerned shall share alike. That is only just. We still leave the right to the execution creditor to get in. As to the second proposed subsection, that portion really enacts Section 25. The effect of the third proposed subsection means that if, say, Smith has entered into a hire purchase agreement with Jones for the hire, with the option of purchase, of a racehorse, and Jones seizes the animal and Smith subsequently becomes bankrupt and assigns his property, then as between the owner of the horse —the person who had hired it out—and the trustee in bankruptcy, the horse belongs to the person in whose possession it was. That is the law at present. As between the hirer and the owner, the original relationship still subsists. It is absurd to say that because a bill of sale is voided for some special purpose, the relationship between the two parties should be disturbed.

Amendment put and passed; the clause, as amended, agreed to.

Clause 9—Addition to Sixth Schedule:

Mr. DAVY: I move an amendment—

That the schedule be amended as follows:—"By the insertion after the word "present," of the words "a——on the——of——19—."

Amendment put and passed.

The MINISTER FOR LANDS: Is there any necessity to strike out the words "dated the———day of———, 19——"?

Mr. DAVY: The words we have included will become part of the declaration.

Clause, as amended, agreed to.

Clause 10—agreed to.

New clause:

Mr. DAVY: I move—

That a new clause be inserted to stand as Clause 11 as follows:—"Nothing in Sections 25, 30, 31, 32 or 36a of this Act shall affect the rights of any person making title to any chattels through or under any grantee of a bill of sale in good faith and for valuable consideration, by virtue of any sale or other disposition affected whilst the chattels were not in the possession or apparent possession of the grantor."

The purpose of this is that if a holder of a secret bill of sale should seize the chattels and sell them, and subsequently the grantor of the bill goes bankrupt, the purchaser shall have a good title provided he acted

bona fide, and the sale was for valuable consideration.

The MINISTER FOR LANDS: Does not this new clause neutralise the previous clause, in the event of a sale taking place within the previous three months? How is it possible to prove whether a man is a bona fide purchaser or not?

Mr. DAVY: The clause is designed to protect the innocent person who purchases. It will not alter the situation of the man who sells. He will be liable to account for the proceeds of the goods or their value.

New clause put and passed.

New clause:

Mr. DAVY: I move—

That a new clause be inserted to stand as Clause 12 as follows:—"Section 54 of the principal Act is amended by the insertion before the words 'sewing machine' of the words 'household furniture, tools of trade.'"

This is designed to meet an objection raised by Mr. Hughes. He felt that if bills of sale were liable to be avoided three months after being granted, poor people who were buying furniture on the hire-purchase system might be obliged to register their bills of sales, and this might lead to greater expenditure for them. We felt that little difficulty would arise if we extended the principle contained in the Act in the way proposed.

New clause put and passed.

New clause:

Mr. DAVY: I move—

That a new clause be inserted to stand as Clause 13 as follows:—"Nothing in this Act contained shall affect the rights or liabilities of the parties to any bill of sale or debenture which has already been executed prior to the coming into operation of this Act."

New clause put and passed.

Title—agreed to.

Bill reported with amendments and the report adopted.

Read a third time and returned to the Council with amendments.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Council's Amendments.

Schedule of 57 amendments made by the Council now considered.

In Committee.

Mr. Lutey in the Chair; the Minister for Works in charge of the Bill.

No. 1, Clause 2, Subclause (1)—Delete all words after "State" in line 5, to the end of the clause:

The MINISTER FOR WORKS: This is a similar amendment to that which was submitted to us last year. In the consideration of the Bill this year we have had protestations from the Legislative Council that members there were inclined to be more reasonable. They told us that they wanted to pass the Bill and they were prepared to listen to reason and to meet the wishes of the Government so as to get the Bill through. Their reasonableness of mind and their willingness to compromise is displayed by the fact that while last year they sent us 58 amendments, this year they have sent us 57. They have gone a point better.

Hon. Sir James Mitchell: Don't you want the Bill?

The MINISTER FOR WORKS: The Council's amendment deals with the amendment relating to clubs; the Council desires to strike out clubs from the definition of employer. I move—

That the amendment be agreed to.

Mr. DAVY: I do not see why the Minister should charge another place with being unreasonable because they are adhering to their opinion that clubs should not be brought within the ambit of the Arbitration Act. The Arbitration Act is designed as a means of solving industrial disputes. We know that an industrial dispute in a club has never happened, but that if it did happen the club would simply close down. The attitude of another place is quite reasonable, and therefore the amendment should be agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 2, Clause 2, Subclause (4)—Delete paragraph (h):

The MINISTER FOR WORKS: This clause deals with preference to unionists. The amendment deletes the power given to the court to award preference of employment to unionists. I do not know whether I can add anything to the argument that took place before. Members know where I stand. I move—

That the amendment be not agreed to.

Mr. THOMSON: It seems to me to be hardly worth while to discuss any of these amendments. Naturally we do not blame the Minister.

The Minister for Railways: You have tried him on only one amendment so far.

Mr. THOMSON: We can imagine from his opening remarks the attitude he intends to adopt with regard to all the amendments. Therefore it is useless to put up a fight. So far as I can see it is now going to be a matter of compromise.

Mr. DAVY: We have used all the arguments we can bring to bear on this question. If we cannot compromise on it there will not be any agreement because the views of the Minister and those of another place are diametrically opposed.

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

Ayes	23
Noes	19
Majority for ..	4

AYES.

Mr. Angwin	Mr. Marshall
Mr. Chesson	Mr. McCallum
Mr. Clydesdale	Mr. Millington
Mr. Collier	Mr. Munsie
Mr. Corboy	Mr. Panton
Mr. Coverley	Mr. Sleeman
Mr. Cunningham	Mr. Troy
Mr. Heron	Mr. A. Wansbrough
Mr. Hughes	Mr. Willcock
Mr. Kennedy	Mr. Withers
Mr. Lambert	Mr. Wilson
Mr. Lamond	*(Teller.)*

NOES.

Mr. Angelo	Mr. North
Mr. Barnard	Mr. J. H. Smith
Mr. Brown	Mr. J. M. Smith
Mr. Davy	Mr. Stubbs
Mr. Denton	Mr. Taylor
Mr. Griffiths	Mr. Teesdale
Mr. E. B. Johnston	Mr. Thomson
Mr. Lindsay	Mr. C. P. Wansbrough
Mr. Mann	Mr. Latham
Sir James Mitchell	*(Teller.)*

Question thus passed; the Council's amendment not agreed to.

No. 3. Clause 2, Subclause 6, delete all words after "by," in line 1, down to and inclusive of the word "by" in line 3:

The MINISTER FOR WORKS: This amendment strikes out domestic servants from the Bill. The argument on the previous amendment has exhausted the subject, and hon. members as well. I move—

That the amendment be not agreed to.

Question put, and a division taken with the following result:—

Ayes	23
Noes	18
Majority for ..	5

AYES.

Mr. Angwin	Mr. Marshall
Mr. Chesson	Mr. McCallum
Mr. Clydesdale	Mr. Millington
Mr. Collier	Mr. Munsie
Mr. Corboy	Mr. Panton
Mr. Coverley	Mr. Sleeman
Mr. Cunningham	Mr. Troy
Mr. Heron	Mr. A. Wansbrough
Mr. Hughes	Mr. Willcock
Mr. Kennedy	Mr. Withers
Mr. Lambert	Mr. Wilson
Mr. Lamond	*(Teller.)*

NOES.

Mr. Angelo	Sir James Mitchell
Mr. Barnard	Mr. North
Mr. Brown	Mr. J. H. Smith
Mr. Davy	Mr. J. M. Smith
Mr. Denton	Mr. Stubbs
Mr. Griffiths	Mr. Teesdale
Mr. E. B. Johnston	Mr. Thomson
Mr. Lindsay	Mr. C. P. Wansbrough
Mr. Mann	Mr. Latham
	(Teller.)

Question thus passed; the Council's amendment not agreed to.

No. 4. Clause 2, Subclause 6: Delete the second paragraph, and insert in lieu thereof the following:—"The term includes canvassers for industrial insurance whose services are remunerated wholly or partly by commission or percentage reward. For the purposes of this paragraph, the word 'canvassers' means persons wholly and solely employed in the writing of industrial insurance business, and/or in the collection of premiums at not longer intervals than one month in respect to such insurance, but does not include any person who directly or indirectly carries on or is concerned in the carrying on or conduct of any other business or occupation in conjunction or in association with that of industrial insurance."

The MINISTER FOR WORKS: This amendment proposes to exclude insurance canvassers. There is a suggestion to include industrial insurance canvassers described as "persons wholly and solely em-

ployed in the writing of industrial insurance." That definition is just as good as omitting insurance canvassers altogether. If the definition were accepted, an insurance canvasser would be given some little job in addition to writing industrial insurance, and would find himself otside the Bill. If he addressed an envelope he would be outside the measure.

Mr. Teesdale: That would be splitting hairs.

The MINISTER FOR WORKS: I know what the court understands by "wholly and solely." The least little bit of a job outside industrial insurance work would put a man outside the Bill. I move—

That the amendment be not agreed to.

Hon. Sir JAMES MITCHELL: The Minister is unreasonable. Really he does not want any part of the Bill. The Council's amendment represents a compromise. Later the Minister will say that he had no chance of getting any Bill at all. If a man spends half his time running a store and half of it in canvassing, he should not come under the measure. What the other place proposes is perfectly reasonable.

The Minister for Works: The Council's definition would not bring two men within the Bill.

Mr. MANN: An amendment of this nature is necessary to exclude the class of insurance agent who goes through the country doing insurance work and at the same time selling machinery or canvassing for other articles. The amendment is necessary to exclude commercial travellers who do a little insurance canvassing.

Question put and passed; the Council's amendment not agreed to.

No. 5. Clause 2, Subclause 6, add at the end the words "or the teaching staff of the Education Department":

The MINISTER FOR WORKS: This amendment proposes the exclusion of the teaching staff of the Education Department. Just to break the monotony, I move—

That the Council's amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 6. Clause 3, delete all words after "omitting" in line 1 down to the end of the clause, and insert "the word 'fifty' in paragraph (a), and substituting the word 'fifteen'":

The MINISTER FOR WORKS: This amendment reduces the number of members of an employers' organisation necessary for registration from 50 to 15. In order to maintain my reputation I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 7. Clause 4, delete:

The MINISTER FOR WORKS: The amendment deals with the scope of organisations, and touches the right of a union to frame its constitution so as to include a class of worker other than workers confined to one specific industry. The principle occurs repeatedly in the Act, and the Bill provides that it shall not be necessary for a union to confine itself to a specific industry. No one has yet been able to define what an industry is. The High Court gave up the task of definition as hopeless when asked to say what industry an engine-driver works in. Similarly it is impossible to say what industry a navvy works in. Another place seems to think the task of defining "industry" very simple. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 8. Insert the following new clause, to stand as Clause 4:—"Section 29 of the principal Act is amended by adding thereto a paragraph as follows:—'For the purposes of this section a reference to the court shall be deemed to be not pendent if no proceedings therein have been taken for a period exceeding 12 months'":

The MINISTER FOR WORKS: I move—

That the amendment be not agreed to.

If a case in which a union is concerned is pending, no one can apply to have that union's registration cancelled. The present amendment seeks to provide that a reference to the court shall be deemed not to be pending if no proceedings therein have been taken for a period of 12 months. The amendment is framed to meet one single happening which has occurred during the entire history of arbitration in this State.

Hon. Sir James Mitchell: Still, it did happen.

The MINISTER FOR WORKS: I know of very many unions that have had to wait over 12 months to get a hearing. Many have had to wait for over two years. One union sought to use the position of not having gone on with their case for over 12 months as an excuse to get out of an application for the cancellation of their registration. That is why we have this amendment, just because of that one case. Had a similar provision been in the Act, many unions would have suffered hardships from it.

Mr. DAVY: Because a loophole in the Act has been availed of only once is no reason why that loophole should not be blocked. If a period of 12 months be too little, surely the Minister might see fit to extend that time! When a union has committed a serious offence against arbitration, it is absurd that by producing some dead old application dating back for years it should get out of even a trial. I should have thought the Minister would welcome the amendment.

Question put and passed; the Council's amendment not agreed to.

No. 9. Clause 5: Delete:

The MINISTER FOR WORKS: Clause 5 provides that the Australian branch of the A.W.U. shall be entitled to registration. Up to the present that union has been unable to register. In the Council the argument was used that certain branches of the A.W.U. were already registered. But, surely, that is no reason why the organisation itself should not be registered. In what industry can the navvy be registered? He is essentially a casual worker, and in the course of a year he may be in a dozen different industries. The membership of the A.W.U. consists largely of navvies and similar workers, and unless they can be registered through the A.W.U. they cannot be registered at all. Registration of the A.W.U. has been refused by the court on the score that the union is not connected with any specific industry. As this is the biggest organisation in the country, and is loyal in its support of arbitration, it is only right that it should be registered. The union is registered under the Federal law, but cannot register under the State law. It is prepared to give the State court the same undertaking as it gave to the Federal court, namely, that it would not admit to membership any individuals entitled to be members of any other registered union.

Hon. Sir James Mitchell: Are there not engineers in the A.W.U.?

The MINISTER FOR WORKS: Yes, a few. But the A.W.U. has never tried to cover engineers by agreements or awards. That, it leaves to the engineers' own union.

Hon. Sir James Mitchell: Did not we have some trouble over the engineers at the State Implement Works?

The MINISTER FOR WORKS: That was the Australian engineers and the Amalgamated Society of Engineers, two unions, one having a Federal award and the other a State award. The A.W.U. was not in that. I move—

That the amendment be not agreed to.

Hon. G. TAYLOR: People are afraid of the A.W.U. because it is such a big union. In this State the union's rules will not permit of its being registered under the Arbitration Act, and so Parliament is asked to amend the Act to meet the wishes of the union. The union is not asked to alter its rules to meet the requirements of our statutes. That is the position. People are afraid of the big A.W.U. because, they say, it is controlled from the Eastern States and so, if a mandate were to come from the Eastern States instructing the A.W.U. to tie up industry in Western Australia, it would be tied up. It has been suggested that the navvy section of the A.W.U. could be registered by forming a branch of the union under another name. But the desire of the union is to build up one big powerful organisation. There are in this State many people who will not tolerate one big union. They are of the element responsible for striking out Clause 5. Still, I hope the Minister will accept as much of the Bill as he can get. That is what should have been done with the Bill of last session. The Minister will be well advised to drop some of the more advanced clauses in the Bill and take what he can get from the Council. We know there is a fear of one big union. The A.W.U. in this State will not alter their rules to permit of registration, but they ask the statute be altered to permit of them registering. Fear exists when there is no necessity for it, and the only way to remove it is to accept as much of the Bill as possible this session.

Mr. PANTON: The argument of the member for Mt. Margaret is altogether wrong. I admit that there are hundreds and perhaps thousands of trade unionists who believe in one big union, but there are tens of thousands who would not agree to one

big union. The question of one big union does not enter here at all. It is not a matter of the A.W.U. being unprepared to alter their rules. They have done everything possible to get registration, but the Act states that the men must belong to a specified industry. It must be borne in mind that so long as that section of the A.W.U. are unregistered, it is impossible to get an agreement, except on a particular job. Suppose a gang of A.W.U. men are laying a section of tramline, they have to make an agreement with the Government or the manager of the tramways. That agreement covers them for that job. They then go on to a railway construction job and they have to get an agreement there. That has not been difficult when they have had merely to meet the representatives of the Government, but where they have gone to a contract held by a private individual, they have experienced difficulty, and it has meant a stoppage of work before they could get an agreement for the particular job. The unfortunate section of workers have had to knock off work time after time to get an agreement. That is not satisfactory. The mining section, the shearers and the pastoral industry employees have their agreements, and only a section of the A.W.U. on casual work have to be catered for. If they were registered they could get an award from the court with differential rates to cover work in various localities, and then they could go to any job with a knowledge of the award, and there would be no necessity to strike. The argument of the member for Mt. Margaret regarding orders from the Eastern States——

Hon. G. Taylor: That is not my argument. It is what people say.

Mr. PANTON: It is a ridiculous statement. If it applies to the A.W.U., why not to the horsedrivers who are a federated organisation and whose local branch is registered in the State Arbitration Court? The Waterside Workers and the Amalgamated Society of Engineers are Federal organisations with local branches registered under our Act. The Carpenters' Union is world-wide. Their central executive is in the Eastern States and they have a branch registered here.

Hon. Sir James Mitchell: They stand alone here.

Mr. PANTON: Not more than does any other organisation. The only union that had a strike that originated in the East was that of the engineers. In 1912 the shop assistants found themselves in a similar position. The president ruled that they were not in a specifid industry, and the claim of the shop assistants was thrown out of the court two or three times. The amending Act was then going through Parliament, and those employees were brought under the Act. That is how they secured registration. We are now trying to do for the casual section of the A.W.U. what the Government did for the shop assistants in 1912. For the sake of peace——

Hon. Sir James Mitchell: There is no peace.

Mr. PANTON: There will not be while the Leader of the Opposition and his supporters adopt their present attitude to organised labour.

Hon. Sir James Mitchell: You do not want peace.

Mr. PANTON: I want all the peace I can get. If the A.W.U. are not permitted to register, what is the good of talking arbitration to the workers?

Hon. Sir James Mitchell: The workers want work and wages.

Mr. PANTON: If they have to strike for three or four weeks before they can get any wages, the money is not much good to them. When an organisation are asking for an opportunity to approach the court, it is of little use talking arbitration to the workers if Parliament will not give them that opportunity.

Hon. Sir JAMES MITCHELL: I am anxious that all workers should be in a position to approach the State Arbitration Court, and they should abide by the decisions of the court. A section of the A.W.U. have not been able to register. The member for Menzies has referred to the engineers' strike of two years ago. That was occasioned by a Federal award, but the strike continued in Western Australia. Men who were on strike against 48 hours in Western Australia went to Victoria and worked there under the award.

Hon. G. Taylor: And work was sent from Western Australia to Victoria.

Hon. Sir JAMES MITCHELL: That is so.

Mr. Panton: And that was brought about by a secret ballot.

[*Mr. Angelo took the Chair.*]

Hon. Sir JAMES MITCHELL: We could tell the hon. member something about secret ballots. I should be glad if the Minister could find a way to make it possible for all men working in this State to approach the Arbitration Court. Of course they can do that only if they secure registration.

Question put and passed; the Council's amendment not agreed to.

No. 10. Clause 6.—Delete:

The MINISTER FOR WORKS: The same principle is involved here. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 11. Clause 8—Delete:

The MINISTER FOR WORKS: This amendment deals with the constitution of the court. The Bill suggested a court of three members, the Government to have a free hand in the choice of the president, who might or might not be a judge or a member of the legal profession. The amendment of another place would leave matters as they are with the court constituted of one of the judges of the Supreme Court who would merely use the position as a side issue, giving as little time as possible to it. The less time he could give to it, the better he would be pleased. Both employers and employees have complained of the present position, and I am satisfied the court will never function properly while that position continues.

Hon. Sir James Mitchell: I am sure of that.

The MINISTER FOR WORKS: We want the president to devote the whole of his time to the work and to regard it as his job in life to make a success of arbitration. To leave things as they are is absolutely impossible. Neither employer nor worker wants it. The Government should not be restricted in their choice, but should be free to choose the best man obtainable.

Hon. Sir James Mitchell: That is where we disagree with you. The President should have the qualifications of a judge.

The MINISTER FOR WORKS: I move—

That the amendment be not agreed to.

Mr. DAVY: I strongly disagree with the clause in the Bill, but I do not wish to see the present state of affairs continued. We simply must have a permanent president of the Arbitration Court. But the Minister wants, not a truly permanent president, but one appointed for seven years. We say the president must have the same tenure of office and qualifications as a judge of the Supreme Court. I would rather have the status quo, which is bad enough, than what the Minister desires. I would rather continue the present arrangements than have what the Minister desires.

The Minister for Works: I can promise you they will not continue.

Mr. DAVY: I hope that the Minister will make up his mind to compromise and that he will agree to the appointment of a permanent president who will have a proper tenure of office and with qualifications that, in my view, will be proper.

The Minister for Works: Not what will be proper in accordance with my views.

Hon. Sir James Mitchell: But you do not understand it!

Mr. DAVY: The Minister often thinks he is right, whereas in my view his attitude is highly improper. If we could arrive at a compromise between the two views, we would probably come near to the truth.

Hon. Sir JAMES MITCHELL: The Minister is quite honest in putting before us what he thinks is right and proper. Often he is wrong in his views and that applies to the clause now under consideration. It is all important that we should have a permanent president of the Arbitration Court. The Minister says he will not have such a president unless he can get him in his own way. I believe that the majority of the members, if they could express their views, would agree with my contention. The people have been encouraged to abide by arbitration and on the other hand we are told frequently that unless we give way to the wishes of Trades Hall, there will be industrial disturbances. The Minister mistakes the voice of Trades Hall for the voice of the people. It is out duty to hold the balance fairly in the interests of all the people and not merely in the interests of one section. The Minister cannot dictate to both Houses and he has no right to endeavour to do so. It is a pity that year after year we go on with this wrangle about the president with the workers suffering in the meantime, all because we cannot come together and arrive at a decision. Cannot the Minister devise some means of overcoming the difficulty? In my view it is important

that the president shall have all the qualifications of a Supreme Court judge. But at the same time, I think the president to be appointed should be a young man who will devote his whole time to Arbitration Court work and apply an enthusiastic interest to the task, thus securing better results. I know that the Minister has not made up his mind regarding the man to be appointed, but surely someone with legal qualifications is best suited for the position because he will have to decide upon the evidence adduced. I urge the Minister to overcome the deadlock that has arisen even if he has to give way a little bit.

Mr. Lambert: Why not get the best man, irrespective of whether or not he has legal qualifications?

Hon. Sir JAMES MITCHELL: It is impossible to get a man who will know all about all industries. In the circumstances it is safer to have a legal man in order to decide upon the evidence that is forthcoming. There is a lot of good in the Bill as it stands, and if the Minister can overcome the difficulty regarding the clause under discussion, it will further the interests of arbitration generally. It is not satisfactory today and we should endeavour to make it satisfactory.

Mr. Lambert: It is not satisfactory because arbitration has been made, more or less, the sport of politics.

Hon. Sir JAMES MITCHELL: We are absolutely sincere in our wishes to make arbitration satisfactory and of real use to the workers and to the public generally. I am sorry the Minister did not allow the Royal Commission appointed to inquire into industrial matters to complete the investigation. The Minister has suggested the appointment of boards and so forth and if we agree to those alterations alone, we shall have done something in the interests of the workers. It would be criminal if the Minister did not attempt to overcome the difficulty, even if it involves giving way a bit.

The Minister for Works: I am getting my instructions now.

Hon. Sir JAMES MITCHELL: I am not saying this offensively, but in the interests of the workers. If I can assist the Minister, it is my duty to do so. If I could assist him to get rid of his unreasonableness, I would gladly do so.

The Minister for Works: There are unreasonable opponents of the Bill.

Hon. Sir JAMES MITCHELL: The Minister has to take the responsibility now.

The Minister for Works: I am prepared to shoulder it.

Hon. Sir JAMES MITCHELL: I urge the Minister to use his utmost endeavours to overcome the difficulty.

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

Ayes	.. .. ..	24
Noes	.. .. ..	18
Majority for	..	6

Ayes	
Mr. Angwin	Mr. Lutey
Mr. Chesson	Mr. Marshall
Mr. Clydesdale	Mr. McCallum
Mr. Collier	Mr. Millington
Mr. Corboy	Mr. Munsie
Mr. Coverley	Mr. Panton
Mr. Cunningham	Mr. Sleeman
Mr. Heron	Mr. Troy
Mr. Hughes	Mr. A. Wansbrough
Mr. W. D. Johnson	Mr. Willcock
Mr. Kennedy	Mr. Wilson
Mr. Lambert	(*Teller.*)
Mr. Lamond	

Noes.	
Mr. Barnard	Mr. North
Mr. Brown	Mr. J. H. Smith
Mr. Davy	Mr. J. M. Smith
Mr. Denton	Mr. Taylor
Mr. Griffiths	Mr. Teesdale
Mr. E. B. Johnston	Mr. Thomson
Mr. Latham	Mr. C. P. Wansbrough
Mr. Lindsay	Mr. Stubbs
Mr. Manu	(*Teller.*)
Sir James Mitchell	

Pair.	
Ayes	No
Mr. Withers	Mr. Denton

Question thus passed; the Council's amendment not agreed to.

No. 12.—Clause 9, delete:

The MINISTER FOR WORKS: I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 13.—Clause 10, delete.
No. 14.—Clause 11, delete.
No. 15.—Clause 12, delete.
No. 16.—Clause 13, delete.
No. 17.—Clause 14, delete.

On motions by the Minister for Works the foregoing amendments were not agreed to.

No. 18.—Clause 15, delete paragraph (i) and proviso:

The MINISTER FOR WORKS: This clause suggests that where an industrial dispute occurs the Minister may refer the case into court. If two unregistered unions in the building trade went on strike the whole industry would be thrown into chaos. I cannot understand the Council's amendment. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 19.—Clause 15, delete "the Minister" in last line of clause, and insert "a Commissioner":

The MINISTER FOR WORKS: This is a case where a conference has been held and an agreement arrived at on certain points, but not on others. The amendment provides that a commissioner and not the Minister may preside over such cases. I have no objection to the amendment. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 20.—Clause 17, delete "the Minister" in line 2 and insert "a commissioner":

The MINISTER FOR WORKS: I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 21.—Clause 18, delete all words after "Act" in line 5 down to the end of the clause:

The MINISTER FOR WORKS: This provides for the employment of solicitors in the court.

Hon. Sir James Mitchell: Why do you object to that?

The MINISTER FOR WORKS: They are there to get a decision in their client's favour, no matter whether he is guilty or not. They will get their decision on any point. The merits of the case do not count.

Hon. Sir James Mitchell: Do you say they are not straight?

The MINISTER FOR WORKS: No. I have had six lawyers ranged against me for a fortnight. They are always fighting for their client. If they are out of the way laymen will apply themselves to the real issue. I move—

That the amendment be not agreed to.

Mr. MANN: The Minister has disproved his own argument. He objects to a legal man appearing in the court, and yet he has shown that, untrained as he may be in legal matters, he has been able to withstand the arguments of six lawyers. He had specialised in the work, and was equal to any solicitor.

The Minister for Works: On the merits of the case.

Mr. MANN: On all points of the case. The Minister is prepared to allow union secretaries to go into court. They are well trained, and become experts in arbitration work.

Mr. Marshall: The employers' representative is never absent from the court.

Mr. MANN: A great deal of time would be saved if lawyers were able to appear in the court. All that is desired is that a solicitor should appear in defence, but not to prosecute.

Mr. DAVY: All we are fighting for is that a person who is charged with an offence under the arbitration law shall be defended by anyone he chooses. After all the case is decided by the court. The Minister suggests that the presence of a skilled advocate will mean that a man will get off when he should be convicted. I cannot imagine a worse criticism of the court. If a member committed contempt of court the Minister would prevent him from employing a legal advocate.

The Minister for Works: It would serve him right.

Mr. DAVY: This is one of the worst features of the Bill. The court must decide on the law as it stands.

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

Ayes	25
Noes	17
Majority for ..	6

AYES.

Mr. Angelo	Mr. Lutey
Mr. Chesson	Mr. Marshall
Mr. Clydesdale	Mr. McCallum
Mr. Collier	Mr. Millington
Mr. Corboy	Mr. Munsie
Mr. Coverley	Mr. Panton
Mr. Cunningham	Mr. Sleeman
Mr. Heron	Mr. Troy
Mr. Hughes	Mr. A. Wansbrough
Mr. W. D. Johnson	Mr. Willcock
Mr. Kennedy	Mr. Withers
Mr. Lambert	Mr. Wilson
Mr. Lamond	(*Teller.*)

Noes.	
Mr. Barnard	Sir James Mitchell
Mr. Brown	Mr. North
Mr. Davy	Mr. J. H. Smith
Mr. Denton	Mr. J. M. Smith
Mr. E. B. Johnston	Mr. Teesdale
Mr. Latham	Mr. Thomson
Mr. Lindsay	Mr. C. P. Wansbrough
Mr. Maley	Mr. Stubbs
Mr. Mann	*(Teller.)*

Question thus passed; the Council's amendment not agreed to.

No. 22.—Clause 20, delete the words in line 5 "issues are settled," and insert the words "applications are lodged for the settlement of issues":

The MINISTER FOR WORKS: The clause provided that cases should be heard in the order in which issues were settled. The amendment provides that cases shall be heard in the order in which applications are lodged. After an application is lodged negotiations frequently follow, and then the parties meet the Clerk of the Court and settle the issues. The issues mark a distinct step forward and the next step is for the court. Between the filing of the papers and the settlement of the issues some time elapses and parties continue negotiations. If cases were heard in the order in which applications were lodged, parties might be called upon when they had not their cases ready. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 23.—Clause 22, insert after "workers" in line 7 the words "or industrial union of employers":

The MINISTER FOR WORKS: This clause deals with the appointment of demarcation boards, and states that on the application of an industrial union the court may appoint a special board. The amendment proposes to add employers as well. I will accept that amendment. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 24. Clause 23—Delete:

The MINISTER FOR WORKS: This clause merely gave the court wider scope in the interests of peace. The clause was taken from the Commonwealth Act. What objection another place could have had to it, I do not know. In the Commonwealth Act it has been responsible for preventing disputes reaching the court. I move—

That the amendment be not agreed to.

Mr. DAVY: The objection to the clause was that it was not quite complete. The suggestion was that if the court proposed to go outside the scope of the demands of the parties, the parties should be given the opportunity to argue the question, otherwise the court might arrive at a conclusion that was wrong.

Question put and passed; the Council's amendment not agreed to.

[*Mr. Lutey resumed the Chair.*]

No. 25. Clause 25—Delete:

The MINISTER FOR WORKS: The clause refers to the retrospective effect of awards. I have nothing to add to the arguments I have already advanced. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 26. Clause 26—Delete:

The MINISTER FOR WORKS: This clause refers to people being bound by an award whether they are engaged in an industry or not. I notice that in the Council the case that I mentioned of Foy and Gibsons deciding to paint their premises was referred to as being absurd, wild and ridiculous. That case was not framed by me, but it was put up by the judge himself from the Arbitration Court bench. I repeated merely what the President of the Arbitration Court said. Yet members of the Legislative Council held that I was exaggerating. On the other hand the president of the court put up that supposititious case as a possibility that could arise. That is why we are anxious to retain the clause. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 27. Clause 29, Subclause 2—Insert after "re-hearing" in line 2 the words "or by case stated":

The MINISTER FOR WORKS: The clause relates to appeals to the court from boards that may be established. I understand that an appeal by case stated means

that evidence is dispensed with and the case is set out in writing by the board and submitted to the court, which decides on the case stated. If both parties agreed to dispensing with evidence, it would be all right to proceed as suggested by the Council, but I do not think that either party should be deprived of the right to call evidence. I move—

That the Council's amendment be amended, by inserting after "or," the words "by agreement of the parties."

Amendment put and passed; the Council's amendment, as amended, agreed to.

No. 28. Clause 31—Delete all words after "by" in line 1 down to and inclusive of the word "by" in line 3:

The MINISTER FOR WORKS: The clause provided that the court could fix the term of an award for a period not exceeding three years from the date of the award. The amendment provides that the period may be fixed for 12 months and for each year afterwards. I think it right that the court should be allowed to fix whatever period is considered best. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 29.—Clause 31, insert after "of," in line one of second proviso, the words "the first." Insert after "award," in line two, the words "and after the expiration of any subsequent period of twelve months." Insert after "vary," in last line, the words "or rescind."

The MINISTER FOR WORKS: The Bill provides that after an award has been in force for a year the court may, at any time, on the application of the parties, review the award. The amendment means that the award can be reviewed only at 12-monthly periods. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 30.—Clause 33, delete the proviso.

No. 31.—Clause 33, Subclause (2), delete all words after "court," in line six down to and inclusive of "orders," in line eight.

No. 32.—Clause 34, delete Subclause (3).

On motions by the Minister for Works, the foregoing amendments were not agreed to.

No. 33.—Clause 35, delete:

The MINISTER FOR WORKS: The Act provides that an award shall not impair the validity of a current award or agreement. Under those conditions there is no uniformity and conflicting conditions in a trade are set up. The Bill provides that when an award is delivered and a current agreement is inconsistent with its provisions, then the award prevails, and thus we shall get uniformity. The Council wish the Act to remain as it stands and thus continue varied conditions and conflicting awards and agreements. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment no. agreed to.

No. 34.—Clause 38, insert after "any," in line four, the words "police or resident," and delete the words "appointed by the Governor as an industrial magistrate for the purposes of this Act," in lines five and six. Delete the words "before an industrial magistrate," in lines one and two of proviso.

The MINISTER FOR WORKS: The principle involved relates to the appointment of industrial magistrates. My intention has been misunderstood in the Council. Apparently, from what I can gather from the debate, the impression was gained that the Government intended to appoint a number of men as industrial magistrates who would devote their whole time to the work. That was not the idea. I propose to appoint certain of the magistrates as industrial magistrates so that they will give some attention to our industrial laws. By that means we shall not have every justice of the peace and every magistrate participating in that work. I would appoint a man in Perth as industrial magistrate to hear all metropolitan cases. He would be more likely to get a better grip of affairs than would be possible if we had three or four dealing with those cases. It was never my idea to appoint a new set of magistrates. I move—

That the amendment be not agreed to.

Mr. DAVY: I hope the Minister will not be obdurate on this amendment. It seems to me he is straining at a gnat. There are in the metropolitan area three persons designated magistrates. One is the local court magistrate, another is the police court magistrate in Perth, and that third is the magistrate at Fremantle. Cases of this sort would be brought in Perth to the court of petty sessions, while Fremantle cases would be taken before the magistrate there. Everywhere else in Western Australia there is only one magistrate available. So, from the Minister's point of view it does not matter much

whether or not he assents to this amendment. I like the amendment, because it leaves the ordinary tribunals to decide these questions.

Question put and passed; the Council's amendment not agreed to.

No. 35, Clause 42—Delete the words "for any" in the last line and insert "without good":

The MINISTER FOR WORKS: This would lead to endless trouble. It is provided in the clause that the copy of the "Gazette" notifying the appointment of these officers cannot be challenged for any cause. The amendment makes it "cannot be challenged without good cause." I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 36, Clause 44—Insert at the end the words "and shall not be eligible for reappointment":

The MINISTER FOR WORKS: I have no objection to the amendment. If a man, being in a responsible position, obtains information in order to come to a decision on a case, and then wrongfully discloses that information, he is not a fit and proper person to go back on the board. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 37.—Clause 56, delete all words after "ninety-seven," in line one down to the end of the clause, and insert in lieu thereof the following words:—"of the principal Act is amended by omitting the words 'nor shall any application be made to the court by any such union or association for the enforcement of any industrial agreement or award of the court,' and by omitting in Subsection (1) the words 'provided that if the resolution is for a reference of an industrial dispute it shall,' and inserting in lieu thereof the word 'and.' And is further amended by inserting in the last line of Subsection (1), after the word 'minutes,' the words 'and any such ballot shall be a secret ballot, and no form of voting shall have any letter, number, or record thereon to show or indicate how such voters may have voted.'"

The MINISTER FOR WORKS: I was most anxious to make the access to the court as easy as possible. However, the Council holds quite different views, and in the amendment places restrictions on going to the court prescribing that a secret ballot must be taken before the union approaches the court.

Mr. A. Wansbrough: The taking of such a ballot might occupy nine months.

The MINISTER FOR WORKS: It would be better to say, "Walk into the court." I object to the difficulty of taking a ballot. The question of secrecy is all bunkum. It is quite a different matter to urge a secret ballot before men strike. If the union are not satisfied with the resolution of the governing body, the members can prescribe in their rules what they desire. I move—

That the amendment be not agreed to.

Hon. G. TAYLOR: It is a cumbersome method for large unions with a scattered membership to get to the court. A ballot is of no value unless it is secret, and I could never understand the need for referring to a "secret" ballot. If it is a proper ballot, it must be secret. The A.W.U., in 1920, made it obligatory on each member to disclose how he voted. This was done by issuing with the membership ticket five numbers each of which could be detached from the ticket and then attached to the ballot paper, and the number corresponded with a number on the butt.

The Minister for Lands: That took place in connection with postal voting at a Federal election.

Hon. G. TAYLOR: If that sort of thing has been going on in the A.W.U., it has occurred only since I severed my connection with the organisation. It was amazed when I heard of it. People are justified in asking for a secret ballot if that sort of thing is done. When there are means to identify the man who casts a vote, it is not a secret ballot.

The Minister for Works: It would not matter if it were a question of going to the court.

Hon. G. TAYLOR: Arrangements were made for five ballots in that year, but I do not know on what the ballots were taken. I think that must be the reason why this amendment has been suggested.

Question put and passed; the Council's amendment not agreed to.

No. 38.—Clause 57, delete, and insert in lieu thereof a clause, as follows:—

Part V. of the principal Act is hereby repealed, and the following provisions are inserted in place thereof:—

Part V.—Basic Wage.

100. (1) Before the fourteenth day of June in every year the Court, of its own motion, shall determine and declare—

(a) a basic wage to be paid to male and female workers;

(b) wherever or whenever necessary, differential basic rates to be paid in special or defined areas of the State.

(2.) The expression "basic wage" means a sum sufficient to enable the average worker to whom it applies to live in reasonable comfort, having regard to any domestic obligation to which such average worker would be ordinarily subject.

(3.) By leave of the Court any party concerned may be represented at and take part in any inquiry which may be held by the court when determining the basic wage. The court may allow such reasonable costs to the parties as it may deem to be sufficient, and such shall be payable from moneys appropriated by Parliament for the purposes of this Act.

(4.) The determination of the court shall be presented to the Minister, who shall cause it to be published forthwith in the *Gazette*.

(5.) The basic wage so declared shall operate and have effect from the first day of July thence next ensuing, and shall remain in force until the thirtieth day of June in the year following.

(6.) After the declaration of the basic wage as aforesaid, no award or industrial agreement shall be made which prescribes a lesser wage in money or money's worth than the basic wage, except in the case of junior, infirm or aged workers or apprentices.

Existing awards and agreements.

101. Awards and industrial agreements made before the commencement of this Part of the Act may be varied by the court on the application of either party so far as the same may be inconsistent with the basic wage as determined under this Part of the Act. If no application be made such awards and industrial agreements shall continue in force until the expiration of their currency.

New awards and agreements.

102. Awards and industrial agreements made after the commencement of this Part of the Act shall prescribe and distinguish separately—

(a) the basic wage;

(b) any other wages or allowances, and/or additional remuneration in respect to skill or employment in offensive, unhealthy, injurious, or dangerous occupations, trades, or vocations.

(c) any deductions in respect to junior, infirm or aged workers or apprentices, or for benefits received in the course of the employment.

Automatic increases or decreases.

103. Subject to section one hundred and one the basic wage prescribed in every award and industrial agreement shall, from time to time, automatically become increased or decreased so that it conforms to and is parity with the basic wage as last determined by the court: Provided that in the case of junior, infirm, or aged workers, or apprentices, in respect to whom a lower basic wage may have been prescribed, such increase or decrease shall be *pro rata* to such lower rate of wage.

The MINISTER FOR WORKS: I hardly know what to say about this amendment. I do not understand it. It is so ambiguous that it has me entirely puzzled. To adopt it would lead to endless confusion and trouble, and I would not have it at any price. It is true that the Chief Secretary and I met one or two members of the Legislative Council and discussed the basic wage clause with them. With the exception of one or two subclauses, we came to a fairly satisfactory understanding. The Council adopted that clause first of all, but afterwards altered it and submitted this one, which I would not accept on any account.

Mr. Davy: Do you wish to retain the clause as it stands in the Bill?

The MINISTER FOR WORKS: No; I believe the clause in the Bill is capable of being improved. I indicated that by agreeing at the conference to almost the whole of a new clause to cover the basic wage. I would not be a party to including such an amendment in the Act. It is confusing. It imports ideas I have never heard expressed about arbitration matters. I do not know where these definitions lead. The amendment may jeopardise the position of thousands of men in the State. Whatever happens to the Bill, this amendment will not be inserted. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 39.—Clause 58, delete the words "section is inserted in the principal Act, as follows," and insert in lieu thereof the words "new part is added to the principal Act to stand as Part VA, as follows."

The MINISTER FOR WORKS: This merely creates another division in the Act, dealing with apprentices. It rather improves the measure. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 40.—Clause 58, insert a subclause to stand as Subclause (3), as follows:—

(3.) Whenever any person who is indentured as an apprentice to the Board shall have already served for some period as an apprentice to the building trade (including service with the parent of the apprentice), such service shall be taken into consideration in fixing the period of apprenticeship to the Board.

The MINISTER FOR WORKS: Several bricklayers have indentured their sons, who accompany them on different contracts as

apprentices. This is to make sure that the time the boys serve with their fathers shall be counted in the term of apprenticeship. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 41.—Clause 58, Subclause (3), insert a proviso, as follows:—

Provided that the members of the said Board shall not be personally liable under this Act or under any agreement or indenture of apprenticeship entered into with the said Board, nor shall such members be liable to any action or proceeding at the instance of any apprentice or employer or other person joined in such agreement or indenture.

The MINISTER FOR WORKS: This provides that members of the Apprenticeship Board shall not be personally liable under the Act. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 42.—Clause 58, Subclause (4), insert after "may," in line one, the words "on the recommendation of the court."

The MINISTER FOR WORKS: I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 43.—Clause 59, Subclause (4), insert after "Board," in line two, the words "(in the case of apprenticeships in the building trade)."

The MINISTER FOR WORKS: I do not think this is necessary, but it makes the clause a little more clear. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 44.—Clause 60, Subclause (3), insert at the beginning the words "Subject to Section 103a, Subsection (3)" (previously inserted).

The MINISTER FOR WORKS: This is practically consequential. It is to allow the probationary period of apprentices being counted in the total period. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 45.—Clause 60, Subclause (3), insert after "agreement," in line seven, the words "or such other time as may be mutually agreed between the industrial union of workers and the employers."

The MINISTER FOR WORKS: This is to overcome the difficulty about apprentices serving in the country and coming to big offices in the cities, and not being as far advanced as the other apprentices. This clause will allow a time to be mutually agreed upon being counted in the term of apprenticeship. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 46.—Clause 60, Subclause (6), insert at the beginning the words "except as provided in Subsection (4) of Section 103a" (previously amended).

No. 47.—Clause 60, delete Subclause (9).

On motions by Minister for Works, the foregoing amendments were agreed to.

No. 48.—Clause 61, insert after "employer," in line four, the words "and the number of apprentices to be employed":

The MINISTER FOR WORKS: This is to permit the court, with the approval of the Governor, to make regulations. The amendment suggests that the regulations should limit the number of apprentices to be employed. That should be fixed only after argument has been heard before the court. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 49.—Clause 61, insert a subclause to stand as Subclause (2), as follows:—

(2.) The Governor may, on the recommendation of the apprenticeship board, by regulations prescribe the wages to be paid by employers to apprentices employed in the building trade, when such wages are not fixed by an industrial agreement or award, and by such regulations may impose a penalty not exceeding twenty pounds for any breach thereof.

Provided that this section shall not operate in limitation of the powers of the court in respect to industrial matters.

The MINISTER FOR WORKS: This is to cover the case of a trade in the building industry where the apprentices may be placed by the board, but where there is no award governing the trade. This is to permit the board to fix the rate for such apprentices. I move—

That the amendment be agreed to.

Mr. Davy: I am surprised at the Minister agreeing to this after rejecting the preceding amendment.

Question put and passed; the Council's amendment agreed to.

No. 50.—Clause 64, Subclause (10), delete all words after "the," in line four down to the end of the subclause, and insert "court of their proceedings on the matter in dispute as to which agreement has not been reached, and the court shall have jurisdiction to hear and determine any matter so referred to it as an industrial dispute under this Act."

The MINISTER FOR WORKS: I move—

That the amendment be agreed to.

The matter will be referred to the court, although the Council provides that this shall not be done by the Minister.

Question put and passed; the Council's amendment agreed to.

No. 51. Clause 66.—Delete:

The MINISTER FOR WORKS: I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 52. Clause 67—Delete:

The MINISTER FOR WORKS: This deals with the power of secretaries of unions to enter factories on the same basis as inspectors of factories and shops. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 53.—Clause 68, delete "industrial," in line five, and insert "police or resident."

The MINISTER FOR WORKS: I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 54.—Clause 69, delete all words after "by," in line two, and insert the words "substituting for the words 'three months' the words 'twelve months.'"

The MINISTER FOR WORKS: The existing law provides that proceedings for the recovery of an amount due under the Arbitration Act must be taken within three months. The Bill provided that such a debt should be dealt with in the same way as any other debt. The Council propose to limit the time within which proceedings shall be taken to 12 months. I do not see why there should be any limit to the period and I move—

That the amendment be not agreed to.

Mr. DAVY: I am disappointed at the attitude of the Minister. The Legislative Council propose to quadruple the period provided in the Act.

Mr. Hughes: So they should. The claim would be that it was a preference debt.

Mr. DAVY: That is not so. It simply means that if a man has agreed to accept a certain rate he may take advantage of his legal rights and sue the employer for the amount five years and six months later.

Question put and passed; the Council's amendment not agreed to.

No. 55.—New clause: A section is inserted in the principal Act, as follows:—

64a. The President may, if he thinks fit, in any proceeding before the court at any stage and upon such terms as he thinks fit, state a case in writing for the opinion of the Full Court upon any question arising in the proceeding which in his opinion is a question of law. The Full Court shall hear and determine the question, and remit the case with its opinion to the President, and may make such order as to costs as it thinks fit.

The MINISTER FOR WORKS: This proposal imports a new principle into our arbitration laws. It has always been laid down that there shall be no appeal from the Arbitration Court except on the question of jurisdiction. The Council seek to provide that the Arbitration Court shall be able to state a case in writing for the opinion of the Full Court.

Mr. Davy: It merely gives the President power to state a case in writing to the Full Court for an opinion. No one can push him into doing so.

The MINISTER FOR WORKS: I have had too long and bitter experience to permit the higher courts to interfere with the Arbitration Court.

Mr. Davy: But this would not do so.

THE MINISTER FOR WORKS: If the president of the Arbitration Court were a weak man and felt so inclined, he could refer matters to the Full Court for decision. The more we keep arbitration away from ordinary legal procedure and ordinary law courts, the more likely is it to be successful. If enough money were available, I would provide a new building and shift the court right away from the Supreme Court buildings. The Arbitration Court is in bad company there. I do not mean that personally, but the atmosphere is not the proper one for an arbitration tribunal. I move—

That the amendment be not agreed to.

Mr. DAVY: I rather suspect people who have such a bad opinion of lawyers and law courts. It is rather a reflection upon themselves. Perhaps the Minister will suggest that I am so accustomed to the law courts

that I have not noticed the frightful foulness of that atmosphere.

The Minister for Lands: But win or lose, it is always best to keep out of the law courts.

Mr. DAVY: Of course it is. I do not know why the Minister should show such shuddering fear of giving power to the president of the Arbitration Court to secure an expression of opinion on a point of law from the people best able to give him that opinion. It will not give the Full Court an opportunity to interfere any more than is possible now.

The Minister for Lands: Is it not possible that the determination of the Full Court would be regarded as a decision rather than as an opinion?

Mr. DAVY: It could not be. The reference to the Full Court would be merely on a question of law.

Question put and passed; the Council's amendment not agreed to.

No: 56.—New clause: Section 115 of the principal Act is amended by adding thereto the following two subsections:—

(1) It shall be the duty of the Registrar whenever a total or partial cessation of work occurs in or in connection with any industry to make immediate inquiry into the cause thereof, and to take legal action to enforce against any person found, on such inquiry, to be committing any breach of this Act or of any industrial agreement or award of the court all or any of the remedies provided by this Act, which he may deem applicable to the case.

(2) In the carrying out and discharge of his duties under this section, the Registrar shall be entitled to the assistance of all industrial inspectors and officers of the Court.

The MINISTER FOR WORKS: A similar amendment was moved in this House and I then said that with such a provision in the Act we would not get a man to take the position of industrial registrar.

Mr. Davy: I know a man who has stated his willingness to accept the position.

The MINISTER FOR WORKS: He must be a man with a pretty vindictive spirit.

Mr. Davy: He is not. You know the man and you know that is not his nature.

The MINISTER FOR WORKS: In my opinion this provision would make the position of the industrial registrar quite impossible. The registrar should have the confidence and goodwill of everyone having business with the court. The amendment proposes to make him the head prosecutor.

Mr. Davy: Will you agree to somebody else having this duty imposed upon him?

The MINISTER FOR WORKS: No matter whom you name, the responsibility will be on the Minister.

Mr. Davy: Well, let us make it "the Minister" in the amendment.

The MINISTER FOR WORKS: You would have to get another Minister pretty quickly. Whoever has to undertake such responsibilities will refer each case to the Minister.

Mr. Davy: Well, make it the duty of the president of the court to initiate proceedings. Would he have to refer it to the Minister?

The MINISTER FOR WORKS: No, he does not come into touch with the Minister. I move—

That the amendment be not agreed to.

Hon. Sir JAMES MITCHELL: I do not know why the Minister should not accept this amendment. If we are to have arbitration, the awards of the court must be obeyed, and surely it would be better for an impartial officer, such as the registrar, to take the initiatory steps when trouble arises. Frequently trouble would be averted by prompt action on the part of somebody invested with due authority. We require to make this law a good law for the man who wants to work and avoid trouble. The Minister is determined not to agree to anything, yet when he loses the Bill he will say it was not his fault.

The Minister for Works: Look at all the amendments I have accepted.

Mr. Davy: Then you cannot complain that they ought not to have been made by the Council!

Hon. Sir JAMES MITCHELL: Some of them were inserted at the Minister's own request. Why cannot the Minister be content to get what he wants, even bit by bit? When it is suggested that means should be provided to compel respect for the awards of the court, the Minister will have none of it.

The Minister for Works: The existing Act provides all that is necessary.

Hon. Sir JAMES MITCHELL: Nothing of the sort. How many times has the Minister himself been called in to settle trouble? Had the proposed power been provided at

the time of the tearoom strike that strike would never have been allowed to develop.

Mr. HUGHES: If the registrar had to take action for every breach of an award, his time would be fully occupied in dealing with cases affecting the hotel and restaurant employees. Hardly a day passes without the employers committing some breach of the award. I have a list of 76 breaches committed in the space of a couple of months.

Mr. Davy: This amendment does not empower the registrar to take action in such cases.

Mr. HUGHES: Apparently some members are to be permitted to misrepresent the employees here, but they object when I direct attention to breaches committed by the employers.

Hon. Sir James Mitchell: I have not misrepresented anything.

Mr. HUGHES: If the Leader of the Oppositon made inquiries, he would find that the violators of the award are not the employees. Yet, because the union committed one breach, the hon. member will never finish talking about it. Almost every day the union are compelled to make representations to employers in order to get for some employee his due under the award. Those employers are the last who should talk about breaches of the award.

Hon. Sir James Mitchell: They are not talking about any breaches.

Mr. HUGHES: Their representatives are.

Hon. Sir James Mitchell: We are representatives of them no more than of the workers.

Mr. HUGHES: I should say the Leader of the Opposition was more on the side of the employer than of the employee.

Hon. Sir James Mitchell: No; we want a fair thing for all.

Mr. HUGHES: Is it right that the union should have to fight the employers for their rights under the award?

Hon. Sir James Mitchell: They live by that.

Mr. HUGHES: The employers risk industrial trouble for the sake of a few shillings.

Mr. Latham: Why are you stone-walling?

Mr. HUGHES: I am not.

Mr. Latham: Your remarks have nothing to do with the amendment.

Mr. HUGHES: They have much to do with the statements made about the union. One would think that the union were looking for trouble. The employers are always furnishing the employees with causes for complaint.

Mr. Latham: Do you want us to stone-wall these amendments for the rest of the night?

Mr. HUGHES: The hon. member can say what he likes.

Mr. Latham: I am not permitted to say such things and you should not be allowed to do so, either.

The CHAIRMAN: Order!

Mr. HUGHES: I object to the union being held up as constantly looking for quarrels with the employers.

Hon. Sir JAMES MITCHELL: I protest against the statement of the member for East Perth. I have never taken one side or the other. If the amendment be accepted, the registrar will be able to take action to prevent a partial or total stoppage of work. That would result in a saving of much money and considerable distress to the workers, many of whom would not have to leave their work as they do now. We want common justice for all. I am quite impartial in the matter.

Mr. Hughes: It is unfair to hold the union responsible for all the trouble.

Hon. Sir JAMES MITCHELL: Someone is responsible. If we accept this amendment, it will be the responsibility of the registrar to prevent stoppages of work. It is nonsense for the Minister to contend that the amendment is not fair. Still, it is impossible to talk him into a reasonable frame of mind. If he wants the Bill, he should display some slight reasonableness, and not oppose every amendment made by the Council.

Mr. DAVY: There is nothing remarkable about the amendment. It proposes no change in the law. It proposes merely to provide machinery to carry out the existing law. Strikes and lock-outs are forbidden by the Act, but there is no one whose duty it is to punish people who break the law. Now the Council propose to make it the duty of the registrar to endeavour to get the law obeyed.

The Minister for Works: It is his duty now.

Mr. DAVY: Then why does the Minister object to the amendment. The only objection he has offered is that if we imposed this

duty on the registrar, he would promptly resign. The Minister need have no fear on that score. It is absurd to try to make arbitration the only method to settle industrial disputes, without attempting to have punishment meted out to people who break the law. Until we take a strong hand in the matter, strikes and lock-outs will continue.

Question put and passed; the Council's amendment not agreed to.

No. 57.—New clause: Section 110 of the principal Act is repealed, and a section is inserted in place thereof, as follows:—

Penalty for contempt.

110. (1) Any person who—

(a) in writing, by speech, or otherwise insults any member of the court or of a board, or any commissioner or member of a committee, or the clerk of the court, or a witness, whether in court or in the precincts of the court, or elsewhere; or

(b) wilfully interrupts the proceedings before the court; or

(c) without good cause refuses to give evidence; or

(d) is guilty in any manner of wilful contempt of the Court,

shall be guilty of an offence against this Act. Penalty: £100.

(2) It shall be lawful for any officer of the court, or any member of the police force, to remove any person offending against this section from the precincts of the court to be detained in custody until the rising of the court: Provided that a person so offending shall be liable to the penalty for his offence whether so dealt with or not.

(3) The court shall have the same power as the Supreme Court to punish for contempt, and nothing in this section shall be deemed to derogate from such power.

The MINISTER FOR WORKS: This is another conundrum. I cannot understand how it came to be inserted in the Bill. I have never heard members of the court complain about not being fully protected. It has never been suggested that the required protection is necessary. I move—

That the amendment be not agreed to.

Mr. DAVY: I do not think the court has the power it should have to protect itself against contempt, but the whole of this amendment need not go in. The court has no power to punish any person for contempt unless the offence is created within the precincts of the court. The court should have as big a power to protect itself and its officers as the Supreme Court. If we left in the last paragraph of the new clause, we would confer that power upon it, and would be doing no harm.

The Minister for Works: I would have no objection to that.

Mr. DAVY: I move an amendment—

That the Council's amendment be amended by striking out proposed Subsections (1) and (2).

Mr. HUGHES: I hope the amendment will not be agreed to. We know there has been political corruption in our courts. In the Federal court one judge gave an award providing for a 44-hour week. Subsequently the legislation was altered, and two other judges were appointed, so that the three had to adjudicate. Was that not political corruption?

Mr. Teesdale: Have you not had a recent illustration of the purity of Australian courts?

Mr. HUGHES: Of the purity of one court, which showed the lack of purity in another court. We would not have known of the purity of the High Court but for the impurity of the Canning tribunal.

Mr. Davy: You are speaking in conundrums. Let us have your insinuations brought out into the light. Give us concrete cases.

Mr. HUGHES: In the case of the Federal court, to which I have referred, legislation was rushed through and two further judges were appointed so that the hours could be altered. That was political interference with the court. If a 52-hour week had been granted in the first place, no more judges would have been appointed to that court.

Mr. Teesdale: That is only surmise on your part.

Mr. HUGHES: No attempt was made to add to the number of judges until the 44-hour decision was given.

Mr. Lambert: On a point of order. What has this to do with the clause. I am not going to sit here all night listening to this tirade.

The CHAIRMAN: The clause deals with courts, and the hon. member is trying to illustrate what has been done in another court.

Mr. Mann: He is accusing the court of corruption.

Mr. Lambert: This amendment deals with the conduct of the court, not with corruption.

The CHAIRMAN: The hon. member is suggesting that this might have occurred in our own court.

Mr. Lambert: That is a broad interpretation of the position.

Mr. HUGHES: Probably the hon. member was quite in accord with the appointment of those two judges.

Mr. Lambert: I will not put up with these cheap sneers. I take great exception to that remark, and ask for its immediate withdrawal.

Mr. HUGHES: I take strong exception to the hon. member misrepresenting me.

Mr. Lambert: I ask for a withdrawal.

Mr. HUGHES: What statement must I withdraw? I said the hon. member probably was in accord with what had been done. If he is entitled to a withdrawal of that statement, I must withdraw it.

The CHAIRMAN: No member can use offensive or unbecoming words about any other member. The hon. member had better withdraw the remark.

Mr. HUGHES: I will do so in deference to your request. I now ask the member for Coolgardie to withdraw what he said about a tirade from me. I regard that as most offensive.

Mr. Teesdale: He let you down lightly when he said it was a tirade.

Mr. Lambert: With the greatest possible pleasure, I withdraw.

Mr. HUGHES: When this Federal political interference took place, members on the Government side of the House stated here and elsewhere that the court had been interfered with by the politicians and that was the statement I repeated tonight. If something of that sort happens here and this amendment is agreed to, we may find ourselves judged guilty of contempt of court if we comment on the political interference.

Hon. Sir James Mitchell: And you would deserve it too.

Mr. HUGHES: Merely because we made a statement of fact, one that was true and obvious to any unbiassed mind! There is no reason for such an amendment, nor is there any necessity for it We had every right to criticise what was done in connection with the Federal Court.

Hon. Sir James Mitchell: Whether it was right or wrong, you exercised that right.

Mr. Davy: We cannot prevent you from accusing a Government of political action.

Mr. HUGHES: The hon. member knows enough about law courts to realise that one never knows what the court will do. On the advice of several legal gentlemen of high standing, the Commonwealth has been involved in costs amounting to £15,000, because something was done illegally.

Mr. Teesdale: Don't crow too early!

Mr. HUGHES: In view of that incident, I hope the Minister will not agree to the amendment.

Mr. Mann: But the Minister has agreed to do so, so you are merely beating the air.

The MINISTER FOR WORKS: I cannot accept the amendment in its entirety because it repeals Section 110 of the principal Act which must certainly be retained.

Mr. Davy: Yes, you cannot let that go.

The MINISTER FOR WORKS: I suggest that we let it go for the present and deal with it when the conference is held. The Council's amendment is wrongly drafted as it stands and we may be able to fix it up in the meantime.

Mr. DAVY: That is the better course. I will withdraw my amendment.

Amendment on the Council's amendment by leave withdrawn.

Question put and passed; the Council's amendment not agreed to.

Resolutions reported and the report adopted.

A committee, consisting of the Minister for Works, Mr. North, and Mr. Panton, drew up reasons for disagreeing to certain of the Council's amendments.

Reasons adopted and a message accordingly returned to the Council.

House adjourned at 12.15 a.m. (Thursday).