

Ventilation should start at the surface, and be carried down. Thus mining could be made fairly healthy, and one would not find the young men tabooing the industry. With regard to prospecting, in the old days Western Australia had a big rush of prospectors—men who had been prospecting in many parts of the world. They pioneered our mining industry. Many of them even now are out prospecting. But the young men will not take to prospecting like their fathers did. The reason is the high cost of equipment to go out any distance in these days. Before the war a trip of six or nine months for a party of two meant an expenditure of £50. At the present time that sum would carry one no distance. The storekeeper, too, is not in the same position as a few years ago. He is not now able to assist the prospector and the miner as formerly. Indeed, before the war men working for wages were considerable factors in helping prospectors to open up mines in the back parts of the State. In view of excessive railway freights and the dwindling population, it now takes the back-country storekeeper all his time to exist; and there are comparatively few wages men left. So the prospector has not now the same chance of obtaining assistance. I realise that the Government are doing a good deal for the prospector. This evening an hon. member said that it was better to send out large parties. My experience is that small parties do much better. A big party often means disagreements, because one or two disagreeable men in a party are sufficient to break up the whole enterprise. A small party, provided it includes practical men with an understanding of the business, will do better than a big party. However, I give the Government every credit for what they are doing to assist prospecting. It is much better to have our population in the back portions of the State than in the cities. Besides, there is always the chance of a prospector opening up a new field; and we know what that means to the State and the railway system. I hope that the few points I have mentioned will be dealt with by the Minister when replying, particularly my question as to the number of men who have been pulled out of the mining industry in the prescribed area as a consequence of the medical examination imposed by the mining legislation passed last session. Further, I trust the Minister will state what provision has been made, or what steps have been taken, to place such miners on the land, or in some other healthy occupation.

The Minister for Mines: The Act has not been proclaimed.

Mr. CHESSON: Has it remained a dead letter, then? The Minister said that he would have a laboratory with X-ray apparatus established in Kalgoorlie, and that he would try to secure the Federal Government's co-operation in the matter. If the Commonwealth was not prepared to assist, the State was to go on by itself.

The Minister for Mines: It is going on.

Mr. CHESSON: The Minister ought to state what has been done. It is almost a year since the amending legislation was passed. Practical steps should be taken to bring tubercular men out of the mining industry, not only for their own sakes, but also because they are a menace to other miners.

Progress reported.

*House adjourned at 10.37 p.m.*

## Legislative Council,

*Wednesday, 3rd October, 1923.*

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

BILL—SUPPLY (No. 2) £1,050,000.

Read a third time and passed.

BILL — RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS ACT AMENDMENT.

*Third Reading.*

The MINISTER FOR EDUCATION (Hon. J. Ewing—South-West) [4.35]: I move—

*That the Bill be now read a third time.*

Hon. A. LOVEKIN (Metropolitan) [4.36]: I am sorry to occasion further discussion on the Bill. After going into the matter further, I am so satisfied that the measure will hinder rather than assist the operations of the existing legislation in Western Australia that, if necessary, I intend to divide the House on the third reading. During the discussion of the Bill at the second reading stage and in Committee, I pointed out that the Bill runs practically upon parallel lines with the Interstate Destitute Persons Relief Act. Under the terms of the last mentioned measure, the department here has been working well for many years,

and is working well to-day. Last year we passed the Reciprocal Enforcement of Maintenance Orders Act, making it apply to Great Britain. This Bill seeks to make that Act apply as between the States, in addition to Great Britain. Thus we are asked to pass a Bill which runs along parallel lines. One Act becomes repugnant to the other. The other day I read a few quotations from some authorities and I have looked further into the matter. I find that Mr. Justice Isaacs, in the case of *Goodwin v. Phillips* (7th Australian Commonwealth Law Reports) laid it down that the latest expression of the will of Parliament must always prevail. That is a well-known legal axiom. I find further, that in the case in *re Tynen* (11th Wallace Reports pp. 88-92) the following decision appears—

Where there are two Acts on the same subject, the rule is to give effect to both if possible. But if the two are repugnant in any of their provisions, the later Act, even without a repealing clause, operates to the extent of the repugnancy as a repeal of the first. And even where the two Acts are not in express terms repugnant, yet, if the later Act covers the whole subject of the first, and embraces new provisions plainly showing that it was intended as a substitute for the first Act, it will operate as a repeal of that Act.

The Minister for Education: That is not the position here!

Hon. A. LOVEKIN: I submit that it is. We have placed in the Bill a clause that says nothing in the Act shall be deemed to repeal by implication the Interstate Destitute Persons Relief Act.

Hon. J. NICHOLSON: That puts it right.

Hon. A. LOVEKIN: It puts the last portion of the dictum right. It is not a question, however, of whether it shall be deemed to repeal, but whether it in fact does repeal. That is the point a court would consider. The two Acts would be placed side by side, in order that the court might see whether the Act which says that money collected in the inferior courts by means of collectors was to prevail, or the second Act, which says that the orders made here shall become rules of the Supreme Court. The court will have to decide whether these two conditions are repugnant, and I do not consider anyone can say they are not. Under Mr. Justice Isaacs' dictum the later Act will be held to prevail. If that is so, it means that difficulties may arise in collecting moneys from those people who leave their wives and children here unprovided for.

Hon. J. DUFFELL: That is a very important point.

Hon. A. LOVEKIN: That is the legal aspect. Then there is the other view, which is important and which should suggest to us that we should stay our hands. Up to this afternoon the existing legislation has worked well. When I was at the Children's Court to-day I consulted the officials of that court, and although they have to administer these Acts those officials have not been consulted

regarding the Bill. The officer mainly responsible for the work says he does not want the Bill. The officials are working satisfactorily under the provisions of the Interstate Destitute Persons Relief Act. I know that is so from my own experience in connection with the Act. Why we should be asked to jeopardise that good work by passing the Bill is what I cannot understand. From my investigations I find that the Bill originated in this way: The South Australian Government, who have an Act similar to the Interstate Destitute Persons Relief Act, wrote to the Western Australian Government pointing out that, as the Reciprocal Enforcement of Maintenance Orders Act of 1921 had been passed and applied only to Great Britain, it should also be made to apply to the several States. The Crown Law authorities here, desirous of giving effect to the wishes of the South Australian authorities, drafted the present Bill. I cannot help thinking that the Crown Law authorities of South Australia lost sight of the fact that they have a similar Act to the Interstate Destitute Persons Relief Act in operation at the present time.

Hon. J. DUFFELL: Then there is no necessity for the Bill!

Hon. A. LOVEKIN: If only to give us time before we agree to place this Bill on the statute-book, so that we may ascertain the real objective the South Australian Government had in view, we should postpone the third reading. For that reason I move an amendment—

*That the word "now" be struck out, and "this day six months" be added to the motion.*

The PRESIDENT: If you vote against the third reading it will have the same effect will it not?

Hon. A. LOVEKIN: No. If we did that, the Minister could bring in the Bill again tomorrow morning. If we vote for the amendment, we shall at least have till next session to make further inquiries.

Hon. J. NICHOLSON (Metropolitan) [4.45]: Mr. Lovekin has advanced certain reasons and referred to certain cases. It is quite true that the last word of Parliament is taken and interpreted by the courts as the law, but I think Mr. Lovekin has paid too much regard to some of the words and has overlooked the fact that we inserted a new clause providing that this measure shall not repeal the Interstate Destitute Persons Relief Act.

Hon. A. Lovekin: It says "shall not be deemed to repeal." The question is, "Does it?"

Hon. J. NICHOLSON: The very fact of providing that this measure shall not be deemed to repeal the Interstate Destitute Persons Relief Act will be sufficient to safeguard the operation of that Act. Had the clause not been inserted in the Bill, I would agree with Mr. Lovekin.

Hon. A. Lovekin: Suppose the court decided one was repugnant to the other?

Hon. J. NICHOLSON: There can be no repugnancy when such a clause has been inserted.

Hon. A. Lovekin: The two measures are inconsistent now.

Hon. J. NICHOLSON: The two measures can operate side by side, and I see no reason for objecting to the third reading. If members have any doubt, the Bill can be recommitted to enlarge the wording of the new clause. It could be made to read, "shall not be deemed to repeal or affect the provisions of the Interstate Destitute Persons Relief Act." That would place it beyond doubt.

Hon. A. Lovekin: That would certainly be an improvement.

Hon. J. NICHOLSON: I consider the wording of the new clause sufficient and would not take the responsibility of supporting the amendment, as that would mean the defeat of the Bill.

The MINISTER FOR EDUCATION (Hon. J. Ewing—South-West) [4.50]: I still consider the hon. member is making much ado about nothing. We have inserted a clause to safeguard the position and there is not the least necessity for anything further. Mr. Nicholson is satisfied that the position is thoroughly safeguarded by the new clause.

Hon. A. Lovekin: He now suggests inserting the words "or affect."

The MINISTER FOR EDUCATION: If the House wishes to have those words inserted, they cannot make much difference. This is not a new measure.

Hon. A. Lovekin: What is the need for the Bill?

The MINISTER FOR EDUCATION: It is required to give reciprocity between the States of the Commonwealth. The Reciprocal Enforcement Act applies to the whole of the British Empire with the exception of the Commonwealth. Mr. Lovekin argues that the Act of 1912 is sufficient. South Australia, however, desires reciprocity. That State has the two Acts and they are working in unison. We require this measure to simplify matters.

Hon. A. Lovekin: Why did not you consult the department?

The MINISTER FOR EDUCATION: I have consulted the department and they are satisfied the measure is necessary.

Hon. A. Lovekin: You had not consulted the head of the Charities Department up to 2 p.m. to-day.

The MINISTER FOR EDUCATION: I consulted the Crown Law Department; I have not consulted the Charities Department. I am relying on the advice of the Crown Law officers as to the necessity for the Bill.

Hon. A. Lovekin: They have not consulted the Charities Department.

The MINISTER FOR EDUCATION: The Charities Department are not versed in the law or the needs of the State. Our desire is to find out and punish wrongdoers, and this simple measure will overcome any difficulty between the States in the matter of reciprocity. Why should we have reciprocity

with the British Empire and yet when we desire to work in with the other States have to take action under another law?

Hon. A. Lovekin: Then you really need to repeal the 1912 Act.

The MINISTER FOR EDUCATION: I hope the third reading will be passed.

Hon. J. DUFFELL (Metropolitan-Suburban) [4.55]: Throughout the passage of the Bill I have had reason to doubt the necessity for it, but in this, as in other legal matters, I have listened with attention to Mr. Nicholson, relying upon his extreme caution to guide us through the technicalities. This afternoon he has suggested the addition of two words in order to express the intention of Parliament beyond all possible doubt. I gather the Minister considers the additional words unnecessary. Mr. Lovekin has had most experience in the operations of the Act. We were informed that if we passed the 1921 Act, there would be no doubt as to reciprocal relations when dealing with maintenance cases. It is possible that South Australia finds little necessity to put into operation its Destitute Persons Relief Act, and that the authorities there have forgotten its existence. Mr. Lovekin has told us that the Charities Department officials, who have to deal with the 1912 Act, have not been consulted by the Government, that they have no complaints regarding the Act and have experienced no difficulty. Therefore I consider it would be nonsensical to pass this measure. I support the amendment.

Hon. J. Nicholson: May I be permitted to move an amendment?

The PRESIDENT: Not unless Mr. Lovekin withdraws his amendment.

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

|                  |    |    |    |    |
|------------------|----|----|----|----|
| Ayes             | .. | .. | .. | 5  |
| Noes             | .. | .. | .. | 12 |
| Majority against |    |    |    | 7  |

#### AYES.

|                   |                        |
|-------------------|------------------------|
| Hon. J. Duffell   | Hon. F. E. S. Willmott |
| Hon. V. Hamersley | Hon. J. A. Greig       |
| Hon. A. Lovekin   | (Teller.)              |

#### NOES.

|                       |                   |
|-----------------------|-------------------|
| Hon. J. E. Dodd       | Hon. J. Mills     |
| Hon. J. Ewing         | Hon. J. Nicholson |
| Hon. E. H. Gray       | Hon. E. Rose      |
| Hon. E. H. Harries    | Hon. A. J. H. Saw |
| Hon. J. W. Kirwan     | Hon. H. Seddon    |
| Hon. J. M. Macfarlane | Hon. A. Burvill   |
|                       | (Teller.)         |

Amendment thus negatived.

#### Recommittal.

Hon. J. NICHOLSON: I now move a further amendment—

*That the Bill be recommitted for the purpose of further considering Clause 6.*

Amendment put and passed.

*In Committee.*

Hon. J. W. Kirwan in the Chair; the Minister for Education in charge of the Bill.

## Clause 6 (new clause):

Hon. J. NICHOLSON: I move an amendment—

*That after "implication," in the last line, there be inserted "and shall not affect in any way."*

The MINISTER FOR EDUCATION: I do not oppose the amendment, but unless the Bill affects the Act in some way it is utterly useless.

Hon. J. Nicholson: The Bill does not propose to amend the Interstate Destitute Persons Relief Act in any way.

The MINISTER FOR EDUCATION: It seems to me that the effect of the amendment will be to nullify the Bill entirely.

Hon. J. Nicholson: No.

The MINISTER FOR EDUCATION: Perhaps I am mistaken, because of my ignorance of legal matters. The point requires careful consideration. However, if the amendment is carried, the third reading will not come on until to-morrow, and meantime I can look into the question.

Hon. J. NICHOLSON: The Minister's fear is without foundation, because all that is sought to be done by this clause, and by its enlargement through my amendment, is merely to safeguard the position as regards the Interstate Destitute Persons Relief Act, by providing that nothing in this Bill shall in any way affect the provisions of that Act, which Mr. Lovekin states is most essential for those engaged in Children's Court work, and particularly maintenance orders.

Hon. A. LOVEKIN: With all due respect, I think we are making the Bill ridiculous. If Mr. Nicholson's amendment is carried, we come to the position which I have been urging upon the Chamber. Here is a Bill which is going to affect the Interstate Destitute Persons Relief Act. The amendment is an admission of that. That, again, is an admission that the Bill is altogether unnecessary. We ought not to pass legislation which affects departments that look after the interests of the State in the matter of pounds shillings and pence, without the department having seen the Bill, and especially not when, after having seen the Bill, the department say it is unnecessary. Now we propose to insert an amendment saying that the Bill does not mean what it appears to mean. I have no personal interest in the matter, but am doing some service, I hope, to the State at the Children's Court; and I know what is going on, and I want to help rather than hinder. My view is that the Bill will hinder rather than help. I have divided the House on the third reading, and I bow to that decision. When something happens, as assuredly will happen, upon the point being taken in the East, the responsibility will not be mine.

Hon. J. NICHOLSON: Like every other member, I am desirous of helping Mr. Lovekin in the work which he has so keenly at heart, and in which he has rendered such signal service to the State. Because of my admiration for his work, it occurred to me that I might help him by making this suggestion. If Mr. Lovekin would prefer that the present amendment should not be carried, I am quite willing to withdraw it, because I think that under the clause as it stands his position is fully protected.

Hon. F. E. S. Willmott: Now the Committee will not agree to a withdrawal.

Hon. J. NICHOLSON: However, I am quite willing to withdraw the amendment.

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

|      |    |    |    |    |
|------|----|----|----|----|
| Ayes | .. | .. | .. | 7  |
| Noes | .. | .. | .. | 11 |

Majority against .. 4

## AYES.

|                  |                       |
|------------------|-----------------------|
| Hon. J. Cornell  | Hon. J. M. Macfarlane |
| Hon. J. Duffell  | Hon. J. Nicholson     |
| Hon. J. A. Greig | Hon. V. Hamersley     |
| Hon. A. Lovekin  | (Teller.)             |

## NOES.

|                   |                        |
|-------------------|------------------------|
| Hon. C. F. Baxter | Hon. E. Rose           |
| Hon. A. Burvill   | Hon. A. J. H. Saw      |
| Hon. J. E. Dodd   | Hon. H. Seddon         |
| Hon. J. Ewing     | Hon. F. E. S. Willmott |
| Hon. E. H. Gray   | Hon. E. H. Harris      |
| Hon. J. Mills     | (Teller.)              |

Amendment thus negatived.

Clause put and passed.

Bill again reported without further amendment, and the report adopted.

*Third Reading.*

Read a third time and passed.

## BILL—INSPECTION OF MACHINERY ACT AMENDMENT.

Received from the Assembly and read a first time.

## BILL—ELECTRIC LIGHT AND POWER AGREEMENT AMENDMENT.

*In Committee, etc.*

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

## BILL—LOCAL AUTHORITIES (ADDITIONAL POWERS).

*Second Reading—Defeated.*

Debate resumed from 27th September.

Hon. J. E. DODD (South) [5.28]: I cannot let the Bill pass without expressing my surprise. For a Bill like this to come into the Chamber is nothing short of an anomaly. We are continually hearing complaints about State trading and socialistic enterprises, yet now we have a Bill that outdoes any other that has ever been before the Chamber. It seems to me the Bill must have originated in Moscow. We are often told that Labour legislation has originated in Moscow.

Hon. A. J. H. Saw: This originated in Denmark.

Hon. J. E. DODD: I must congratulate Mr. Burvill on his courage in bringing the Bill here and also upon his conversion to socialism. I am not in a position to-day to go right through the careers of most of the members in respect of their socialistic conversions—I have done it before—but I may say that almost every member has been convicted of supporting socialistic enterprises. The difficulty has been on the part of some positive socialists like ourselves to keep some of the others in check. There is no limitation in a Bill like this, which gives the local authority power to control and manage places of public recreation and amusement. A local authority may conduct any public recreation, may go in for Aunt Sally, take up racing, cricket, or football, establish bowling greens, or lay out tennis courts. I do not know what they will not be able to do in the matter of recreation and amusement under the Bill. They can provide musical concerts, cinematograph exhibitions and other public entertainments. Every conceivable entertainment may be organised by the town council of Wagin for the raising of money for their town hall.

Hon. A. J. H. Saw: Or Punch and Judy shows.

Hon. J. E. DODD: Yes. Almost anything can be done in that way. As pointed out by Mr. Baxter and others, eventually the ratepayers may be saddled with the results of the mismanagement of those in charge. I am in doubt whether to support or oppose the Bill. Having regard to some of the views I have expressed in this House from time to time, it seems to me I am compelled to support it. It is a sort of trading concerns Bill, and so far I have always supported trading concerns. If I do support it I shall do so with a great deal of hesitation. Mr. Burvill, in moving the second reading said that in some places in the South-West the people wanted to erect an agricultural hall. A local committee came to the rescue and raised the funds. Why cannot the town of Wagin form itself into a committee, and organise affairs without having the backing of the town council. If this was done in regard to the £1,500 agricultural hall, surely it can be done with the £7,000 town hall for Wagin. The Bill gives local authorities power to maintain and subsidise public bands or orchestras. I do not know where these powers will stop. If they are given to one they must be given to all. The limitation suggested by Mr. Cornell would be of no use. All municipal corporations and

public authorities must be treated alike. I congratulate Mr. Burvill in coming over, as it were, to socialism. I am afraid, however, that instead of coming over to sane socialism he has gone to Moscow and has brought back with him some Bolshevie literature. As things are, I am afraid I shall have to support him.

Hon. E. H. GRAY (West) 5.33]: I thank you, Mr. President, and hon. members for the welcome extended to me, and for the congratulations on my election. I would be ungrateful indeed if I did not recognise the warmth of the feelings that have been expressed towards me. I also recognise the danger that the comfortable surroundings and the brotherliness of members may tend to reduce me to a slumbrous condition of inactivity.

The Minister for Education: We are active enough here.

Hon. E. H. GRAY: I recognise also that there are members here of high scholastic attainments, and men who hold prominent positions in the industrial and commercial life of the State. Beside them my star will be of but small magnitude. Nevertheless, as a representative of the bottom dog, trained in the university of the world's work in many jobs and in various countries, I think I can bring to bear upon measures that come before us opinions that will be of a helpful nature. I crave the indulgence of the House to state my position, as I think it exists, as a member for the West Province. The result of my election is a recognition amongst the working classes that there is an organised attempt to solve present day problems by forcing down wages and putting up hours. In other countries this move has been successful. This, however, has not had the effect anticipated by those who have preached such a gospel throughout Europe and Great Britain. Members may have noticed in the "West Australian" that notwithstanding the fact of wages having been reduced in Great Britain to an enormous extent, employment has not increased and things have not become better. The revenue for the United Kingdom for the first half year ended September last was about £365,000,000, showing a decrease of £38,000,000 as compared with the corresponding period for 1922. The last quarter showed a decrease in revenue of about £29,000,000. Whatever happens, the workers in this country will resist to the last ditch any attempt to interfere with their present standard of living. The 44-hour privilege was won by several organisations of employees. It has now been taken away by the Arbitration Court. The industrial trouble with the Public Works Department is the result of the bad statesmanship of the Government with respect to the Arbitration Court. My presence here proves that the workers are looking with suspicion upon the operations of that court.

The PRESIDENT: I cannot permit the hon. member to continue any further along these lines at present. I thought he intended to say a few words regarding his election to

this House, and was quite prepared to give him every latitude in doing so. I must, however, ask him not to say too much upon controversial matters of this nature.

Hon. E. H. GRAY: I support the second reading of the Bill. I have been surprised at the flippant criticism of some members concerning it, but I was pleased to hear Mr. Dodd's views. It was the progressive nature of the Bill that caused me to rise in my place. Mr. Baxter referred to the defalcations of secretaries of local authorities. That is hardly a fair way of criticising our road boards. Members and officials of these boards are not supposed to be accountants or to be able to look after the technical side of book-keeping.

Hon. C. F. Baxter: That is one of their duties.

Hon. E. H. GRAY: That is the duty of the expert officers appointed by the Public Works Department, and the duty of the auditors appointed by the ratepayers. I have a fair knowledge of the work performed by those boards in the country. I know that they do a tremendous lot of work for nothing. Their public work consists of constructing roads and providing other country facilities, and will compare most favourably with the work done in the metropolitan area, where the authorities have the benefit of much more expert advice. Everything possible should be done to encourage road boards in their work. The powers sought by the Bill are not new. They were in operation in ancient Athens. Members of a scholarly turn of mind will know well the history of that ancient city and that no city since those days has produced so many prominent individuals whose names have lived throughout history; there was a glorious example of municipal and socialistic effort. Some members have referred to the inadvisability of placing these powers in the hands of road boards and municipal councils. I would point out that they already have much greater responsibilities than these. Under Section 106 of the Road Districts Act they have power to construct jetties, and bathing houses, provide water supplies, frame agreements for the supply of water works, electric power, and gas, construct tramways, run ferries, hospitals, lay down railway sidings, work quarries, and do manifold things of that kind. Under that section there are 24 paragraphs giving road boards enormous powers, which they can carry out.

Hon. J. M. Macfarlane: Provided the ratepayers give them the money.

Hon. E. H. GRAY: Section 196 of the Act gives them power, in 49 paragraphs, to control activities which embrace nearly every phase of our social life. Members, however, question whether they should be entrusted with the conduct of such an entertainment as a picture show. Section 224 of the Act also gives them enormous powers of investigation, greater powers than are possessed by members of this House. By resolution the board may go into an office of any

business concern and investigate the books with a view to valuing the property. This may be done without the assistance of experts. Sections 274 to 278 give them enormous borrowing powers.

Hon. J. Duffell: Their powers are limited under that section.

Hon. E. H. GRAY: Yes, but so long as they have the ratepayers behind them they can do almost anything.

Hon. J. Duffell: Up to a certain amount.

Hon. E. H. GRAY: One of the weaknesses of the progressive Labour movement is that it has not yet tackled local government problems. No doubt when the progressive thought of workers and others turns in this direction, and it is seen what can be achieved successfully under municipal government, a lot more will be done in the direction of an efficient inspection of milk supply and other matters, already provided for under the Road Districts Act. Members however, still argue that a road board is not competent to deal with such small matters as are provided under the Bill. It will be a good thing when local bodies recognise the value of providing amusement in the country as well as in the city. We should support any movement that will give country people social enjoyment. In every part of the State where development is taking place, and there are small bodies of people gathered together, public halls are required for the social amelioration of the conditions under which the persons concerned have to live. If we pass the Bill we shall assist the Government to the extent that they will not be waited on with such persistence by country people who may desire to develop social matters. The demand that has been made for legislation of this nature shows that there is a desire among local authorities to assist themselves. Who knows but that those desires may extend towards the further development of music and art. It is known that the working man in the metropolitan area is not able to afford the musical education of all his children, though it may be possible in the case of one. Speaking personally, I am in that position, and if I were in the country I would welcome a reform such as that which the Bill will provide. I trust the time will come when the Government will include music in the State school curriculum.

Hon. J. E. Dodd: We want good roads before good music.

Hon. E. H. GRAY: The Bill is a step in the right direction and I shall give it my support, realising that progressive country towns have expressed a desire for legislation of this description.

Hon. R. J. LYNN (West) [5.49]: I am of the same opinion as Mr. Dodd, and as I have not given my support to the many socialistic ventures in which we are engaged, I shall cast my vote against the Bill.

Hon. J. Cornell: Surely you are not going to vote against a harmless measure like this?

Hon. R. J. LYNN: I cannot traverse the ground that has been covered by my colleague, because if I did, I am afraid you, Mr.

President would rule me out of order. Mr. Gray and I represent the same province, but our views on this measure are opposed, though there are others on which we would agree. Some reference was made to the possibility of Aunt Sally being introduced by local authorities if the Bill passed into law. I admit there are municipal councils and road boards in the State that have done good work, but here are some that, were they Aunt Sallies, would be shot at without a doubt.

Hon. J. Cornell: They put themselves in the position of Aunt Sally very often.

Hon. R. J. LYNN: To-day we are rated very heavily and the policy of some local governing bodies—I have had many years' experience of them—is to give some return for what they receive by way of rates. Look around the city where we pay heavy rates to the municipal authorities, as well as big traffic fees, and see the class of road that is provided. If we give the additional powers provided by the Bill we do not know where the ratepayers may be landed in the way of expense. It is not the function of a local body to provide entertainments for the ratepayers. My friend suggested the desirability of subsidising a band or an orchestra. Trouble would immediately arise with a dispute as to the class of music that should be played. One section may desire and insist on having "God save the King," while another might be equally determined to have "The Red Flag." And, as Mr. Dodd pointed out, a local body might indulge in anything, even a race meeting. It is not wise that we should permit local authorities to have the power to divert legitimate revenue into channels of that description. To-day the ratepayer is affected by the rating of local authorities more than is any other section of the community, because when an additional rate is struck, in nine cases out of ten it is passed on to the occupier of the property. If the Bill were passed the inevitable result would be the raising of house rents. The amount of work the local authorities have to do in the way of providing roads and looking after the health of the people is sufficient, without giving them power to embark on enterprises of the nature proposed. My colleague mentioned many things of a social character which, he said, would receive attention under the Bill. But are they matters of public utility? The Bill proposes to give the local authorities power to spend money without any reference to the ratepayers.

Hon. J. Cornell: Amend it in that direction.

Hon. R. J. LYNN: Even so, the local bodies should not have the power it is sought to give them. Why should they wish to conduct race meetings, cock fights, dog fights, or even cinema shows? Rather than amend the Bill in Committee as the hon. member suggests, we should throw it out at this stage. If we adopt that course, we shall save the ratepayers a good deal of worry.

Hon. J. M. MACFARLANE (Metropolitan) [5.55]: Having turned over in my own mind the intentions of the Bill, I have come to the conclusion that the course suggested by the previous speaker will be the wisest one to adopt, namely to give it a sudden death by voting it out on the second reading. I never have been in favour of State or municipal trading, and I am not going to start to support it to-day. I contend that the community are best able to engage in that kind of work, and when they do so, the State can come in and impose taxation. That is far better for us. It would be dangerous to follow the proposals as suggested in the Bill. As local bodies are constituted to-day they have sufficiently great powers, and the ratepayers are given the last word. When it comes to dealing with such things as are proposed in the Bill, the municipal councils and road boards, I am sure, will be glad to have the Bill voted out. At the present time local bodies possess the power to subsidise sports grounds, bowling greens and places of that sort. I have a recollection of such support having been given by the City Council while I was a member of it, but when it comes to a question of holding cinema exhibitions, it is another matter. That should be left for the trade which engages in it. They have control over the films, and there is a corporation in existence which restricts the use of those films and makes it difficult for outsiders to get them. I am certain that in this respect the local bodies would incur a loss. At any rate, we should not give them the opportunity to engage in that form of enterprise. I propose to vote against the second reading of the Bill.

Hon. F. E. S. WILLMOTT (South-West) [5.58]: I fail to see the danger that has been referred to by various speakers. Mr. Macfarlane has told us that sports grounds and bowling greens may be subsidised by local bodies, and that having been done on a number of occasions, I have not heard that the effect has been harmful to anyone. In places like Busselton, if it were not for the power the local authorities have to subsidise pleasure resorts, what would the position be like? They are the making of such places. Take Bunbury, and any other seaside resort that depends to a large extent on the tourist trade. The local authorities are allowed to spend money on providing for the comfort and convenience of tourists without fear of injurious results. The only danger I can see in the Bill is that safeguards, where racing is concerned, have not been provided for. As to cinema entertainments, is it not better for the town to run its own show, rather than that a stranger should pay £2 or so for the hire of the hall and take away from a centre £30 or £40? Surely it is better that the local authorities should collect that amount and, as a result of the profits, reduce the rates and taxes imposed upon the people.

Hon. R. J. LYNN: That is all very pretty, but have you ever known that sort of thing to apply?

Hon. F. E. S. WILLMOTT: We should take a broader view of the matter.

Hon. V. HAMERSLEY (East) [6.2]: The Bill introduces an element of grave danger in its present form. In many road board districts there are several populous centres. The members of the road board meet in one particular part, but rival towns vie with each other for the amount of money spent in their centres upon entertainments and so forth. I can foresee the danger, if these extended powers are given to local authorities, of losses having to be made up by an extra tax imposed upon the ratepayers. Mr. Burvill and others have drawn attention to successful entertainments held in the country districts. We know, however, that it is easy to make big losses. Should the second reading of the Bill be agreed to, it should be amended by the provision of rigid safeguards, making it necessary for the people affected to be consulted before the local authority is permitted to embark upon any undertakings, such as those contemplated. I know of one instance where the committee of an agricultural show had to give a guarantee of something like £70 before the Railway Department would run a train to their centre. There was a considerable loss experienced, because a circus had passed through the town shortly before and had mopped up the whole of the cash in the district for the time being.

Hon. F. E. S. Willmott: The Bill will prevent that sort of thing.

Hon. V. HAMERSLEY: If the road board had been concerned instead of the agricultural society, a higher rate would have been levied to make up the loss.

Hon. F. E. S. Willmott: But the board would have received the money that the circus obtained.

Hon. V. HAMERSLEY: I consider the ratepayers should be consulted before any such power can be exercised by a local authority. I intend to vote against the second reading of the Bill.

Hon. A. BURVILL (South-East—in reply) [6.6]: The object of the Bill is to augment the finances of road boards and municipalities, and to do away with excessive rating. It is also hoped to obviate the necessity for the local authorities seeking grants from an impecunious Government, towards the cost of town utilities. I appreciate what some members have said regarding State trading concerns. The object of the Bill is not to foster municipal trading, but to help local authorities to provide the utilities that are necessary in their respective centres. Mr. Lynn said that the rating would be heavier because of the cinema shows, but the object is the reverse. In one case, the Woodanilling Road Board desired to take over the control of the cinema show from the committee who have been conducting it on behalf of the local

authorities. I appreciate the necessity for safeguards, and intend to move a number of amendments which appear on the notice paper. The amendments provide for a poll before the Act shall be put into force in districts where the ratepayers are agreeable, each elector to cast one vote only.

Hon. E. H. Harris: Why one vote? The Municipalities Act provides a different method.

Hon. A. BURVILL: I am not bound down to one elector, one vote.

Hon. J. A. Greig: Why refer to "electors"? Why not "ratepayers"?

Hon. A. BURVILL: It would be better to say "ratepayers." I also intend to move a further amendment to provide that all money received by a local authority establishing such an undertaking shall form part of the revenue and shall be applied in the manner provided by Section 375 of the Municipal Corporations Act, 1906, or by Section 210 of the Road Districts Act, 1919, as the case may be.

Hon. A. J. H. Saw: These Aunt Sallies must be pretty dangerous if they require so many safeguards!

Hon. A. BURVILL: I hope hon. members will vote for the Bill, because it will furnish the local authorities with much assistance towards improving their financial position.

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

|      |    |    |    |    |    |
|------|----|----|----|----|----|
| Ayes | .. | .. | .. | .. | 6  |
| Noes | .. | .. | .. | .. | 11 |

Majority against .. 5

#### AYES.

|                  |                        |
|------------------|------------------------|
| Hon. A. Burvill  | Hon. F. E. S. Willmott |
| Hon. J. Cornell  | Hon. E. H. Gray        |
| Hon. J. Ewing    | (Teller.)              |
| Hon. J. A. Greig |                        |

#### NOES.

|                   |                       |
|-------------------|-----------------------|
| Hon. C. F. Baxter | Hon. R. J. Lynn       |
| Hon. J. Duffell   | Hon. J. M. Macfarlane |
| Hon. V. Hamersley | Hon. J. Nicholson     |
| Hon. E. H. Harris | Hon. A. J. H. Saw     |
| Hon. J. W. Klrwan | Hon. E. Rose          |
| Hon. A. Lovekin   | (Teller.)             |

Question thus negatived; Bill defeated.

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

## BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

### Second Reading.

Debate resumed from the previous day.

Hon. F. E. S. WILLMOTT (South-West) [7.30]: I had hoped that when the Minister was introducing this Bill, he would have said this was the last time continuance would be asked for, that necessary legislation would have been introduced to deal with the Industries Assistance Board, and that after 1925



it would no longer be required. Instead of that the Minister said it would be necessary to continue the Act for some considerable time. To me this is very disappointing. I am not going to weary the House by delving back seven years and recounting all the reasons why the Industries Assistance Board was started, and why it was found necessary to continue the Act up to the present. We are told that the Industries Assistance Board are taking on no new clients. Surely that should make it easy for the Government to finalise the matter straight away. Why do they delay? A select committee inquired into the Industries Assistance Board affairs and recommendations were submitted to Parliament. The committee might as well have saved themselves the trouble of sitting and taking voluminous evidence and bringing in a report. Surely after the Minister's speech, we can arrive at only one conclusion, that it is high time the chaff was sifted from the grain. Those people in a good financial position should immediately be taken over by the Agricultural Bank if they so desire. Others whose position is somewhat doubtful should be treated differently. Each case should be considered on its merits and, if it is found necessary, the liabilities should be written down. No one can expect the Agricultural Bank to take over those clients indiscriminately. The trustees have to safeguard the interests of the bank, and the only way they can do it is to consider every case on its merits, write down to a fair value each man's assets and let the country bear the loss.

**Hon. A. Lovekin:** The poor taxpayer again!

**Hon. F. E. S. WILLMOTT:** The taxpayer has to bear it sooner or later, so let us be honest and instead of trying to show a book asset, let us say the loss is so much and know where we stand. Let the clients of the board know where they stand and let the creditors of the clients know their position. I would not hesitate to vote against the continuance of the Act but for one fact: If this Act be not continued, what would be the position of clients? Some members may think it would simply mean we would lose the money and the clients could walk off free to start life again. That is not so. The Act protects the clients from outside creditors who, if the Act were discontinued, could declare every one of them bankrupt, and this stigma of bankruptcy would be hanging over them when they tried to enter a new walk in life. We are all aware of what took place between the Industries Assistance Board and the machinery merchants. An excellent deal was made for the clients and the machinery merchants were pleased to accept what they got. Why were not the other creditors dealt with in the same manner? They have expressed their views; it is not as if we were endeavouring to force upon them something they do not want. They told the select committee they were willing to compromise. Surely with the creditors willing and the clients more than

willing, it would be better to compromise at once, instead of continuing to pay eight per cent. on the full amount until the Government finally decide to close down the board. In addition to the two classes of clients I have mentioned, there are the men hopelessly involved in debt, carried on by the Industries Assistance Board, given a certain amount of sustenance, seed and super, men so heavily involved that they have no chance of ever getting out of debt. Would it not be kindness to them to say, "We shall keep you there no longer; we shall no longer give you assistance or make further advances. You must go out and make a fresh start"? Take the man who starts full of hope on a farm at a considerable distance from a railway. He struggles on and becomes indebted to the tune of say £1,400. When the board waken to the fact that the man cannot possibly make good, they say, "Leave that farm and take this farm situated nearer to a railway." He does so, but he has to drag the £1,400 with him. Though he leaves the old farm behind, the debt follows him and he starts with a handicap of £1,400, plus the additional debt of a new farm, plus all his further advances. What is his position? Pretty desperate from the start, and if he is unfortunate enough to strike a bad season or even a medium season, so that his crops do not enable him to pay interest and keep the farm going, he slips back.

**Hon. V. Hamersley:** Many of them were started when wheat was 2s. 6d. or 3s. a bushel.

**Hon. F. E. S. WILLMOTT:** The result is that this man becomes one of the 3S1. It is high time the Government made up their minds as to what their treatment of these people will be. It is cruel kindness to keep them going, and the sooner we wind up their affairs the better, protecting them first of all from any chance of the outside creditors declaring them bankrupt. The select committee to which I referred consisted of the Hon. W. C. Angwin (chairman), and Messrs. Angelo, Lutey, Gibson and Latham. They referred to the matter of creditors as follows:—

The manager of George Wills & Co. and Mr. Stubbs of Stubbs & Jeffries, Wagin, said: The creditors are prepared to compromise at a considerable reduction in regard to individual accounts. As these accounts are liable for the payment of eight per cent. interest, your committee is of opinion this question should receive close consideration by the board and the Government with a view to closing the creditors' accounts. The creditors have justification for their complaints.

This is what took place: Many of the clients had been dealing with particular firms for a considerable time and were fairly deeply indebted to them, but when they were taken over by the Industries Assistance Board and received a certain amount of cash, they no longer dealt with the firms that had carried

them on for so many years. They went to fresh fields and pastures new for their requirements. Can we wonder at the firms complaining, the firms that had stood by them so long and that were passed over as soon as these clients received some money? To me it seems to have been base ingratitude.

Hon. V. Hamersley: Many of them are sheltering behind the board now.

Hon. F. E. S. WILLMOTT: That is perfectly true, and it is a reason why each case should be dealt with on its merits. The Government—I commend them for the action—some time ago appointed district committees to go into this question and furnish a report on each and every client of the board. It was hoped that those reports would have been in and dealt with long ere this. I understand, however, that even to-day some of the reports are not to hand. The matter should be hastened to finality. As we all know, the parent Act was brought in owing to climatic conditions, owing to drought. The Act has never been applied to the South-West, and, to judge by what has been happening during the past five or six months in the South-West, the measure is not likely to be brought into force there for some time. Occasionally arguments have been put up by the South-Western people to induce the Government to extend the operation of the Industries Assistance Board to them. I for one am pleased that the effort has not been successful. The Agricultural Bank are fulfilling those functions in the South-West, and private financial institutions have also come to the aid of the settlers there. The Press has from time to time published letters of complaint, and at various public meetings complaints have been voiced, of harsh treatment by officials of the Industries Assistance Board. The select committee's report absolutely contradicts those complaints, and states that instead of harshness there has been too great a degree of leniency on the part of the officers, who have advanced large sums of money on the poorest of poor security. That is some of the money mentioned by the Leader of the House as money the State is not likely to get back. The select committee's report further states—

Your committee finds that many of the clients are in a hopeless position. If the accounts are closed, it will mean a certain loss to the State. If further assistance is granted, there is a remote possibility of loans previously granted being reduced.

That last sentence expresses a very optimistic view. If hon. members would look into some of those 351 accounts, they would discover no reason for such optimism, but would agree with me that the accounts should be finalised as speedily as possible. The report continues—

It appears to your committee that to make further advances in some cases would be throwing good money after bad.

That seems to be what we are doing to-day. So long as we continue the Act, so long shall we continue to throw good money after bad. The time has arrived when pressure should be

brought to bear upon the Government in this connection. Members of both Houses should insist on the Government dealing with this question expeditiously. Ministers should take the question in hand promptly, and cease throwing good money after bad. I deeply regret that the Minister, when introducing the continuance Bill, held out no hope of any immediate closing down of the Industries Assistance Board. I did think we should have heard from him that the Government had made up their minds to adopt the recommendations of the select committee's report. On the contrary, we are told that the board will drag on for a few more weary years. Are we afraid to face the loss? If there is a loss—and we know there is—the sooner we are made aware of its extent, the better. Is the fear that the loss would affect the deficit? Is the question shelved because a general election is close at hand and the Treasurer wants to go to the country with the best balance sheet he can? It would be very much better for him to go to the country, saying, "The Government have cut this loss, because had we not taken immediate action the State would have lost still more money." In this instance the Government have the recommendation of a select committee that the matter should be finally dealt with. The Government have gone to the trouble of forming numerous district committees for the purpose of dealing with it. If I could vote against the measure without hurting those unfortunate clients of the board to whom I have referred, I would certainly do so. I trust this is the last time the Parliament of Western Australia will be called upon to continue an Act which was passed as a temporary measure to meet certain climatic conditions existing at the time. It would never have been passed had it occurred to even one member that the measure would drag on for so many years. This is an emergency measure which has been allowed to become quite an ordinary—

Hon. J. Duffell: Millstone!

Hon. F. E. S. WILLMOTT: Let me say an extraordinary millstone, a paying out machine which we have got into the habit of saying is absolutely necessary. What would be the position of, say, the Western Australian Bank if that institution ran its business on such lines? Could any private financial institution stand up under such conditions?

Hon. A. Lovekin: Cannot we put these losses to capital account, as was done in connection with the Wyndham Meat Works?

Hon. F. E. S. WILLMOTT: An excellent suggestion.

Hon. J. W. Kirwan: That would be throwing dust in the eyes of the public.

Hon. F. E. S. WILLMOTT: Let us not forget Lincoln's saying, "You can fool all the people some of the time, and some of the people all the time, but you cannot fool all the people all the time." It certainly looks as if the Government were trying to blind themselves to the necessity for immediately deal-

ing with this question. Their motive is one of mistaken kindness. Some members, I am aware, consider it would be cruel to turn helpless settlers off the board. I say, much better turn them off and let them make a fresh start than let them continue hopelessly in debt, dragging along on what has been called the dole system, which has proved so disastrous elsewhere, and which, if made permanent here, will sap the energy and life out of these people until they become useless as citizens. I regret having to support the second reading.

On motion by Hon. V. Hamersley, debate adjourned.

*House adjourned at 7.55 p.m.*

## Legislative Assembly,

*Wednesday, 3rd October, 1923.*

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

### QUESTIONS (2)—MINING INDUSTRY.

#### *Excluded Workers.*

Mr. MARSHALL asked the Minister for Mines: Is it his intention to bring under the scope of the Miners' Phthisis Act, when proclaimed, all workers excluded from the mining industry through having contracted tuberculosis whilst engaged in the industry prior to such proclamation?

The MINISTER FOR MINES replied: All workers excluded from the mining industry having tuberculosis must be brought under the scope of the Miners' Phthisis Act, whether the disease was contracted before or after the Act was proclaimed.

#### *Sanitation and Ventilation.*

Mr. MARSHALL asked the Minister for Mines: 1, Has he received any report from Doctors Sayers and Pritchford on the sanitation and ventilation of mines inspected by them in Western Australia? 2, If so, is it his intention to lay such report on the Table of the House? 3, If no report was submitted, what action does he intend to take to give publicity to the opinions formed by Doctors Sayers and Pritchford during their inspection of mines visit in this State?

The MINISTER FOR MINES replied: 1, No, except verbally. 2, Answered by No. 1. 3, It is proposed to send an inspector to South Africa to investigate dust determination, ventilation, and sanitation as practised in the mines in South Africa, with the object of introducing such methods as will improve conditions in our own mines.

### QUESTION—PEEL ESTATE, RETURN.

Mr. A. THOMSON (without notice) asked the Premier: Can he give any indication as to when the return relative to the Peel Estate, ordered by the House about three weeks ago, will be forthcoming?

The PREMIER replied: As soon as ready it will be laid on the Table. These returns take some time to prepare.

### BILL—JURY ACT AMENDMENT.

Introduced by Mr. McCallum and read a first time.

### BILL—INSPECTION OF MACHINERY ACT AMENDMENT.

Read a third time and transmitted to the Council.

### BILL—RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS ACT AMENDMENT.

Returned from the Council with amendments.

### BILL—SUPPLY (No. 2), £1,050,000.

Returned from the Council without amendment.

### MOTION—APPRENTICESHIP SYSTEM.

*To inquire by Royal Commission.*

Mr. DAVIES (Guildford) [4.37]: I move—

*That in the opinion of this House a Royal Commission should be appointed to inquire generally into the apprenticeship question.*

I am confident that some tangible good will result from the proposed inquiry. Throughout Australia an endeavour is being made to