

Legislative Council,

Thursday, 21st December, 1933.

Question: Traffic Act, revenue	...	...	...	PAGE
Bills: Purchasers' Protection, recom., report, 3R.,	...	...	...	2625
Employment Brokers Act Amendment, Com.,	...	...	...
Bill dropped	...	...	...	2627
Financial Emergency Act Amendment, 2R., etc.	...	...	...	2633
State Transport Co-ordination, Com.	...	...	...	2661
Purchasers' Protection, Assembly's message	...	...	...	2678

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

QUESTION—TRAFFIC ACT, REVENUE.

Hon. V. HAMERSLEY asked the Chief Secretary: What revenue was collected during the last financial year from fees under Part 2 of the Third Schedule, and under Fifth Schedule of the Traffic Act?

The CHIEF SECRETARY replied: £8,839 and £7,032 respectively.

BILL—PURCHASERS' PROTECTION.

Further Recommittal.

On motion by Hon. C. H. WITTENOOM, Bill recommitted for the further consideration of Clauses 11 and 15.

In Committee.

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

Clause 11—

Hon. C. H. WITTENOOM: I move an amendment—

That in lines 3 and 4 the words "the provisions of the preceding section and" be struck out.

The clause embodies an attempt to make the relief available to purchasers under Clause 10 applicable to contracts entered into prior to the commencement of this legislation. In other words, to that extent the Bill is to have retrospective application. It is bad in principle to interfere with existing contracts, for it encourages people to repudiate their solemn obligations. It can work nothing but harm to the community as a whole.

The HONORARY MINISTER: All the clause seeks to do is to give the court power, if proceedings are taken against a purchaser, to cancel the contract, to return to the vendor the land that is the subject of the proceedings, and, in addition, to impose a penalty. The court can do that as an alternative to the purchaser being required to pay the whole of the purchase money. Under Clause 10 the court may take that action if satisfied that hardship will be inflicted on the purchaser by reason of poverty or other inability to perform the obligations under the contract. That is a perfectly fair provision.

Hon. J. J. Holmes: And the court can say that the contract must stand.

The HONORARY MINISTER: Yes. I do not say there will be many such cases, but provision should be made to enable the court to do what I have indicated.

Hon. J. NICHOLSON: There is a good deal of force in Mr. Wittenoom's contention. I am not dealing with the position that arose in connection with a certain company some time ago, but I have in mind the ordinary man who enters into a contract. Several land and estate agents have drawn my attention to the lack of equity in applying the provisions of the Bill to old contracts. A man may have bought a block many years ago quite bona fide, when no legislation of this description was even thought of, and now it is proposed to make such contracts subject to the Bill. The emergency that we endeavoured to meet by passing various emergency Acts also brought into being certain restrictive Acts to protect purchasers under existing agreements of sale, as well as mortgagors under existing mortgages. In 1931 we passed the Mortgagees' Rights Restriction Act under which the rights of mortgagors and purchasers of land are fully and adequately protected. That being so, I cannot see why we should make contracts in existence previous to the commencement of this measure subject to the measure. The principle is unjust. Under the Mortgagees' Rights Restriction Act an agreement of sale is treated as a mortgage, a mortgagee includes a vendor, and a mortgagor includes a purchaser under agreement of sale. Section 7 provides that no mortgagee shall, without leave of the court, exercise any power or authority under the mortgage. Therefore, nothing could be done under an existing agreement of sale

without the permission of the court. Why, then, multiply the enactments already made to meet such cases? I support the amendment.

The HONORARY MINISTER: I cannot agree that the clause is unjust; it is one that in equity should be agreed to. Are the circumstances altered merely by reason of the date of the contract? If the circumstances are such that, in the opinion of the court, hardship will be inflicted on the purchaser, is it not right that the court should have the power? The court would not be compelled to take action, but would consider the whole of the circumstances, and surely the court could be trusted to do the fair thing by both parties.

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

Ayes	..	..	..	13
Noes	..	..	..	9
				—
Majority for	..	..		4
				—

AYES.

Hon. J. T. Franklin	Hon. J. Nicholson
Hon. E. H. H. Hall	Hon. E. Rose
Hon. V. Hamersley	Hon. A. Thomson
Hon. E. H. Harris	Hon. C. H. Wittenoom
Hon. J. M. Macfarlane	Hon. H. J. Yelland
Hon. W. J. Mann	Hon. L. B. Bolton
Hon. Sir C. Nathan	(Teller.)

NOES.

Hon. J. M. Drew	Hon. T. Moore
Hon. G. Fraser	Hon. H. V. Piesse
Hon. J. J. Holmes	Hon. C. B. Williams
Hon. W. H. Kitson	Hon. R. G. Moore
Hon. G. W. Miles	(Teller.)

Amendment thus passed; the clause, as amended, agreed to.

Clause 15—Certain property offered for sale at houses to be available for inspection:

The HONORARY MINISTER: Last night Subclause 1 was amended by striking out "or canvassing, persuading, or inducing persons to go to view any subdivisional land with a view to sale" and inserting in lieu "and in case of subdivisional land, unless it is a term of the offer that it shall not be accepted or capable of acceptance unless the land the subject of the offer has been inspected and approved by the proposed purchaser." The subclause was designed expressly to prevent house-to-house canvassing, which has been one of the means by which certain firms whose reputation is not of the best have succeeded by unscrupulous methods of disposing of large numbers of subdivisional lots. The Royal Commissioner

was emphatic that legislation should be introduced to prevent hawking from door to door, but the amendment passed last night would permit of such hawking. The principle in the clause is one that no self-respecting firm of land agents need fear. I do not think that the ordinary run of land agents hawk blocks from door to door. Similar restrictions have been found necessary elsewhere, and certain people in other States deemed it advisable to drop operations there, come to Western Australia, and apply the methods here. I hope that the Committee will reverse their decision of last night. I move an amendment—

That the words in Subclause 1, struck out by a previous committee, be reinserted.

Hon. C. H. WITTENOOM: The object of the amendment I moved last night was to allow canvassers to go from house to house under certain conditions. No valid objection can be raised against a person making a canvass for the purpose of getting people to go out to inspect land with a view to their purchasing it. That surely is ample protection. I suggest that my amendment be allowed to stand.

Hon. W. J. MANN: If there is one thing that this State has suffered from, it is the practice of inducing illiterate and unsophisticated people to make purchases of land in the manner that has been described. I am glad to know that most of the firms look upon this kind of business with a good deal of disfavour; but it is not only land that is being hawked about for sale, and on this subject I should like to read a few lines from a Canadian newspaper that came into my possession recently. It deals with the subject of house-to-house canvassing of securities—

Important new regulations now are effective in the Province of Ontario for protecting the public in the purchase of securities, and they have been endorsed by the Investment Bankers' Association of Canada as good legislation, which will go a long way towards saving the people from loss. Perhaps the most important clause is one which restricts house-to-house canvassing by security salesmen, and which reads as follows:—

"No person shall call at any house for the purpose of trading in any security with the public or any member of the public, and any violation of this regulation shall constitute an offence."

Now is the time to take a stand against this kind of thing and show our disapproval of

the tactics that have been adopted by some land agents in this State. I shall support the Minister.

Hon. H. J. YELLAND: It is about time that the unsavoury method of selling land was stopped. Therefore I intend to support the Minister. Cases have been known in the Eastern States where land in Western Australia has been sold bearing the names of Perth's principal streets. On inquiry in one instance it was found that the land was at Osborne Park and it had been subdivided and given the names of Hay-street, Wellington-street, Barrack-street, etc. In that way the unsophisticated in the Eastern States were misled and bought up those blocks thinking perhaps that they might be at the extremity of the city, only to find at a later period that they had been deceived. That is what one would call deliberately misleading the public, and should not be permitted.

Amendment put and passed.

The HONORARY MINISTER: In the same clause I propose to move another amendment. Last night we amended Sub-clause 3.

The CHAIRMAN: The whole of the sub-clause was struck out.

Hon. J. Nicholson: Yes, I moved that the whole of the subclause be struck out.

The CHAIRMAN: The Honorary Minister may now move to re-insert it.

The HONORARY MINISTER: I move an amendment—

That Subclause 3 of Clause 15, struck out at a previous sitting, be re-inserted.

I am advised that persons who embark on the type of business which in this State resulted in the appointment of a Royal Commission, are usually small proprietary companies and directors, who are probably the most active members of the company. That would not be so bad if it were not for the fact that companies of this kind very frequently employ as canvassers men of the go-getter type, and these men are told that they are expected to get business. Then when the action of the company has been questioned, the directors who were directly responsible for the employment of the canvassers have declared they have known nothing of the methods adopted by those canvassers. The secretary or the manager of the company should be made to take his share of responsibility. If a director can show that an agent had acted improperly

without the knowledge of the director, then the director has nothing to fear.

Hon. J. NICHOLSON: It was at my instigation that the subclause was struck out. The Committee should tighten up in any way thought proper the subclause immediately preceding.

Hon. Sir CHARLES NATHAN: No genuine director would have any difficulty in disproving a charge of guilty knowledge if he was innocent. As a result of many years of business experience, I am satisfied that many frauds have been perpetrated by mushroom firms, employing one or two go-getters and being themselves past masters of that art. In many instances those men are in fact the company itself, the number of other shareholders prescribed by the Act consisting solely of nominees. I have had one experience of purchasing what was supposed to be a bona fide company that had a most excellent country business. The condition of affairs disclosed by an examination of the methods they employed was such as should not be permitted, but which is only too common.

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

Bill again reported with a further amendment and the report adopted.

Third Reading.

Bill read a third time and returned to the Assembly with amendments.

BILL—EMPLOYMENT BROKERS' ACT AMENDMENT.

In Committee—Bill dropped.

Resumed from the 19th December. Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 13—Repeal of Section 15 and insertion of new section (partly considered).

The CHAIRMAN: Mr. Nicholson has moved an amendment to strike out proposed Subsection 1.

The HONORARY MINISTER: I reiterate that the principle embodied in the clause should be agreed to. It provides that where an employee obtains employment through an employment broker he shall not pay any fee, and that any fee charged shall be paid by the employer. I

have already put forward sufficient to justify the passing of this clause as it stands. It is the most important clause in the Bill, and if it be agreed to there will be no necessity for some of the other proposed amendments.

Hon. J. NICHOLSON: I moved the amendment, having in view the maintenance of the principle which has been the custom for many years past, namely that any fee payable is shared equally by the employer and the employee. That is the fairest method of dealing with the matter. Mr. Holmes has pointed out to us some of his own experiences.

Hon. J. J. Holmes: We have had that all before; there is no need to repeat it.

Hon. J. NICHOLSON: Many regard that principle of sharing the payment of a fee as being of the utmost importance.

Hon. J. J. Holmes: We talked that to a standstill the other night; why go all over it again now?

Hon. J. NICHOLSON: I am not interfering with the right of the hon. member to say anything he likes.

Hon. E. H. Harris: Why not stand to the Bill of 1918?

Hon. J. NICHOLSON: I am agreeable to that.

The HONORARY MINISTER: Just one word more. I join issue with the hon. member when he speaks of the usual custom. That the fee should be paid equally by the employer and the employee is not the practice. It may be correct to say it is the custom in accordance with the Act, but unfortunately, while fees are charged to the employer, they are not collected. That is the vital point. Mr. Bolton the other night said it would not be fair to let the employee go without the payment of any fee. Let me recount to him a case that occurred only a few days ago. A girl was offered a position provided she paid as fee one half the first week's wages. The class of work was described to the girl, but the locality of the job was not revealed.

Hon. L. B. Bolton: Neither should it be.

The HONORARY MINISTER: The girl paid her fee and then discovered that the work to be performed was in a place where Mr. Bolton would not send any girl to work. The girl refused to accept the position. Unfortunately she had paid her fee.

Hon. L. B. Bolton: She will get her money back.

The HONORARY MINISTER: No, because no offence against the Act has been committed.

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

Ayes	..	..	..	15
Noes	..	..	..	11

Majority for 4

AYES.

Hon. C. F. Baxter	Hon. J. Nicholson
Hon. L. B. Bolton	Hon. H. V. Piesse
Hon. J. T. Franklin	Hon. E. Rose
Hon. E. H. H. Hall	Hon. A. Thomson
Hon. E. H. Harris	Hon. C. H. Wittenoom
Hon. J. M. Macfarlane	Hon. H. J. Yelland
Hon. W. J. Maun	Hon. V. Hamersley
Hon. Sir C. Nathan	(Teller.)

NOES.

Hon. A. M. Clydesdale	Hon. G. W. Miles
Hon. J. Cornhill	Hon. R. G. Moore
Hon. J. M. Drew	Hon. H. Seddon
Hon. G. Fraser	Hon. C. B. Williams
Hon. J. J. Holmes	Hon. T. Moore
Hon. W. H. Kitson	(Teller.)

The CHAIRMAN: I cast my vote with the noes.

Amendment thus passed.

Hon. G. FRASER: In Section 15, as it appears in the Act of 1918, the word "charge" occurs twice. In view of the protest from many members on the ground that there should be equality of payment as between the employer and the employee, it occurs to me that a way out of the difficulty could be found if the word "charge" were struck out and "collected" were inserted in lieu. I should like, if I am in order, to move an amendment along these lines.

The CHAIRMAN: Clause 13 with which we are dealing repeals Section 15 of the Act, and the hon. member could not therefore move the amendment he has indicated while the position is as it is.

Hon. L. B. BOLTON. It should be a punishable offence for a broker to obtain any fee from a servant until he had collected the prescribed amount from the employer. To overcome the difficulty I suggest the insertion of the following words:—"No payment or remuneration for or in respect of any hiring shall be charged by an employment broker to the servant, which has not been equally collected from the employer."

The CHAIRMAN: I have already pointed out that under this clause Section 15 of the Act will be repealed.

Hon. J. J. Holmes: Could we not alter the word "repealed" and substitute the word "amended"? It would then be possible to amend the section.

The CHAIRMAN: Mr. Bolton could achieve his purpose by moving the insertion of a new subclause to take the place of that which has been struck out. If the Committee desire to insert in the parent Act the words remaining after what has been struck out, that can be done on recommitment.

Hon. J. NICHOLSON: I think Mr. Bolton has in view the retention of Section 15 as it stands in the principal Act, and then moving to amend it.

Hon. L. B. Bolton: That is so.

Hon. J. NICHOLSON: The difficulty could be overcome by recommitting this clause.

The CHAIRMAN: If what remains after the striking out of the words which have been deleted is generally acceptable to the Committee, Mr. Bolton can outline his principle, and if that is acceptable to the Committee, the clause can be recommitted and Mr. Bolton's principle inserted.

Hon. J. J. HOLMES: All employees are not employed within sight of the Perth town hall. A Kimberley employer has to send down money for the fare before the employment broker can proceed.

Hon. L. B. BOLTON: The amendment I desire to move is to the effect that no payment or remuneration for or in respect of any hiring shall be charged by an employment broker to the servant which has not equally been first collected from the employer. The employer outside the metropolitan area is the worst offender of all. When a country employer telegraphs to a legitimate employment broker for a servant, it is not difficult for him to telegraph at the same time the 15s. or £1 representing the cost of the fare. I am with the Government as to forcing the employer to pay his share, instead of the employee paying the whole of what is collected by the employment broker.

Hon. F. H. HARRIS: In view of the importance of the Bills before us and the possibility of numerous amendments requiring to be drafted, I suggest to the Honorary Minister that he make available the services of some suitable person to draft amendments while the Chamber is proceeding with its work.

The CHAIRMAN: I suggest that we proceed, and meantime the necessary amendment for the purpose of tightening up can be drafted. Then the Bill can be recommitted, and the amendment inserted as a new subsection.

Hon. A. THOMSON: On the second reading I said I favoured the insertion of a schedule of charges in the Bill. Will it be in order if we draft a schedule during the tea adjournment and move for its insertion in the Bill?

The CHAIRMAN: That can be done and that will make the position doubly assured. It will be necessary to make obligatory the provision regarding the payment of the fare by the employer.

Hon. A. THOMSON: If the services of the Parliamentary Draftsman, Mr. Woolf, can be made available during the tea adjournment, I will help to prepare the schedule for the consideration of members. That would overcome the difficulty that has arisen.

The HONORARY MINISTER: I have given members the assurance time after time that Mr. Woolf's services were available to assist in the drafting of amendments. I cannot absolutely guarantee that he will be present because he is so busy with the Transport Bill.

Hon. J. J. HOLMES: The reason why I suggested the employer should pay the whole amount was that it would dispense with the necessity for the schedule, regulations and so on.

The HONORARY MINISTER: I suggest that we pass from this clause as quickly as possible, and during the tea adjournment, endeavour to co-ordinate the position. I move—

That the further consideration of the clause be postponed.

Motion put and passed.

Clause 14—Amendment of Sections 16 and 17:

Hon. J. NICHOLSON: It will be necessary to delete the clause in view of our previous decision.

Clause put and negatived.

Clause 15—Obligation of employer to pay servant's fare on termination of service for any reason other than wilful misconduct:

Hon. J. J. HOLMES: I move an amendment—

That the clause be struck out with a view to substituting the following:—

15. The following section is hereby added after section twenty of the principal Act:—

20A. (1.) Where a servant enters into the service of an employer through the agency of a broker, the employer shall refund to the servant his fare from the place of engagement to the place where the servant is to work under the terms of his engagement, if the engagement lasts for a period of six months or more, and a proportion thereof if the engagement lasts for a period less than six months. In such last-mentioned case the proportion shall be the proportion which the actual period of service bears to such period of six months or the proportion which the unexpired period bears to such period of six months, whichever is the greater.

Provided that—

- (i) Where the servant is dismissed within such period of six months for wilful misconduct or incompetence; or
- (ii) Where he obtains the engagement by means of false statements (not condoned by the employer before the termination of his service) as to his capability, experience, or fitness for the employment; or
- (iii) Where the servant at any time within six months of his entering into the service of the employer terminates the contract for any reason other than a breach of the contract by the employer which entitles the servant to terminate the contract, the employer shall be under no liability to refund the fare or any part thereof.

Provided further, that the employer shall not be under any liability to refund the fare of the servant under this section—

- (a) if the wages paid or to be paid to the servant are fixed under any industrial award or agreement, and take into account any expenses incurred by the servant in travelling to or from his place of employment; or
- (b) if the distance to be travelled from the place of engagement to the place where the servant is to work under his engagement exceeds 300 miles.

(2.) In this section the term "fare" means second-class rail fare where that method of travel is available, and in any other case a reasonable sum to pay the cost of the carriage of the servant and a reasonable quantity of luggage to the place where he is to work under his engagement.

(3.) Any contract purporting to relieve the employer from his liability under this section shall be absolutely void.

The HONORARY MINISTER: The period suggested by Mr. Holmes is twice as

long as that embodied in the majority of arrangements made between employers and employees.

Hon. J. J. Holmes: We will not quarrel about that phase.

The HONORARY MINISTER: Generally fares are returned at the end of three months.

Hon. H. J. Yelland: That is all right so long as the employee proves his suitability and remains in the job for that period.

The HONORARY MINISTER: If the man remains in the position for three months, the question of suitability can hardly enter into it. Mr. Holmes provides that if the employee does not remain for the full six months, he is to be returned a proportion of the fare corresponding to the portion of the full period that he remains in the job.

Hon. J. J. Holmes: What is wrong with that?

The HONORARY MINISTER: What is right with it?

Hon. J. J. Holmes: It will be the employee's fault if he does not stay longer.

The HONORARY MINISTER: The amendment does not say that at all. The man might be in temporary employment and what chance would he have of receiving his fare back? I give Mr. Holmes credit for his endeavour to frame a satisfactory amendment, but I cannot agree with the principle.

Hon. J. J. Holmes: It was framed to meet your objection.

The HONORARY MINISTER: Then again, if an employee is sent to a job at a centre exceeding 300 miles from the place of engagement, the man will not receive any refund of the fare at all.

Hon. J. J. Holmes: That is not right.

The HONORARY MINISTER: That is my interpretation.

Hon. H. J. YELLAND: I do not think the Minister has correctly interpreted the meaning of the amendment. I do not think employers should be forced into the position of having to pay the fares of a man who may be a dud. The refund of the fare would merely enable that dud to go elsewhere and impose on someone else.

Hon. J. J. HOLMES: During the tea adjournment I suggest that the Honorary Minister, to satisfy himself, should look through my redrafted amendment.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. J. HOLMES: The amendment was framed to meet the cases mentioned by the Honorary Minister. If a farmer promised three months' work and paid the man off at the end of a month, he would have to return one-third of the fare. If an employee accepted work for a fortnight and tired of the job, he would get nothing. I cannot see why the Minister should object to any part of the amendment, except the period of six months as against the three months he mentioned.

The HONORARY MINISTER: When a man is engaged for work, he is entitled to be paid his fare from the place of engagement to the place of employment. The Bill provides for that. Mr. Holmes desires that if an employee is engaged for three months, the employer shall pay the fare, but if engaged for less than three months, the employer should pay part of the fare proportionate to the length of time employed. What would be the position of an employee whose services were required for six weeks?

Hon. H. V. Piesse: The employer would pay the fare both ways.

The HONORARY MINISTER: That is not Mr. Holmes' intention: under his amendment the employee would receive only half the fare. That cannot be justified. An employee accepts work in the country for the convenience of the employer. A man might engage for work on a farm for £1 per week and his keep. If he stayed for six weeks he would receive £6, but the fare might cost anything from £1 10s. to £2. Is it right that the employee should have to pay half the fare?

Hon. J. J. Holmes: Your complaint was that a man might work for a short period and get no part of the fare.

The HONORARY MINISTER: The principle of the Bill is that the employer shall pay the fare, and the hon. member desires to stipulate a period of employment. As to proviso (b)—

Hon. J. J. Holmes: That was inserted at your suggestion.

The HONORARY MINISTER: No, I said that if Mr. Holmes was serious about the period to be worked to entitle the employee to the fare, it might be fair to differentiate between work in the South-West land division and work further afield. The fare to Port Hedland would be about £10, and if we provided that a man must remain in the job for a certain time before becoming en-

titled to the return fare, he should have a longer period of service.

Hon. J. Nicholson: Would you agree to the six months' period for distant places?

The HONORARY MINISTER: It would be fairer, but under the amendment the employee would pay the fare and the employer would not have to find any part of it.

Hon. J. J. Holmes: The employee would come under the Masters and Servants Act.

The HONORARY MINISTER: Never mind that Act.

Hon. J. J. Holmes: Outside of 300 miles, the conditions as to fares would not apply.

The HONORARY MINISTER: That would be unreasonable. An employee engaged for work more than 300 miles away should be entitled to the return fare. An employer might offer a job at Marble Bar provided the man could get there. If we stipulated that the employee should be entitled to the return fare, provided he stayed a certain time, there should be no limitation as to the location of the place of employment. I oppose the amendment.

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

Ayes	..	..	..	10
Noes	..	..	..	10
				—
A tie	..	..	..	0
				—

AYES.

Hon. G. F. Baxter	Hon. J. J. Holmes
Hon. L. B. Bolton	Hon. G. W. Miles
Hon. E. H. H. Hall	Hon. J. Nicholson
Hon. V. Hamersley	Hon. H. J. Yelland
Hon. E. H. Harris	Hon. W. J. Mann
	(Teller.)

NOES.

Hon. A. M. Clydesdale	Hon. R. G. Moore
Hon. J. M. Drew	Hon. H. V. Piesse
Hon. E. H. Gray	Hon. H. Seddon
Hon. W. H. Kitson	Hon. A. Thomson
Hon. J. M. Macfarlane	Hon. G. Fraser
	(Teller.)

PAIR.

AYE.	No.
Hon. E. Rose	Hon. T. Moore

The CHAIRMAN: The voting being equal, the question passes in the negative.

Hon. J. NICHOLSON: I move an amendment—

That after the word "broker," in line 11, the following be inserted:—"and in cases where the servant is required to travel to a specified place beyond the city or town where the engagement is made, the employer may convey or arrange for the conveyance of the servant to the place at which the servant may be required to work, or the employer or broker may give directions to the servant to proceed

or travel to a specified place, and it shall be the duty of the servant in such case to travel to such place by such route and method of conveyance or manner as the employer or broker may direct, and in such last-mentioned case."

There is no definition of "place of engagement." It could be taken to mean that the place of engagement was the broker's office. My amendment is intended to overcome that difficulty.

Hon. C. F. BAXTER: I should like to know when the Leader of the House is desirous of finishing the business now before us. We are fiddling about with small Bills which could well be dealt with next year, instead of getting on with the important Bills. For the last month or so I have been in bad health, but have endeavoured to do my duty and help the Government along. Now we have small Bills like this to deal with, whereas several important measures are awaiting our attention.

The HONORARY MINISTER: The hon. member is not entitled to look upon this as an unimportant Bill.

Hon. C. F. Baxter: It is unimportant compared with others.

The HONORARY MINISTER: It was not possible to proceed with the Transport Bill, for reasons of which the hon. member is well aware.

Hon. C. F. Baxter: But what about the others?

The HONORARY MINISTER: They will be dealt with when this Bill has been finished with. It is not my fault the measure is taking so long to put through. There is some misconception in the minds of members as to the effect of this Bill on the engagement of employees generally. Anything we agree to will apply only to employment that is obtained through private employment agencies.

Hon. J. J. Holmes: Then it will not apply to the Labour Bureau?

The HONORARY MINISTER: It will apply to any bureau registered under the Act.

Hon. H. J. Yelland: Is the State Labour Bureau registered?

The HONORARY MINISTER: Not in the same way as private brokers are registered. The conditions that apply to the latter will also apply to the State office. We are not dealing solely with male workers. It may be that the conditions imposed by

Mr. Nicholson's amendment would not be acceptable to female workers. It is better to leave the clause as it is.

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

Ayes	..	..	..	..	12
Noes	..	..	..	..	9

Majority for 3

AYES.

Hon. C. F. Baxter	Hon. W. J. Mann
Hon. L. B. Bolton	Hon. H. V. Plesse
Hon. V. Hamersley	Hon. A. Thomson
Hon. E. H. Harris	Hon. C. H. Wittenoom
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. J. M. Macfarlane	Hon. J. Nicholson
	(Teller.)

NOES.

Hon. A. M. Clydesdale	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. R. G. Moore
Hon. G. Fraser	Hon. C. B. Williams
Hon. E. H. Gray	Hon. H. Seddon
Hon. E. H. H. Hall	(Teller.)

PAIR.

AVE.	NO.
Hon. E. Rose	Hon. T. Moore

Amendment thus passed.

On motions by Hon. J. Nicholson, in paragraph (a) of the proposed section the words "to work," line 3, struck out, and "directed to proceed" inserted in lieu; and at the commencement of paragraph (b) of the proposed section the words "Subject to the proviso next hereinafter mentioned" inserted.

Clause, as amended, put and passed.

Clause 16—Protection of servant where more than one broker engaged:

Hon. H. J. YELLAND: I move an amendment—

That in Subclause 1 of proposed Section 20B the words "and addresses" be inserted after "names," line 5.

Amendment put and passed.

Hon. H. J. YELLAND: Pursuant to the previous amendment, I move the following amendment—

That in Subsection 2 of proposed Section 20B the words "and addresses" be inserted acceptance" be struck out, and the following inserted in lieu:—"the broker intending to complete the contract or engagement shall have satisfied himself that the other brokers have not already engaged a servant for the employer."

The amendment puts the responsibility for only one employee being sent out upon the

broker who completes the engagement, instead of upon the employer.

Hon. E. H. HARRIS: The employer might engage one broker in each town.

Hon. H. J. YELLAND: I suggest that the broker should take that responsibility if the employer in the first place furnishes the names and addresses of the various brokers whom he has engaged to secure the labour.

The HONORARY MINISTER: The whole object of the clause is to prevent more than one employee being sent to a position in the country. Of this there have been instances quite recently. Personally I do not mind what method is adopted, so long as the thing is prevented. At the same time, it seems to me rather unjust to place the obligation on the broker. If an employer desires to enlist the services of several brokers, the obligation should be on him. For instance, there may be a broker in Wiluna, another in Geraldton, and another in Perth, and the employer may desire that one of these three shall furnish him an employee. Should not the obligation be upon the employer to notify the brokers that he has secured from one of their number an employee suitable for his purpose?

Hon. H. J. YELLAND: The clause provides a roundabout method, whereas my amendment will tend to the contrary.

Amendment put and passed.

Hon. H. J. YELLAND: I move an amendment—

That in lines 1 and 2 of proposed Subsection 3 the words "through the agency of any one of the brokers, the employer" be struck out, and the following inserted in lieu:—"on behalf of an employer, the broker so doing." This amendment is consequential.

Amendment put and passed.

Hon. H. J. YELLAND: I move an amendment—

That at the end of line 3 of proposed Subsection 3 the following words be added:—"of such engagement."

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

Clause 17—agreed to.

Clause 18—Repeal of Section 25 and substitution of new section:

Hon. C. F. BAXTER: For reasons that must be clear to every member, I move—

That the Chairman do now leave the Chair.

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

Ayes	..	..	..	13
Noes	..	..	..	9

Majority for 4

AYES.

Hon. E. H. H. Hall
Hon. V. Hamersley
Hon. E. H. Harris
Hon. J. J. Holmes
Hon. J. M. Macfarlane
Hon. W. J. Mann
Hon. G. W. Miles

Hon. J. Nicholson
Hon. H. V. Piesse
Hon. A. Thomson
Hon. C. H. Wittenoom
Hon. H. J. Yelland
Hon. C. F. Baxter
(Teller.)

NOES.

Hon. L. B. Bolton
Hon. A. M. Clydesdale
Hon. J. M. Drew
Hon. G. Fraser
Hon. C. B. Williams

Hon. W. H. Kitson
Hon. R. G. Moore
Hon. Sir C. Nathan
Hon. E. H. Gray
(Teller.)

PAIR:

AYE.
Hon. E. Rose

NO.
Hon. T. Moore

Motion thus passed; the Bill dropped.

BILL—FINANCIAL EMERGENCY ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. J. J. HOLMES (North) [8.25]: I have looked carefully through the Bill and have come to the conclusion that it is really an attempt to fulfil pre-election promises that should never have been made. The measure has been withheld until the very last moment. All the other Bills dealing with financial emergency matters have been passed. This very important Bill is left till the eve of the completion of the session. A peculiarity of the situation is that Mr. Collier is the Treasurer, and one would naturally assume a Bill of this description would have been introduced in another place by him. Strange to say, it was introduced in the Assembly by the Minister for Works. I shall probably demonstrate why that change-over was made before I conclude my remarks. Then in this Chamber the Bill was introduced by the Honorary Minister, and not by the Chief Secretary, although we anticipated the Leader of the House would have handled the measure. We were told that the estimated expenditure on Government behalf for the remaining portion of the financial year, if the Bill be agreed to, would be £90,000, and if it were agreed to for the financial year 1934-35, it would cost

the Government between £110,000 and £115,000.

The Honorary Minister: I did not say that.

Hon. J. J. HOLMES: That is what we gathered in following the figures. They were given in another place.

The Honorary Minister: No.

Hon. J. J. HOLMES: Irrespective of whether the figures are right or wrong, they represent merely an estimate. No provision that I can find, has been made in any Estimates placed before us for the expenditure under the Bill now before members. There was no such provision in the Budget, nor was there any indication how the money was to be provided. It is true that when the Bill was before another place, the Minister for Works, in reply to the Leader of the Opposition, said it was the job of the Government to find the money. The Premier was reported to have said, "We will get the money, but we will not let you into the secret just now." In my opinion, that was an insult to Parliament. Strange to say, the Honorary Minister, when introducing the Bill in this House, did not make any reference as to how the money was to be provided. The day after the Minister for Works made the statement I have referred to, the Minister for Employment, Mr. Kennelly, in reply to a deputation from the unemployed, said that he could not find any more money for employment purposes as he had gone to his limit. One Minister cannot find money for unemployment purposes, while another Minister can find additional money to pay to those who are in permanent employment! During the progress of negotiations between salaried officers and wages men and the Government in connection with the emergency taxation legislation, the Premier was reported to have informed a deputation of civil servants that he had a pile of demands on his table for increases under various headings. When we finalised the financial emergency tax on wages and salaries, there was an understanding that economies would be practised, and that if the financial emergency tax returned a greater amount than was anticipated, the surplus would be used in reduction of the deficit. Yet in face of an honourable understanding such as that, without any information as to where the additional money is to come from, this Bill is put up. So, if there is any surplus out of that wages and salaries

tax, it will be used in this manner, to placate some public servants, instead of reducing the deficits as agreed upon. In view of a statement like that from the Premier as to what he would do, members can understand why it was that Mr. McCallum, not Mr. Collier, introduced the Bill in another place. And I think Mr. Drew had a lot to do with that agreement as to wages and salaries. So we can understand why it was Mr. Kitson instead of Mr. Drew, who introduced the Bill in this Chamber. To show that we are not in a position to make these payments in this manner, I go right back to the Financial Agreement made between the Commonwealth and the States. That was grabbed with both hands because it provided a sinking fund of 10s. per cent., 5s. of which was to be paid by the Commonwealth and 5s. by the States. We grabbed that with both hands. But we provided in that Financial Agreement that money borrowed for deficit purposes was to pay a special sinking fund of 4 per cent. per annum, and that 4 per cent. would be paid by the States. Since that agreement was entered into, Western Australia has sidetracked that sinking fund to the extent of £680,000. I give the sum total, but I indicate that for the year 1933 no less a sum than £169,000 should have been provided and that for the coming year £220,000 should be provided. The total amount which should have been provided since the Financial Agreement came into force is £680,000. Yet we have not paid a penny into that sinking fund; instead, by some subterfuge, we have said that we have not had the loan, but have had short-dated Treasury bills. The fact remains that during that period the sinking fund has not been paid, which is only getting us into further difficulties. Assuming that we keep within our estimated deficit this year, the accumulated deficit since 1927, which was about the time the Financial Agreement came into force, amounts to 5½ million pounds for this State. Not a penny of sinking fund has been provided. Yet it seems we have money to burn, for we now get this Bill, representing some £110,000. The latest figures I can get for the combined States are those of 1931. These show the combined deficit to be £25,000,000. Two years ago we added to that, so probably it is now nearer £50,000,000 than £25,000,000, because all the States have been building up deficits. Under

the Premiers' Plan we were to balance our Budget within three years. We have not done anything of the kind; no attempt has been made to do so, and this £110,000 will prevent us from so doing. We have steadily slipped in our deficits since the Financial Agreement to the extent of about 5½ millions, and since the Premiers' Plan was adopted by at least three millions. And so we go on to beg, borrow, or get money as we can. It reminds me of the old story of the father who exhorted his son to get money honestly if he could, but to get it. That can be applied with full force to the respective States, and to the respective Premiers of this State. They do not care how they get money so long as they can get it, and they will descend to anything to evade payment, as will be seen in connection with the 4 per cent. sinking fund on which they have slipped to the extent of £680,000. We boast about being round the corner and about what the overseas creditor thinks of Australia. Certainly Australia as a whole has made a distinct attempt to avoid repudiation. But if they go on the way they are going, as sure as the sun will rise we shall be faced with repudiation, and not with revolution, as was suggested by the Leader of the House. The reason why the overseas creditors are pleased with Australian finances is that so far we have kept our obligations. They refused to lend us any more money and so the Australian Governments are getting money within Australia. It will thus be seen that the people in Australia are getting in while the people overseas are getting out, and consequently they view with favour the position from that standpoint. But could there be anything more dreadful than that 10 millions of money subscribed in Australia a few weeks ago, subscribed in a few days; ten millions of money put up to the Commonwealth Government? Why? Because so far Australian security is looked upon as 18 carat. There is any amount of money in Australia, but people will not invest in concerns that employ labour, in any concern that, if it becomes profitable, will be attacked with taxation and by other means, to bring it back, as it were, to earth. People have lost faith in industries and in the development of this country, and are putting their money into Commonwealth loans because they think that those loans at all events, will be the last to feel the pinch. No one with

money will put that money into any private development or development of the country. I think it is because some of them realise that there are only two crimes committed in this country, one being to succeed, and the other to fail. If you succeed, if you are not a scoundrel you will be attacked, and if you fail, then you are a fool for having allowed yourself to be led into it. Take that £10,000,000 loan at 3½ per cent. That was a sideline. It means that the industries of this country have to find £1,000 for every one of the 365 days in the year. That will be imposed on industry. Yesterday we passed the Loan Bill for approximately £4,000,000. The interest on that will run into approximately £150,000 per annum. This State's per capita indebtedness at the end of the financial year 1934 will be £225, whereas at the end of 1924 it was £148. So, on the 30th June, 1934, every man, woman and child in the country will be carrying £77 per head more than he or she carried at the end of June, 1924. And on top of that we have to put the Federal quota of indebtedness. The financial experts of the world have said that the highest per capita indebtedness in any community should be limited to £100. I predict that on the 30th June, 1934, our per capita indebtedness will be £225 plus the Federal quota, which will mean somewhere about £50 per head. All this is going on, and still we can find £110,000 under this Bill for one section of the community. We are told that we cannot compare our finances with the finances of the other States, because we have so many trading concerns and so much money invested in our railways, and that they constitute a set-off. If they were run profitably they would be a set-off; but our railways, unless we can prop them up under the Transport Co-ordination Bill, are likely to become more of a liability than an asset. Our net indebtedness is about £83,000,000, of which £25,000,000 is in the railways. Then there is about 2½ millions in goldfields development. Probably our friends from the goldfields will tell us how much that money is worth. Then there is the amount of £29,000,000 in agricultural development, 3½ millions in miscellaneous, and half a million in migration. Those items aggregate 61 millions, and the other 20 millions are in harbours and rivers, public water supplies, etc. I was told by a gentleman

who ought to know that 10 million pounds has been put into group settlement, the Peel Estate drainage, and so on. About three-fourths of this money has been written down. A capital of ten million pounds at five per cent. should be bringing in interest amounting to half a million pounds per annum. Actually, however, according to this information, we are getting about £4,000 a year out of this investment instead of half a million.

Hon. W. J. Mann: There is no chance of getting more with prices as they are.

Hon. J. J. HOLMES: We cannot get interest out of group settlements but we can pay £100,000 to people who are already in employment. We are told that our capital is built up on trading concerns and other investments. Instead of these being an asset, they are more of a drag or liability upon the community. The child who comes into the world in 1934 will come into it with a State debt around his neck of £225. Despite that, we have men who are spreading out their arms and talking about what we have done for the coming generation. We are spending every penny we can get hold of, and are leaving the next generation to pay it back.

Hon. A. M. Clydesdale: Are not all countries doing the same?

Hon. J. J. HOLMES: It does not matter what other countries are doing. If one man stole from his mate the hon. member would not be justified in doing the same thing in the case of another man. Because some people are dishonest, there is no reason why others should follow their example. Some 15 years ago we started out to pay working expenses, interest and sinking fund out of loan moneys. That was bad enough, for it landed us in the position in which we find ourselves to-day. These are items which should be paid out of revenue account. Now we are spending money out of loan account on repairs to and maintenance of public buildings, which should have been kept in repair year in and year out from revenue. We are spending that money now out of loan. We are told it is proposed to repay it out of revenue over a number of years. In view of what has happened, is there any hope of that money being repaid out of revenue? Now we come again to the hundred thousand pounds a year. Is it not due to the

House that we should know where that money is to come from? The Honorary Minister said nothing about it. Is it to be a charge against loan? Before I cast a vote on this Bill I want to know where the money is coming from. Next we come to the Auditor General's report. I have no hesitation in saying, to use the Premier's words, "there is a headache in every page of that report." There are advances to this person, and to that company, and there is no hope of ever getting the money back. Apparently no attempt is being made to get it back. People want to know what the Auditor General is doing to allow these things to go on. They do not understand the position. His duty is to report to Parliament, and it is Parliament's duty to act. The Auditor General does his duty. He puts up his report, and does not mince matters. It is Parliament and not the Auditor General who has fallen down on the job, and allowed these discrepancies to go on. We are spending money on a Disabilities Commission, which is travelling around putting up a case for more liberal treatment at the hands of the Federal Government. If I were a member of the Federal Government I would say, "You are not in a very bad way when you can find £100,000 a year for your civil servants. You cannot be badly off when you can pay your artisans from 9s. to 10s. per week more than is provided by the Federal Arbitration Court. You cannot be badly off if you can pay your artisans an additional 4s. 6d. a week." Are they not inclined to say to us, "Go back and put your own house in order before you come begging to us for more money." I would liken the Commonwealth Government to the father of a lot of extravagant sons, who will go on spending money so long as they can get more from their father. So long as we can go cap in hand to the Commonwealth Government and put up a case for more money to squander, so long shall we continue in that way. That difficulty ought to have been overcome long ago. We should have been told that we would get a certain sum for a certain number of years, and live within that, otherwise we would have to do what other people do in such circumstances, starve.

Hon. W. J. Mann: He has been an extravagant father, too.

Hon. J. J. HOLMES: That is no reason why the sons should also be extravagant. In view of these figures, I feel that either I

ought to be in a lunatic asylum, or many other people of the country should be there. No body of men with commonsense can continue to go on as we are going, ever hoping that something will turn up. Now I come to the great drive by the Minister for Employment on the subject of local production. In the organisation he has got together to boost local production, he has a lot of people who desire to be in the limelight. Of what use is local production when our basic wage is 10s. a week more than the Federal wage, and we now propose to add to it by 4s. 6d. a week? The cost of manufacturing in this country will go up instead of becoming lower at a time when people have less money to spend. Can we blame the public if they buy the cheaper article that is manufactured under better conditions in the Eastern States, and sent over here at a price with which the locally produced article cannot compete? People on the verge of starvation have to consider every penny. It is straining their loyalty too far to ask them to pay a higher price for an article merely because it is made locally. Mr. Williams last night said that the higher the wages, the more flourishing was the industry. That applies to the gold mining industry, because gold is at least 100 per cent. above the ordinary price. It is absurd to apply the same principle to the wheatgrower, and expect him to pay increased wages when the value of his commodity has been reduced by at least 50 per cent. What happened was that the mine managers on behalf of their overseas principals blacklegged on the Arbitration Court. The court fixed a rate of wages just as the gold boom began, this rate being a reduction on the existing rate on the gold-fields. The oversea mine owners and their representatives here said, "We cannot afford to have trouble now; pay the men the wages you have been accustomed to pay; go full speed ahead and get as much gold out of the ground as quickly as you can, and declare as many dividends as you can, and if you have a lot of sick people whose health has been destroyed in the mines, call upon the State Government to help to provide for them and the needy." It is time we had some say in this mining business, and participated in some of the tremendous increase in the price of gold. In South Africa the Government derives enormous revenue from gold, but we get nothing here. All that happens with us is that the derelicts from the

mines are passed on to us, and we are asked to provide our quota towards keeping them in their lingering days. This Bill represents class taxation in its worst form. Why is only one section of the community singled out? We have heard a lot about preference to unionists. One can assume that most of the men who will participate in the benefits of this legislation will be unionists; if not, they soon will be so after the treatment they are to receive under this Bill, if it is passed.

Hon. W. J. Mann: It only refers to some of them.

Hon. J. J. HOLMES: We are entitled to know what the increased expenditure under Clause 5 will amount to, and to what extent our industries will be penalised if it is given effect to.

Hon. Sir Charles Nathan: And where all the money is to come from.

Hon. J. J. HOLMES: This will undoubtedly be a means of preventing further employment. If this clause is passed and employers have to pay an additional 4s. 6d. to their employees, they will undoubtedly have to shorten hands. There are only two clauses in the Bill that appeal to me. One of these relates to pensions. I hope the Committee will not allow Ministerial discretion in this regard. The payment of pensions should not be left to the Minister for decision, and the clause in question requires serious amendment. The most pathetic sight one can see at present is some old civil servant who has little or nothing to support him. Numbers of women have given up their lives to teaching or have been connected with some other Government institution. In the case of many of these we find that in 1930 they were drawing a pension of £45 a year, and in 1933 they are getting only £35 a year. One can realise what a loss of £10 a year means to them. One can see any number of such cases—a pension of £50 a year reduced by £10. If there is any section of the community who are entitled to recompense in the way of pensions, it is the people who have given their lives to the service of the State on the understanding that upon their retirement they will receive fixed pensions. There is necessity also for relieving a lot of small property owners, men who have acquired, we will say, a couple of cottages in the hope of getting enough out of them to live on. The measure for reduction of rents fixed them. There is also the measure restricting rights under mortgages. Several other Bills passed this session have been on the reduced

basis. There is no relief for the people concerned. If their tenants will not pay rent, they cannot get them out without an order of the court. Similarly, if a mortgage is not paid, payment cannot be enforced in the absence of an order of the court. Some of these owners are so involved that they must have money to carry on or else go on the dole. There is no attempt to improve the position of that section of the community. They are people who never participated in the good times, but were put down when the crisis came. The Bill authorises the Government to go through the pension list and say, "We will give that man his pension back, but not this man." That ought to be decided not at the discretion of the Government but on a basis fixed by Parliament. I hope I have not wearied the House. I am trying to be as brief as I can on a subject of so much importance. In my opinion, if ever a measure demanded close consideration from this Chamber, it is this Bill. Remembering the financial drift to which I have alluded, I am surprised that the proposed expenditure of about £50,000 during the current financial year and £100,000 during next year is asked for without any evidence of where the money is to come from or how it is to be raised. We are not even let into the secret of the Government to which reference has been made by the Treasurer. I am bound to vote for the second reading of the Bill, simply because of the necessity for the continuance clause. Many people are concerned about that clause. They say that if the Bill goes out continuance clause and all, everyone will be back where he was, on full salary, including members of Parliament. Then, it is said, the cry will go up that members of Parliament have raised their salaries in an indirect way. Members need not be at all concerned about that if it should happen. Under these conditions there is only one decent thing to do, and that is to say that we will take our £480 and leave the other £120 in the Treasury to help towards making ends meet, although the difference will not go far. Accordingly I support the second reading, and I hope that in Committee certain clauses will be deleted.

HON. SIR CHARLES NATHAN (Metropolitan-Suburban) [9.7]: I recognise that such a Bill as the one before us is inevitable. The pre-election promises of the present Government were so definite and so

complete that they achieved their purpose, and there was no alternative but to introduce such a measure upon the party being returned to power. It will be indeed difficult for this House, if we feel by custom compelled, to support a Bill of this nature on account of a so-called mandate from the people. It is hard to imagine that people who are so intimately interested in a measure of this kind would not vote for a candidate who agreed to relieve them of an impost which most of them were bearing. I look upon the measure with mixed feelings. I agree with members on both sides of the Chamber—if there are any sides here—that high wages are a sure index to prosperity, and that, within reason, the higher wages are, the greater will be the spending power of the people, with the natural result of increased prosperity. But one cannot take more out of a pint pot than one puts into it and it is that aspect of this measure I desire to discuss. We have to consider the Bill from two angles. The first angle is that of governmental activity and governmental finance, and the second is the angle of private industry. Dealing with the first aspect may I say that, like other members, I am a little hazy, in view of the statements which have been made by Ministers, as to where the money is coming from. I have vivid recollections of several taxation measures being brought before the Chamber, measures which I and other members, desiring to assist the Government, voted for. There was an emergency tax which was to bring in something over £300,000. We voted for that. Recently there was a small measure involving a miserable £11,000 for entertainments tax. The Government pleaded that they wanted every shilling they could lay their hands on for unemployment relief. The emergency tax gained the support of a number of members. Why? At the call of humanity, to relieve unemployment. So these measures have been brought down one by one with that object, and to-day there are still thousands walking the streets unemployed. But what is equally bad is that thousands of men have been forced into avenues of employment for which they are physically and mentally unfitted, and which, in consequence, are to them absolute slavery. Nevertheless they have to engage in employment of that kind for the sake of earning a few

shillings. With these facts staring us in the face we are asked to give the Government authority to provide increases in the salaries of men who, admittedly, all things being as they should be, are entitled to more, but in whose cases the increases can have no material effect upon their livelihood, can only enable them to enjoy a few more degrees of comfort or a little less hardship in the home. However, when one remembers that this is going to cost £100,000 a year—£50,000 or £60,000 for the next half year—one must realise that the money would be better employed in finding more work for men who are unemployed, and for providing a little improvement in the conditions of men who are on sustenance work. It is from that angle that I view this phase of governmental activity. There is another point I wish to mention. It was fully dealt with by Mr. Holmes, but I think it worth repeating. Just now I made reference to a pint pot. I should have said a gallon pot, or even a larger vessel. The Government, we find, are in the fortunate position of being able to lay their hands on nearly four millions of borrowed money. In addition to the £500,000 of relief granted to Western Australia by the Commonwealth, an extra £100,000 has been found to assist us in balancing our Budget. Something is wrong somewhere. I have no desire—and I think the Chief Secretary knows this full well—to impute motives, but something is wrong somewhere, because we were led to believe that every shilling of taxation was necessary to cover the deficit, in addition to the extra £100,000 we are getting from the Commonwealth. If all that money was necessary, and also the miserable £11,000 from amusement tax was necessary, to help us to balance our Budget, where in the name of reason is the £100,000 involved in this Bill to come from?

Hon. C. F. Baxter: Hon. members should have given me more support on both measures, but they would not.

Hon. Sir CHARLES NATHAN: Quite so.

Hon. C. F. Baxter: You see now that there was no necessity for all this money.

Hon. Sir CHARLES NATHAN: I made the mistake that all young parliamentarians do. I assumed that—

Hon. J. J. Holmes: Parliamentarians are sincere.

Hon. Sir CHARLES NATHAN: Yes, and that when statements are placed before us by a Government, either past or present, we have a right to assume that the statements made are for the information and guidance of members, not for the purpose of misleading them. I have no doubt that the Honorary Minister will be able to furnish an explanation relieving the Government of any charge of that description. I have dealt with the purely governmental side, but there is another phase. It is estimated that between £50,000 and £60,000 is involved under this Bill for a period of six months, or upwards of £120,000 for the full 12 months. That is the cost of the proposals as they affect governmental activities. I have not yet been able to get any figures, and am only able to make a wild guess as to what will be the effect on private industries. Are more men employed by the Government than by private enterprise? Does private enterprise employ double or treble the number of men in the Government service? I do not know, but I assume that private enterprise employs at least double the number in the Government service. If it is merely double the number of Government employees, then the cost to private enterprise will be increased by about £220,000 a year.

Hon. C. F. Baxter: It would be much more than that.

Hon. Sir CHARLES NATHAN: I merely use the figures that we have received in relation to the Government employees. From where can that large sum be replenished? I do not think we have any right to delude ourselves into imagining that the present quickening—undoubtedly there is that quickening—in industry and trade is due to a natural re-action. I am of the opinion that it is due largely to the expenditure of public funds on the one hand, and to the fact that people are getting used to the position and that the scare they had earlier in the piece has been partially dispelled. I am practically certain there are no business undertakings that could view with equanimity the prospect of making ends meet with such an increase in expenditure, unless able to pass it on. But, Mr. President, there can be no passing on in these times because the volume of business obtainable is, comparatively speaking, so small, and competition is such that the very minimum of gross profit is being made. I am perfectly certain that

if this impost is added to private enterprise, there will be no possible means of passing it on to the consuming public. There is a means by which it could be balanced, and Mr. Holmes has touched on that phase. I submit that private industry can do far more to overcome the disabilities of unemployment than can any Government activity. The most the Government can do is to find manual work for hundreds of youths and men who are physically unfitted for it. On the other hand, private industry absorbs all classes of labour, including clerical workers, storekeepers and so forth.

The Honorary Minister: Private enterprise has not demonstrated that too well during the past three years.

Hon. H. Seddon: Do you think so?

Hon. Sir CHARLES NATHAN: That may be or may not be so. The point that concerns me is that if this added impost is thrown on to private enterprise, instead of firms being able gradually to absorb more men in the classes and situations for which they are best suited, it will mean that considerably more harm than good will be done, as the result of the legislation. I cannot agree with one member who admitted the right of the Government to introduce this legislation because it represented part of the Labour Party's platform, and should not therefore be opposed with regard to governmental activities, although he also spoke against the application of its proposals to private enterprise. I would remind that hon. member that the promise of the Government was to put an end to this legislation. It was to repeal the whole Act.

Hon. G. W. Miles: That was a vote-catching promise.

Hon. Sir CHARLES NATHAN: If the Government were justified in bringing the Bill down on the grounds suggested, then the only logical course would be to agree or disagree to the Bill in all its aspects. I have a distinct disinclination to cast my vote so as to prevent any man from getting any increase that the State can afford to pay him. On the other hand, I am perfectly sure there are thousands of men in Western Australia who, if they felt that the proposed addition to their remuneration would mean the limitation of the amount to be spent on the relief of unemployment in Government and private employment, would say, "Well, we have stood this for three years. We have had a hard time. Now we

are getting back, more or less, to regular employment, we can let things go on a little longer." That is my view. I think we should let things remain as they are for a little longer. The Government deserve every credit for their efforts to secure the maximum amount of income available. I am sorry, therefore, that party politics has made it necessary for them to introduce this legislation. I believe the State would be well served if we continued the original Act for just a little while longer. I shall vote for the second reading of the Bill and shall await the Committee stage to decide just what action I shall take.

HON. J. NICHOLSON (Metropolitan) [9.24]: It would have been much wiser if the Government had introduced the Bill at the same time as they submitted to Parliament the other Bills dealing with phases of the financial emergency legislation. We would probably have been justified in holding up Bills that we have already passed, had we not believed that the Financial Emergency Act would have been dealt with in the same way and been extended by a short continuance Bill. Now we find that the Bill to continue the operations of the Act contains drastic alterations that, if given effect to, will, according to reports in the Press, create grave dissatisfaction amongst a large section of the people affected. We know the dissatisfaction that already exists in the Civil Service, a small section of which is to receive an allowance that will not be available to others. The figures quoted by the Honorary Minister when he moved the second reading of the Bill, served to illustrate anomalies of a grave description. One would have imagined that an attempt would be made to introduce a Bill that would at least have worked more equitably than the measure under discussion. In 1931 the Financial Emergency Act was introduced in order, we were told, to comply with the resolutions carried at the Premiers' Conference to deal with a national emergency. The question respecting which we are entitled to be satisfied is, "Has that national emergency passed?" The Honorary Minister did not furnish us with any information whatsoever to suggest that the state of emergency has passed. We are left to unravel the problem ourselves from our knowledge of the facts.

The Honorary Minister: What did you expect?

Hon. J. NICHOLSON: I expected that the Government would have considered that phase but it has not been dealt with by them. The fact is that the state of emergency is still apparent.

The Honorary Minister: We have never admitted that the Act was necessary.

Hon. J. NICHOLSON: No, but the Honorary Minister will acknowledge that the Bill before us represents more or less an attempt to fulfil an election promise. Had Ministers been free to determine this question on the facts as they must know them, they would have realised that they were not justified in introducing such legislation at this juncture.

Hon. H. Seddon: You would say they did it against their better judgment.

Hon. J. NICHOLSON: I can only infer that the Ministers made the promises at the elections, hoping that things would so improve that they would be able to fulfil those promises. From what I read of those promises at the time, I gathered that it would not be a partial relief from the deductions made under the Financial Emergency Act; what is proposed here is only of a very partial character.

Hon. G. Fraser: Yet you complain.

Hon. J. NICHOLSON: I am complaining on the ground that the Government have entirely failed to show that the national emergency has passed to such an extent as would entitle them to bring down the Bill. In order to unravel the position, we must ask ourselves, has unemployment ceased? Because of the national emergency, naturally there arose that grave question of unemployment. We do not have to look around very far to realise that unemployment is still rife within our State. Have the industries succeeded in absorbing all the unemployed? We know it is not so.

Hon. G. Fraser: They could not do that, even in the best of times.

Hon. J. NICHOLSON: We know that also by reason of the fact that we passed the Loan Bill last night authorising a large sum of money to be expended in various directions. I agree with what Sir Charles Nathan said in reference merely to the use of money in the directions indicated in a Bill like that: because the employment of money in that way is no attraction to the contribution of wealth in our midst which

we find is caused when industries are actively employing men. In place of finding men being re-engaged in industrial activity, we find that sustenance works are being created to a greater extent in order to provide that measure of relief which is necessary in our distressed position. Another important fact which we seem to overlook, and a question which I think might have been considered by the Government before introducing the Bill is the question, have deficits ceased? We know by the statements of account presented here from time to time that they have not ceased. So far from finding relief from the emergency, we find we are as greatly involved as ever in an unsatisfactory position and one that certainly does not justify the introduction of this Bill. The measure proposes to relieve certain public servants who come under Section 7 and also some persons who come under Section 8 of the principal Act. And it does something even worse, because it is putting the whole burden on private industry by seeking to repeal all the sections of Part V. of the Act. One of the first questions we have to consider in regard to Part V. is whether industry has reached that condition where we can justly say that it is able to bear the extra burden which undoubtedly will be thrown upon it by the repeal of Part V. I fail to see that any justification has been given in that respect; on the contrary, the repeal of Part V. will mean the raising of working costs. As Mr. Holmes pointed out, it will mean that in place of our being able to compete with the industrial enterprises in the Eastern States, we shall find that our industries will suffer correspondingly; and instead of any industries, which have been enabled to continue up to the present, expanding and developing, they will cease to operate and a great number of men will be thrown on the unemployment market, thereby adding materially to the difficulties of the Government, and widening the avenue for sustenance employment. Is that wise? I cannot see any justification whatever for it. I will vote for the second reading in order to allow the Act to be continued, because I do not think the time has arrived for the present proposals. Perhaps in another year it may be possible for something to be done for the general good of the community. We may then perhaps reach that point where we can say we have turned the corner and are able to restore to all workers and mem-

bers of the public service the full measure of the deductions made. I will welcome the day when it will be possible for us justly to do that, but until I can be satisfied that that time has arrived, I have no alternative to expressing my disapproval of that portion of the Bill which proposes to restore deductions, a restoration which I cannot admit is justified.

HON. H. SEDDON (North-East) [9.40]: I listened with interest to the speeches of Mr. Holmes and Sir Charles Nathan. Candidly I do not intend to administer any soothing syrup to those who complain of the way in which the Government are handling this legislation. I agree with those speakers who say the Bill is the outcome of pre-election promises; I go farther and say it is an attempt to put into operation a principle which the Labour Party have believed in and strenuously advocated ever since the beginning of the depression. The Honorary Minister said they offered no excuse, because they did not believe there was any benefit to be obtained from the Premiers' Plan and the operations of that plan in point of reducing salaries and wages. Frankly I wish to congratulate the Government on the generalship they have displayed right through the session in the handling of Bills brought before the House. That is seen in the fact that at this time of the session we should be discussing so important a measure as this.

Hon. A. Thomson: Introduced only in the last week of the session.

Hon. H. SEDDON: Well, good luck to their good generalship; I give them credit for it. Also I give them credit for the way in which they have put it over the Federal Government. As the Honorary Minister said in answering remarks of mine on the Loan Bill, the Western Australian Government were the one Government that went to the Loan Council meeting last May fully prepared with estimates, and which persuaded the Federal Government that the State could not keep within the amount allotted to the previous Government, and so got another £100,000 of loan money. And, as Sir Charles Nathan has said, the State has had the benefit of an increased grant of £500,000 from the Federal Government and, in addition, an increased amount for loan expenditure. It is now quite evident that the State's estimates put before the Loan Council were very carefully prepared, and that the Gov-

ernment were successful in getting extra money out of the Federal Government. So it is we have before us the Government's proposals, which will run into £115,000. The way that figure came out was rather interesting. When first the Bill was introduced in another place, the Minister in charge of the Bill practically refused to give any information as to what the cost would be. He told the Leader of the Opposition that the finding of the money was a matter for the Government to determine. I too say it is for the Government to determine. But since they have embarked on their own policy, I chide them for their lack of faith in the proposals they are advocating. If they really believe in the proposition that increased purchasing power will be obtained by increasing wages, why do they stop at the proposals contained in the Bill? Their argument is that, if purchasing power be increased the whole of the community will benefit, unemployment will be reduced and consequently more revenue will flow into the Treasury. If that argument be sound, why stop at the point reached in the Bill? As has been previously said, the Government were returned with a definite mandate.

Hon. E. H. Harris: By a minority of the votes of the people.

Hon. H. SEDDON: But with a definite mandate from the people of the State. They were returned on a definite policy and are putting that policy into operation. I am going to assist them in it, because I am satisfied that nothing else will convince the people of this State that it is not common sense to expect to get a quart out of a pint pot. I am going to assist the Government to prove the truth or falsity of their principles. I have been waiting to hear from some of their supporters in the Chamber, but so far we have been greeted in silence from that quarter. It has been left to the Minister in charge to put up all the arguments in favour of the Bill. This course of action for the righting of the State's finances is immoral. If members are going to give moral support to an immoral action, I say, let them go for their lives. One feature of the Bill which has received condemnation in this House more than any other is Part V.

The Honorary Minister: Why?

Hon. H. SEDDON: Members of this House know the results of certain economic actions. One of the outstanding effects of

the depression has been unemployment and a reduction in wages. These two factors are interlocked, and operate together. That was one of the features which decided the leaders of Australia to insist upon a general sacrifice. They felt that a general reduction would be reflected in a restoration of employment. The Labour Party did not believe that. In support of the argument I should like to draw the attention of the Honorary Minister to certain figures which have been prepared by the State Statistician, and appear in the Quarterly Statistical Abstract. I refer to the monthly employment figures in Western Australian factories, starting from July, 1931. This legislation was first passed in August, 1931. The figures show a steady increase of employment in Western Australian factories from that time forward. He takes the basis for the year 1929-30 as 100. In July, 1931, the figure was 66, in August 64, in September 66, in October 67, and in November 68. In 1932 there was a steady increase throughout the year, followed by another increase during the months available for 1933. Last September is represented by the figure of 85, as against the figure of 65 in 1931. It is reasonable to assume that the effect of the emergency legislation was to provide a steady growth of employment in our factories. One of the factors which has led to unemployment has been offset to a great extent by the reduction in wages. The present Government are not alone in thinking that their course of action would bring benefit to the community, and provide a solution for our unemployment problems as well as for our lack of prosperity. The American nation has been engaged in a vast experiment along the same lines. Many observers have been watching closely the result of this experiment. Some have approved of it, and others have condemned it. It is not easy at the moment to say definitely what the result will be. One thing, however, is sticking out, namely that the Americans have to take a larger and still larger dose of that very medicine which they took in small doses at the beginning. It is a fact that in the early days of the depression they took their doses of inflation, during the experimental days of President Hoover, in hundreds of millions of dollars, but we now find that under President Roosevelt, they are taking these doses in thousands of millions of dollars, but still

they are not getting the results they expected. The world can well afford to wait and watch the American experiments before deciding to follow their example. It is certainly a bad experiment for Western Australia to adopt with all the disabilities we have, and with all the borrowings of the past and the consequent effect upon the finances of the State. Most certainly we should not embark upon the American policy as we find it to-day. The State Government, however, are determined to follow in those footsteps, and the people have returned them with a mandate to do so. One can only chide them for their lack of faith in their own policy, which I sincerely hope they will put into operation. When they are putting it into operation, if they do, I would ask them to be fair, and to refrain from those discriminations which are so evident, and which stick out so prominently in the Bill now before us. We were told the other day that the cost of relief is estimated at £115,000; that of this sum £20,000 was required to meet the cost of the relief which would be given to employees under paragraph VIII. of Section 7 of the Emergency Act; that the amount to be given to the other services under the Bill was £72,000, and that the sum required to cover pensioners and anomalies would be £18,000. This relief is being given from borrowed money.

The Honorary Minister: Who said that?

Hon. H. SEDDON: We have a deficit of nearly £750,000 budgeted for already. We borrowed an additional £100,000 in May last from the Federal Government, and it is obvious that relief must come from borrowed money. I cannot reconcile this action with the definite expression of opinion of the Premier that any saving that could be effected would be effected so far as the deficit is concerned. I am sure the Premier would honestly like to see the deficit wiped out and the finances of the State balanced. This House would be quite justified in passing an amendment stating that the money in question should be found from revenue. I commend that idea to members.

Hon. J. J. Holmes: If the money were paid out of revenue, the Government would pay other accounts out of Loan.

Hon. H. SEDDON: It would be an expression of opinion by this House that the money should be paid out of revenue.

Hon. G. W. Miles: The House should decline to pass most of the clauses of the Bill.

Hon. H. SEDDON: With respect to Part V., I would expect that every member in the House who voted for and supported secession would also vote for and support the deletion of that part of the Bill. The effect upon Western Australia will be to increase the cost of production.

Hon. E. H. Harris: If we get secession next year, it will not matter what we pass to-night.

Hon. J. Cornell: The only secession we will get will be the secession of the soul from the body.

Hon. H. SEDDON: Mr. Holmes made certain references to the gold-mining industry. He was scarcely fair in his remarks. He said the gold-mining industry had blacklegged on the Arbitration Court. That is not so. Several of the mine managers were anxious to get labour.

Hon. J. J. Holmes: To get gold.

Hon. H. SEDDON: They wanted labour to carry out their developmental policy. When wages were reduced they decided not to take advantage of that opportunity but to pay the existing rates in order that they might get the best available labour for their mines. I am informed by mine managers that there has been a considerable increase in efficiency displayed in the working of the mines. The management of the mines obtained a very much better return from the extra money they paid than they anticipated, because of this higher efficiency.

Hon. C. F. Baxter: And at the same time they were approaching the Government for a reduction in water charges.

Hon. H. SEDDON: The Government had notified them they could no longer continue that assistance. Mr. Holmes also said the mines had been pushing extractions to the limit, and taking advantage of the high price of gold. The record of mine development in the last two years shows that the mines have spent more money in development than ever before. They have reaped their reward by the fact that they have been able to develop payable ore bodies which could not have been developed before. The payment of dividends has only been characteristic of our mines for the most part during the last 12 months, and in some cases during the last six months. The mines did not pay dividends until they had pushed on with their development work, revised their

equipment, and strengthened their position as producers. That was a policy of sound management which should commend itself to every section of the community. There was never a time when more capital was available for investment in the gold-mining industry than is the case to-day. There is an atmosphere associated with mining that is more favourable than has existed for many years.

Hon. J. Nicholson: That is so.

Hon. H. SEDDON: I deprecate the utterances of members with regard to the gold-mining industry. Money is coming in for private investment. People are taking their chance of loss, and have spent large sums of money in exploratory work, as well as in developmental work and in the equipment of the mines. Any expressions of opinion which would tend to discourage investors from putting their money into the industry would have a very harmful effect upon Western Australia. There are many other gold-mining regions which offer very attractive prospects for capital, and do not offer the handicaps which are associated with gold-mining in this State.

Hon. C. F. Baxter: Although the Government spend a great deal of money on the industry each year, the trade that arises from it goes almost entirely to the Eastern States.

Hon. H. SEDDON: Whatever money has been spent in mining development has been more than repaid by the number of men who have been kept at work, and by the general prosperity which has come to the community. And not only that, but let us consider what the position of the State would have been during the past two or three years had it not been for the gold-mining industry. I will deal to-night more particularly with the position as regards civil servants and teachers. When the Government were introducing this legislation, I thought that at any rate it would be fair, and would carry on the principle of the previous Act as regards equality of sacrifice through all sections of the community. I refer now to the position regarding civil servants and teachers, more especially civil servants and teachers on the goldfields. While the sacrifice imposed upon the community generally was some 20 per cent., civil servants and teachers on the goldfields suffered a reduction of 77 per cent. That is the evidence given to me by the parties concerned. They lost the 20 per cent.

cut, and they also lost practically the whole of the goldfields allowance, which was £45 a year in the case of married men. That goldfields allowance has been reduced to £10 per annum. These people do not come under the Arbitration Court. Their positions are classified every five years by the Public Service Commissioner. They have the right to appeal to the Public Service Appeal Board, but under financial emergency legislation the board has been rendered practically inoperative, with the result that any increments the civil servants and teachers were entitled to, they did not receive. There were, however, conditions laid down with regard to other Government employees which were governed by awards. Those conditions have reference to the allowances. This was always determined by the Public Service Commissioner. In support of that contention, I desire to recall the fact that the Police Union some time ago, in the course of a case which they placed before the Arbitration Court, asked that the matter of allowances be taken into consideration and be adjudicated upon by the court. The court reviewed the whole position, and then definitely stated that this was a matter coming entirely under the Public Service regulations, and not a matter which came within the province of the court. Accordingly the court definitely refused to deal with it. As regards the position on the goldfields, the increase promised does not coincide with what the civil servants and teachers are entitled to, if we examine the difference between the drop in the basic wage for the goldfields and the drop in the basic wage for the metropolitan area. In 1930 the goldfields basic wage was £4 6s., and it is now £3 18s. In 1930 the Perth basic wage was £4, and it is now £3 9s. 3d. It is estimated by the goldfields people concerned that they are living under conditions which are at least 50 per cent. more expensive than the conditions obtaining in the metropolitan area. Goldfields conditions are largely affected by the fact that the people have to pay high rents. That particular condition might have been dealt with by the Government putting up residences on the goldfields, and letting them at rents which would have made up some of the loss goldfields civil servants and teachers had incurred under the double cut. It is asserted that, under the Bill, of 44 regular or permanent employees of the Government on the goldfields, only some ten will benefit. As regards the teach-

ers, many of them being women, the proportion which will benefit is probably even less; moreover, a number of male teachers on the goldfields are fairly highly-paid men, and to many of them this legislation will not apply. Some little time ago the Government, after repeated questions and a great deal of pressure, published in the "Government Gazette" a minute operating from the 3rd November of the current year, by which they sought to overcome an anomaly existing under the Financial Emergency Act. While the basic wage on the goldfields was £3 18s., quite a number of Government employees were receiving only £3 11s. 4d. The result of the minute to which I have referred was that the salaries of all Government employees who came under arbitration awards were raised on the basis of the basic wage in the district, that basic wage being adopted as the basis on which their salaries were to be paid. In granting that increase the Government also covered certain margins. I have here some figures which have been furnished to me and which show to what unions these increases were given, and the amount involved in each case. Hon. members will observe that while relief has been granted to engine-drivers, firemen, and cleaners on the railways—

Hon. E. H. Harris: You are speaking now of the goldfields only?

Hon. H. SEDDON: That is so. Railway employees, wages men and officers, and also Water Supply Department workers, received increases ranging from 6s. 2d. to 9s. 11d. This relief was granted as from the 26th October last. The police and fire brigade workers on the goldfields were given similar relief. The cost of living difference between the metropolitan area and the goldfields, so far as the basic wage is concerned, is still standing at 8s. 3d. It will be seen that while all other Government workers were granted relief—that is to say, men coming under the jurisdiction of the Arbitration Court—teachers and civil servants received no benefit. Only now, after two months, is it proposed to make up to them the same amount as was given to the other goldfields employees. This applies to officers receiving less than £293 per annum. When I tell hon. members that there are railway officers receiving £400 a year who have received the benefit of the increase, they will, I think, support me in putting to the Honorary Minister the question why the differentiation has been made and why the limit is fixed at £293

in the case of civil servants and teachers, whilst on the other hand a man receiving more than £400 a year has received an increase of about £24 per annum. Why have the Government adopted this policy?

The Honorary Minister: Do you suggest that there is something wrong in that connection?

Hon. H. SEDDON: I do. I ask the Honorary Minister why the Government have discriminated between, on the one hand, the wages men and, on the other, the civil servants, who I say are controlled by the Public Service Commissioner, and the teachers, who are controlled by the Director of Education.

Hon. E. H. Harris: Those were retrospective; these are not.

Hon. H. SEDDON: It is for the Government to explain that discrimination. When they can afford to give relief to those men, and the relief was not restricted to the men on the lower grades, then I think that the remuneration of the employees in the other grades should have been increased too. Why should the Government discriminate against the civil servants and the teachers, the two organisations to which they belong not being affiliated with the Trades Hall and not coming under the operations of the Industrial Arbitration Act?

The Honorary Minister: You do not suggest that the men should not have received that relief?

Hon. H. SEDDON: No, but if the Government can provide £24 a year for the men in the railways, then they can equally afford to extend similar assistance to those on the higher grades in the Civil Service and the Education Department. As to providing the money, the Government have already indicated that that is their concern. In those circumstances, I feel justified in asking members to support me in securing an amendment of the Bill to provide that other Government employees shall receive increases just as have the men in the organisations to which I have referred. It is but fair to ask the Government to be consistent in the application of their policy and to include the whole of the Public Service.

Hon. A. Thomson interjected.

Hon. H. SEDDON: I have information regarding certain amendments that were made in the financial emergency legislation, and about the Public Service. I shall not take up the time of hon. members by going through it in detail, but I will content myself

with remarking that our Public Service is the lowest paid in Australia and yet this State enjoys the highest basic wage. That is an anomaly that does not redound to the credit of those concerned in the payment of our public servants. There is no equality of sacrifice, nor yet consistency in the relief extended to the Government employees. There is no consistency in extending relief to one portion of Government employees and restricting it to a few in the Civil Service. I ask the House to assist me at the Committee stage to overcome the anomalies by securing a more equitable treatment for all sections of the community.

Hon. J. J. Holmes: To all or none.

Hon. H. SEDDON: That is but fair.

The Honorary Minister: Where is the spirit of humanity about which we hear so much?

Hon. H. SEDDON: I am concerned with the spirit of justice and, as the Government have informed us, it is their concern, not ours, as to whence the money is to come. The Government are able to commit themselves to an expenditure of £115,000 a year and therefore they will be able to provide the extra amount that will be involved if we decide to treat all Government employees alike. Even with respect to the increase that was granted a section of the Government employees in November last, that increase was forthcoming a long time after it had been promised. In the end it was forthcoming only as the result of considerable pressure brought to bear by goldfields employees. There was some pretty straight talking indulged in before the increase was granted. In those circumstances, there is something to be said about what has been spoken so loudly recently, that pressure achieves results where constitutional methods frequently fail. I intend to support the second reading of the Bill.

HON. L. B. BOLTON (Metropolitan) [10.15]: If there were more time, I would enter another protest against the necessity for speaking on such an important Bill at this late stage of the session.

The Honorary Minister: There is plenty of time.

Hon. L. B. BOLTON: It may be of advantage, because the practice may tend to shorten the speeches of some members. If I were to quote figures in opposition to the Bill, they would probably represent repe-

tition of those stressed by Mr. Baxter and others, so I shall not take up much time in that respect. In dealing with such a measure, I ask myself the question, "Have we sufficiently recovered to justify me in supporting the Bill?" My answer is quite definite—"No." I admit that the State is in a much better position now than it was 12 months ago, but the recovery has been due to the spending of loan money and is not an indication that we have sufficiently recovered to admit of an additional £110,000 being paid to certain sections of the community. I would welcome a Bill on much broader lines, so that all would be treated alike, and that position must be plain before I can support any such legislation. I am most concerned about the proposed repeal of Part V. of the principal Act. It is all very well for the Government to vote away £110,000 per annum in additional wages, because they have the general taxpayers behind them. But what about private enterprise and the industries of the State? They will have to find four or five times that amount. Private enterprise is still struggling against competitors in the Eastern States, where manufacturers enjoy a wage margin in their favour of 9s. 3d. In those circumstances, how can we hope successfully to compete against them? I pay a tribute to the excellent work of the Minister for Industry in his advocacy of local production and the assistance he has rendered local manufacturers and industries. Now we find the Government undoing all the good work he may have done in the past by giving an additional 4s. 5d. per week to those workers who receive a margin for skill. In those circumstances what possible hope have we of making a cut into imports from the Eastern States with this additional burden cast upon us? To give members some idea of what the competition with the Eastern States means, I would point out that for the year ended 30th June, 1933, we imported from the Eastern States £4,317,017 worth of goods. In the manufacture of the goods we import from the Eastern States there are employed 11,532 persons. The time must come, and I hope soon, when we shall cut this importation in halves. How can we hope to do that if we put further hampering conditions on our industries, which are not prepared for it? Certainly the position is a little

brighter to-day than it has been, but members will agree we are at the brightest seasonal period; things usually are much brighter at this time of the year. Without wishing to be pessimistic, I have grave fears that we may go back during the winter to something approaching the condition we have experienced during the past few years. I will support the second reading of the Bill, but only because of the necessity for continuing the Act.

HON. A. THOMSON (South-East) [10.22]: The amendments included in the Bill constitute a distinct breach of faith with the House. When the Financial Emergency Tax Bill was passing through another place the Premier on the 3rd August said—

The amount of money collected by the deductions under the Financial Emergency Act is still necessary to the carrying on of the affairs of the State.

And the Chief Secretary, when moving the second reading of the Bill in this Chamber, said—

The need of funds for the purpose of arresting the financial drift is no less pressing than it was ten months ago.

He also said the officers of the Taxation Department, as the result of the tax, hoped to obtain £370,000, and that the whole of the money expected would be needed to fulfil the obligations accepted by the Premier in his discussions with the Loan Council. Then the Minister said the loss of the Bill would mean a deficit of nearly 1¼ million pounds, and in addition would mean a financial catastrophe to the State, because the Loan Council would not finance us any further. That statement was made in this House when members were agreeing to the imposition of a tax of 9d. in the pound. I endeavoured to have inserted in the Bill a clause—it was ruled out of order—that in the event of the Government finding themselves able to restore the deductions made under the Financial Emergency Act, the tax would be reduced proportionately. Since we acquiesced in taxing the people to the extent of 9d. in the pound, I should be lacking in my duty to my electors if I were to support the measure as it stands. I will vote for the second reading, but only in order that the Act might be continued. The proposal to spend £115,000 may be the result of an election pledge, but we have been told that it is one of the first duties of the Government to find

work for the unemployed, and we are given to understand that the average wage of the men employed on the various Government works is £2 16s. a week. On the figures quoted by Mr. Seddon we find that a man with a salary of £400 per year will be receiving an additional £24. In my view, if this £115,000 is available it ought to be given to those men who unfortunately find themselves on sustenance works. We hear that we are round the corner, but I fail to see that. No one will support the abolition of the principal Act more heartily than I if and when the finances are sufficiently improved. We have had an overwhelming vote in favour of secession. Why the Premier received such favourable treatment from the Loan Council was because he went there with a big stick and was in a position to point to the feeling in Western Australia against the disabilities imposed upon us by Federation. We have appointed a committee to prepare the State's case to put before the Federal Disabilities Commission. What a position we shall be in when that case is presented to the Federal Commission if the chairman can say that apparently things are not nearly so bad in Western Australia, because the Government of the State have in effect paid out £115,000 to their employees and have increased wages! This is a very unwise move on the part of the Government. Of course it may be merely a gesture on their part; they may have submitted the Bill in the hope that it would not be passed. Then they would be able to say, "Thank God for an Upper House," and tell the people they had introduced the Bill but the Upper House had rejected it. The Bill is one which should have been introduced in another place by the Premier, not by the Minister for Works. We know of the discourteous way in which the Opposition in another place were treated when they inquired where the Government were going to get the money. In effect they were told to mind their own business; the Government would find the money.

Hon. J. Cornell: The Government?

Hon. A. THOMSON: Yes.

Hon. J. Cornell: It would be found by the people of the State.

Hon. A. THOMSON: I am well aware of that; I was merely quoting the reply of the Minister for Works. Without casting any reflection on the Honorary Minister one would have thought that a Bill of such importance would have been introduced in this House by the Chief Secretary.

The Honorary Minister: A very cheap gibe indeed.

Hon. A. THOMSON: It is not. I am only repeating—

The Honorary Minister: Just repeating like a parrot.

Hon. A. THOMSON: I consider the statement is correct. Only at the eleventh hour did the Government condescend to give the Opposition in another place information as to the cost that would be entailed. I shall vote for the second reading, but I hope a majority of members will agree to continue the Act for another 12 months. If we are then able to restore the cuts, no one will be more ready to support the proposal than I. If the Government are in the happy position of having an extra £115,000 at their disposal, I hope it will be distributed amongst the unfortunate unemployed, and not amongst people who are sufficiently fortunate in these difficult times to have a permanent job.

HON. H. V. PIESSE (South-East) [10.33]: I support the second reading, but while doing so realise the serious position brought about by the introduction of the measure. A little time back we considered a financial emergency tax to produce sufficient money to help the unemployed, and this House was quite under the impression that the Premier would not introduce any additional taxation or grant any rebate of the reductions made under the Premiers' Plan. It has been said that we have turned the corner. Speaking on the Employment Brokers Bill a few days ago, I mentioned that the firm I represent had inserted an advertisement in the "West Australian" for a man. The payment was on the basic wage and 360 people applied for the position. Amongst those who applied were men who had been employed as accountants and, in fact in every walk of life; some of them had been drawing salaries up to £600 a year. How can we be said to have turned the corner when an ordinary position like that attracts 360 applicants? In the newspaper a few days ago Mr. Davidson, General Manager of the Bank of New South Wales, said something to the effect that he was not sure we had turned the corner.

Hon. G. W. Miles: He said he was sure we had not.

Hon. H. V. PIESSE: Surely we must take notice of the utterances of such a man.

The Honorary Minister: Do you know the reason he gave?

Hon. H. V. PIESSE: Yes, but the Honorary Minister can supply it if he so desires. Endeavours have been made over the past three years to carry on the industries and business of the State under the Premiers' Plan. I am not only a farmer but a business employer employing a large number of men in the country. The measure will not affect the men employed by my firm; they are in a business of trade and not industry. Still, we should carefully consider any measure that may interfere with the employment of such people. Unless we can produce goods that can be sold to compete with those produced in the Eastern States, our own people will be thrown out of employment. Mr. Bolton told us that the margin is one of 4s. 6d. per week. Mr. Bolton conducts a business in Perth and thoroughly understands what he is talking about. We must bear in mind that the industries of Western Australia have no chance of competing with those of the Eastern States if we are going to surcharge them to that extent. In supporting the second reading, I reserve the right to vote on the clauses as I think fit. Although I consider the Bill should not have been introduced at this stage, I do not overlook the fact that Federal members have recently raised their own salaries. That, in my opinion, has been regarded as a lead to Australia and it is one of the things we have to contend against. One may perhaps forgive the Premier for having introduced such a Bill in view of the Federal Parliamentarians having committed such an absurd act as to raise their own salaries.

HON. J. CORNELL (South) [10.39]: The second reading must be carried if the Act is to be continued. Therefore we need not concern ourselves about the fate of the second reading. Before dealing with the proposals contained in the Bill, I wish to make a few observations regarding the general viewpoint, and the reasons for certain features of the Bill. One of the reasons for introducing the Bill is undoubtedly the existence of a greater state of prosperity than prevailed a year ago. One cannot help being impressed by the evidence of an apparent return to prosperity in the point of view taken by the general public. The viewpoint of the

people to-day, whether we have rounded the mythical corner or not, is certainly better than it was twelve months ago. There can be only one direction we can look to for a logical explanation of this apparent improvement in the situation. I maintain that the cause of it all is the gold mining industry.

Hon. G. W. Miles: And wool also.

Hon. J. CORNELL: It is expected that the returns from gold will be in the vicinity of £5,000,000 greater than they were a few years ago. We are getting that gold now. With regard to wool, we have not yet had the full returns. It is but a short time ago that the price of wool showed an improvement.

Hon. G. W. Miles: But it has had a big effect on the people.

Hon. J. CORNELL: Yes. The boat that has ferried the people across the stream of despondency has been the gold boat, as it were. Few people realise what the industry has meant to the State. The fortnightly wages sheet of the Golden Mile has brought incalculable benefit to the State. It has meant putting new wealth into the country every fortnight. In other industries it has meant either planting the seed or breeding the sheep before the results were obtained. Were it not for the goldmining industry Australia would be infinitely worse off than it is to-day. It certainly represents 75 per cent. of the solvency of this State. Some members talk about taxing the industry, and cite as an illustration for the need of taxation the invasion by the South African Government of the goldmining industry at Johannesburg. There is no comparison between the two countries. In Western Australia mining is more or less an experiment. Despite the transformation which has occurred in the Lake View group, a great deal of the money that has been derived from gold has been put into the ground again. Let members compare the returns of shareholders of the Lake View group with the returns from the Crown group at Johannesburg. The one is an investment and the other is a risk. I understand that by reason of the advocacy by Parliamentarians of a tax on gold production, speculators have been frightened off flotations in at least two instances. In this State people put their money into exploiting what can be only a variable lode, whereas in South Africa lodes have a stability all their own. No one is prepared to give greater consideration to the

pastoral industry in this State than I am, but I contend there is no comparison between the two industries as we know them in Western Australia. In the Eastern States probably the pastoral industry is of greater importance than gold mining.

Hon. G. W. Miles: That does not place the Government in a position to give away £100,000 to civil servants.

Hon. J. CORNELL: It affords me an opportunity to clear up a misconception.

Hon. G. W. Miles: We want to get home.

Hon. J. CORNELL: The Governmental reason for the introduction of this Bill is that the electors gave the Cabinet a mandate to bring it down. Up to the present they have only played with the matter; they have not gone the whole of the way. Mr. Seddon has said that if this Bill is going to be beneficial and increase the purchasing power of the community, it is only logical to assume that if the Government go all the way, they will increase the purchasing power of money in general.

Hon. G. W. Miles: Are you going to follow them, and get a printing press going?

Hon. J. CORNELL: It would be infinitely better if the Government were to try the business out to its full extent right away. If there is anything in the theory that this invasion will decrease the purchasing power of the community, I can only say that it resembles inflation. Once a start is made, we must have a second dose; and so the game goes on. What does the Bill contemplate? An invasion into certain disabilities resting to-day upon certain civil servants and teachers who were drawing in the vicinity of £294 in 1930. The Bill proposes to repeal Part V. of the Act altogether. In that respect the Government and their supporters are consistent. The application of the Act to teachers and civil servants is general, but when we consider the Government's attitude to Part V. we find a glaring anomaly. The easement given to that range of civil servants and teachers creates the anomaly from which the deletion of Part V. is intended to get away. One of the objects of the deletion is, I understand, to restore margins in the world of industrial workers, to allow the Arbitration Court to give back certain margins for skill which were taken away by the 1931 Act. As a result of the Government's attempt to relieve certain civil servants and teachers, we shall have the glaring anomaly that a section of the teachers and civil servants will be brought

right up on a grade ahead of them, with the result that the margins between the two grades will largely disappear. If it is logical to preserve margins in the case of workers under the Arbitration Court, it is only logical that the same machinery should be applied to the instrumentality fixing margins of skill for teachers and civil servants. However, that is not contemplated. I wish to deal also with the aspect of the goldfields Government worker coming under the aegis of this financial emergency legislation. The position to-day, as Mr. Seddon has pointed out, is that under Subsection 1 of Section 7 of the Financial Emergency Act a restoration of £24 has been given to a Government worker who receives £400 a year. By no stretch of imagination can I conceive that the intention of that paragraph was to be as general as its application by the present Government, who have applied it to railway officers, to the police, to Water Supply Department workers, railway workers, and fire brigade workers on the goldfields.

Hon. E. H. Harris: Would you care to venture an opinion why the Government did that?

Hon. J. CORNELL: No. They did it by means of a minute published in the "Government Gazette," with respect to special circumstances warranting exemption or variation. I remember the moving of an amendment in this Chamber to limit that power of exemption or variation to a certain number in one year. The Government then in power would not have been expected to apply the exemption or variation ad libitum as the present Government have done. However, this Chamber rejected the amendment. The minute in question has been applied to at least 300 workers on the goldfields, and Mr. Seddon says that some of these workers are drawing £400 a year. The application of the minute has been denied to any other Government worker coming under the Public Service Commissioner or the Director of Education. If the circumstances were such—and in fact they were—it was because the basic wage on the goldfields remained at £4 6s. instead of falling to £3 18s. The cost of living on the goldfields is based on the £4 6s. granted by the Kalgoorlie Chamber of Mines. When water supply workers, railway men, and police on the goldfields are getting easement to the extent of £24 a year, civil servants and teachers should receive the same consideration. However, the two latter classes have not got it; and this Bill does

not propose to give it to them. I would like the Honorary Minister, when replying, to inform goldfields representatives in this Chamber why consideration should be extended to a railway officer that, under exactly identical circumstances, is not extended to a civil servant or a teacher. I make no apology for the reply I have given to letters I have received on this subject from civil servants and teachers on the goldfields. In every reply I have said that in the wildest stretch of imagination of any member of this Chamber it was never conceived, when the principal Act was passed, that the provision to which I have referred, dealing with special circumstances, would be stretched as widely and as conveniently as it has been stretched. If it was necessary to stretch the provision—and it was stretched—the position became outrageous when it was stretched to meet the case of some workers and not of all workers. I stand by that. If the House is going to tolerate the easement that has been granted under the paragraph to certain workers on the goldfields, we should form up four-square and say to the Government that a condition of re-enactment is going to be that on the goldfields they shall extend to all Government workers the same consideration for identically the same reason. If not, we should get back to where we were before the Act was passed. The other alternative is to amend the paragraph I have referred to and make it apply as it was originally intended. Decidedly it was never anticipated that it would be extended to meet the exigencies of any Government: its purpose was to enable the Government to deal with individual cases of extreme hardship. I suggest that we limit the application of that paragraph to a certain number of exceptional cases within a given period. That would mean that if the Government were not prepared to extend the same consideration to all Government workers on the eastern goldfields who were labouring under identical disabilities, then none should receive that consideration. I do not desire to take away from the police and others the assistance they have received, but I shall not be a party to allowing a continuance of that consideration when even-handed justice has not been extended to other workers just as vitally affected. I warn members that if they are merely content to pass the Bill as a continuance measure and reject the other clauses, but allow the paragraph I have re-

ferred to to remain intact, the Government will then be able to extend it until it bursts. If it is reasonable that the Government should stretch its application to deal with workers on the eastern goldfields, then they can do so equally with regard to the workers in the metropolitan area. They could do by way of an administrative act what they are unable to accomplish by way of legislation. Even if the Government in stretching the application of that paragraph, had meted out even-handed justice to all concerned, I would not have objected so strongly, but in view of the discrimination between one section and another, I am not content to condone what I regard as a discreditable performance. I support the second reading of the Bill.

HON. W. J. MANN (South-West) [11.5]: I do not propose to speak at length on the Bill, but there are one or two points I wish to deal with. The Bill has been introduced in accordance with a promise made by the Government on the hustings prior to the last election and they claim that their policy to restore the financial emergency cuts was endorsed. If they are serious in that claim, then the Government have no right to discriminate. I presume the Labour Party do no discriminate regarding the personnel of the majority who voted for them at the election. I presume they regard all who supported them as equal. Yet on this occasion the Government have deliberately discriminated between sections of the community. We have been told that £115,000 is available for the partial restoration of wages and salary cuts. It would be much more to the credit of the Government, and much more acceptable throughout the State, if the money were to be applied by way of a percentage reduction all round.

Hon. J. Cornell: That is what the Federal Government did.

Hon. W. J. MANN: The State Government should have acted similarly. Many civil servants who suffered considerably from the financial emergency cuts have been still further seriously disadvantaged within the last few months. They are not receiving any consideration, apart perhaps from the few referred to by Mr. Seddon. Not only have they had severe cuts in their salaries, but the financial emergency tax they have to pay has been increased from 4½d. in the pound to as much as 9d. We can understand the

dissatisfaction at the action of the Government in this matter. I consider it would have been infinitely fairer if, in distributing the money available and to keep the promise they made on the bustings, they had distributed the relief on a percentage basis. Certainly that would have been the right thing. The Government have mysteriously received money with which to grant this relief. I do not know whether they have a Christmas surprise to spring on the people.

Hon. E. H. Harris: You are thinking of the Lotteries Commission.

Hon. W. J. MANN: I am not going to say that, but evidently they have some secret hoard. Be that as it may, if the State has this money and the Government are not agreeable to an all round percentage distribution to Government servants, then I am inclined to agree that the proper course to pursue would be to apply it to the reduction of the deficit, as promised. To expend the money in the proposed manner is to negative very largely the efforts being made to convince the Federal authorities that this State is in so impecunious a position that it is impossible for it to carry on without assistance. Whilst, because of the continuation clause, I am not prepared to oppose the second reading, I do not think it can be said that the proposed distribution to part of the Public Service is at all satisfactory. Many of the unions have objected to it, and I do not know that the Government are gaining anything at all by it. As to private industry I say without any qualification it is not in any condition to bear the threatened impost. I am interested in an industry in this State which for years has been endeavouring to induce the Commonwealth Government and certain other big institutions in the Eastern States to have their work done in this State. Within the last year a small quantity of that work has been done here, but this was possible only by cutting down production costs to a minimum, by large buying of raw material and by taking every possible steps to meet the competition of the Eastern States. That industry just managed to bring that trade to the West, and it has meant the employment of an additional number of workers. But I can say definitely that if this Bill be passed and the deductions made under the Financial Emergency Act are restored in that industry, that work will no longer come to Western Australia, for it will be impossible for the local firms to pay

the increased rates. While I will support the second reading because of the continuance clause, I am definitely opposed to the remainder of the Bill.

HON. E. H. HARRIS (North-East) [11.15]: After the comprehensive speech made by Mr. Seddon and after the remarks of Mr. Cornell, what I have to say will be strictly limited. I wish to emphasise some of the points that have been already dealt with and to refer more particularly to what has been known as the goldfields allowances, which are practically now extinct. Throughout the State, Government employees in various departments have expressed their dissatisfaction at the treatment accorded them by the Bill, particularly on the goldfields, where they regard this Bill as a first-class political confidence trick which has been put over them. They say that because, when the financial emergency legislation was introduced in 1930, the Labour Party said there was no necessity for it, and led the whole of the electors to believe that immediately they were returned to power they would remove all that legislation. That was modified by one or two of the heads, who have said that it would not be re-enacted in its present form. It was then disparaged as a wage-slashing method introduced by the Mitchell Government. The Minister when introducing the measure before us, emphasised that this was one of the mistakes they were going to retrieve, particularly to those on the lower rung of the ladder, and pointed out that so soon as any further money was available it was the intention of the Government to give them a further instalment. I take that to mean that until there was another £100,000 to be docked from somewhere other than Consolidated Revenue they would have to continue to undergo the burden that had been placed upon them by the previous Government. The necessity to assist the finances of the State was realised by the Mitchell Government when they introduced measures with that object in view. The fact that the present Government can only relieve a very small section of the community of the burden that has been imposed on them, simply because they have not the necessary finances, emphasises the necessity to have the legislation on the statute-book. District allowances relate chiefly to goldfields areas. Originally they were known as bush allowances, subsequently as goldfields allowances, and finally

as district allowances. When the financial emergency cuts were made, they consisted of 18 per cent., 20 per cent. and 22½ per cent. for the respective ranks wherever they were located. The Mitchell Government submitted the matter to the Court of Arbitration for a decision when it related to those who had their industrial matters settled by the Court of Arbitration. The court removed the major portion of the district allowances, and since that time the employees have repeatedly brought the matter before the Government, pointing out that the supposed general sacrifice was limited to the salaried staff and was an extra reduction that had been imposed on goldfields workers. The Labour Government, as the Minister has said, do not believe in the court being interfered with in any way in dealing with these matters. Yet they have taken advantage of the decision that was given in the case of the men who had their wages and conditions determined by the Court of Arbitration by providing for reductions for civil servants and school teachers whose conditions are determined not by the Court of Arbitration but by the Public Service Commissioner. Those men are smarting under the disability of the Government's interpretation which led to a reduction of the remuneration they received, though the matter did not come within the purview of the Court of Arbitration. The Government are hiding behind the decision of the court and applying it throughout the whole service, which I submit, is quite unwarranted. Mr. Cornell dealt with some portions of the Bill which he described as the castor oil portions. He emphasised what the Government had done for employees in the railway service as compared with the school teachers and the civil servants. There is no need to reiterate his remarks; I support them. The Minister is called upon to justify the discrimination that has been made between various sections of the service, and particularly the section on the goldfields. In Committee I hope the Minister will take the opportunity to make similar concessions to other sections. In view of the speeches made, he is called upon to justify the refusal of the Government to explain how or where the money is to be obtained. I should like to know how many of the various Government workers will participate in the amount of roughly £100,000 to be distributed.

HON. R. G. MOORE (North-East) [11.24]: I have very little to add to what has been said, save that I intend to support the second reading. Under the Financial Emergency Act the civil servants have been called upon to bear more than a fair share of the burden. Particularly does that apply to civil servants on the goldfields. Though they have had to bear their share of the 18 to 22½ per cent. reduction in salary, they have also lost about three fourths of their district allowance, and also the biennial passes previously granted to them. I should like to stress the point made by Mr. Seddon that the civil servants and school teachers in this State are the lowest paid of any in the Commonwealth. If the basic wage were taken as an indicator—and it is often used in that way—civil servants and school teachers in this State should be the highest paid of any in the Commonwealth. I am glad that some measure of relief will be granted to those people but I could wish that a greater measure of relief than is proposed had been conceded. I hope the amendment to be moved by Mr. Seddon will receive support, so that there will be more equity in the distribution of the relief than is possible under the Government proposals. I wish the Government were in a position to restore the original salaries, but if that cannot be done, the Government should go as far as possible to make the relief proportionate to the sacrifice. A general sacrifice was made all round, and I think that relief should be granted as far as possible on the same basis. As the teachers and civil servants on the goldfields suffered more than did others, they are entitled to greater consideration. The fact of losing three-fourths of the goldfields allowance and the biennial passes meant a great deal to them. I trust that in Committee we shall be able to make the Bill a little more acceptable to those employees.

THE HONORARY MINISTER (Hon. W. H. Kitson—West—in reply) [11.28]: I have listened to a good many debates in this Chamber on subjects such as that contained in this Bill, but I have seldom listened to so many speeches on generalities as on this occasion. Very few members have got down to matters of particular concern, and those who have done so have referred almost entirely, either to anomalies which they believe will be created by the Bill, or to the attitude of the

Government towards some section of employees. Mr. Baxter dealt almost entirely with generalities. He made some reference to the Arbitration Court and the Federal basic wage, and pointed out the difference that this Bill, if agreed to, would make to the State while the Federal basic wage remained at the present level. Very few employees in this State are affected by the Federal basic wage, in fact only three or four organisations altogether.

Hon. E. H. Harris: That makes his case all the stronger.

The HONORARY MINISTER: Not at all. Most of the other workers are covered by State awards and agreements.

Hon. J. Nicholson: The Federal wage is lower than that of the State.

The HONORARY MINISTER: Of course it is.

Hon. E. H. Harris: That is a disadvantage to this State.

The HONORARY MINISTER: Members want to know why this State cannot pay the same wage and give the same classification to local officers as are given to Federal officers.

Hon. E. H. Harris: That has not arisen in this debate.

The HONORARY MINISTER: It has.

Hon. J. J. Holmes: Where is the £100,000 coming from?

The HONORARY MINISTER: From the same source that wages and salaries come from to-day. A good deal has been said about my claim that this Bill is strictly in accordance with the policy of the Labour Party. The Bill is not brought down in the hope that this House will attempt to force the Government to drop some of its provisions, or merely agree to a continuation of the Act itself. Ever since this legislation was mooted two or three years ago, the party has consistently opposed it.

Hon. E. H. Harris: You said it was not warranted.

The HONORARY MINISTER: More particularly does that refer to Part V.

Hon. E. H. Harris: Why not repeal it all?

The HONORARY MINISTER: We cannot find the money with which to do so. Members seem to want to misconstrue the statement made by the Premier at the last elections. He said then, "If Labour is returned to power the emergency legislation passed under the Premiers' Plan will not be re-enacted in its present form. It must be drastically altered." This Bill seeks to carry that statement into effect.

Hon. J. J. Holmes: The Premier did not say whether the alteration was to be up or down.

The HONORARY MINISTER: The basis of the Bill is the clause which seeks to repeal that section of the Act which deals with private employment and affects Arbitration Court awards. We have always maintained there is no justification for any interference with the operations of the court.

Hon. J. J. Holmes: Did you say you had taken the Police Union out of the influence of the court?

The HONORARY MINISTER: No. As I have said, the Bill seeks to carry out that part of our policy. Then we said we were going to deal with those Government employees who were governed by awards of the court, and by the rise and fall in the basic wage. To be fair we also had to give consideration to Government servants who were not affected by awards, but whose remuneration was on a par with those who were so affected. To do that we had to arrive at a particular income. It was found that £293 per annum was the maximum of what is known as the automatic range. Very few who are subject to awards receive £293 per annum. We considered that was showing equity and justice when we endeavoured to give Government servants, who were only earning up to the equivalent of the maximum wage prescribed by award of the court, the same relief. We desire to give those people the benefit of the difference between the drop in the basic wage since June 30th, 1930, and the percentage reduction prescribed by the Financial Emergency Act. In so doing we have placed them in exactly the same position as those people who are subject to Arbitration Court awards. In all those cases reductions have been suffered as the result of the drop in the declared basic wage from time to time. Therefore I contend that if we look at the Bill as a whole, we find a spirit of equity actuating its contents; and I contend also that the Government are not only carrying out their election promise, but are living up to the principles for which they stand. I do not know that we can be taken to task for doing that. After all, there is a certain relevancy in the statements of some hon. members that this policy was placed before the people some months ago, and that the present Government were returned with a majority such as seldom occurs in this State. We are authorised, as a result, to put into operation the

policy for which we stand. I make no apology whatever for the Government having endeavoured at this stage to introduce a part of their policy which was placed before the people only a few months ago. I have made reference to the comparison between the Federal basic wage and this State's basic wage. As a matter of interest I wish to point out one of the latest developments. The "West Australian" of to-day reports that the Full Court of the Federal Arbitration Court had met for a preliminary discussion concerning the investigation the court are to make early in February of the basic wage and of the restoration of the 10 per cent. by which wages were reduced by the court. Chief Justice Dethridge made this significant statement—

Chief Justice Dethridge added that none of the general discussion was to take place on what the basic wage should be. It was an opportune moment to rectify anomalies. Perhaps it was an opportune moment for adopting a better system. There might have been too many adjustments in the past which harassed business people. The matter of adjustment was one of serious importance that should be considered when dealing with the question raised.

In view of the fact that the present Federal basic wage for Perth is £3 0s. 3d. per week, I would like to ask members whether they contend that that is a fair basic wage, and whether it is a reasonable wage to expect any man with a family to live upon. I have also to ask members how they would like to have to exist—that is all it would be—on the present State basic wage. But such comparisons, of course, get us nowhere.

Hon. J. J. Holmes: We cannot pay more and compete with the Eastern States. That is the point.

The HONORARY MINISTER: In the endeavour to substantiate the contention just raised by Mr. Holmes, various speakers in the course of the debate have told us what the Bill is going to cost certain industries. I have not been able to obtain any reliable figures on that aspect, and for the moment I am prepared to accept the figures which have been quoted. One hon. member said that this legislation would cost the Western Australian sawmilling industry £2,000 a year.

Hon. J. J. Holmes: One sawmilling firm only.

The HONORARY MINISTER: The statement does not read that way, but let us take it so—one firm.

Hon. R. G. Moore: The member said one firm.

The HONORARY MINISTER: Suppose it to be so: how many employees have the firm at the present time? I think I know the firm referred to, and the number of their employees. At the most, this legislation cannot mean more than £2 or £3 per year for each of those employees, a mere matter of a shilling or two per week; and that is to men who have been working short time for years, or in many cases have had no employment at all for extended periods. Yet there are complaints that those men are to get a few pounds extra annually as the result of the operation of the Bill. I really doubt very much the figures which have been quoted, because so large a percentage of the men engaged in that industry are not in receipt of wages which would bring them within the purview of the Financial Emergency Act as it stands to-day.

Hon. J. J. Holmes: I quoted 4s. 6d. per week, whereas the official figure is 4s. 8d.

The HONORARY MINISTER: There again the hon. member makes a statement which is not strictly accurate. He has talked about plussing the basic wage by 4s. 6d. per week—a most inaccurate statement. There is no such thing as plussing the basic wage by 4s. 6d. per week under the Bill. The man who is to-day on the basic wage gets no benefit whatever from the Bill; neither does the man on 9s. per week above the basic wage.

Hon. E. H. Harris: So you are putting this up in the interests of the bottom dog?

The HONORARY MINISTER: Yes. Where is the value of the statement made by the hon. member? His figures are most inaccurate.

Hon. J. J. Holmes: So you say.

The HONORARY MINISTER: Yes, and I cannot be contradicted either. If I am right in that contention, then I am inclined to think that the figures quoted by another hon. member in connection with the same industry may be just as far wrong. The hon. member to whom I now refer quoted a second industry as being vitally affected by the Bill. He referred to the food manufacturing industry. Because we had the temerity to tell him, by interjection, that he had picked a very poor example, he did not like

the idea, I suppose, and said, "There, they bite when they are hit!" As a matter of fact, 95 per cent. of the employees in the food manufacturing industry are junior workers.

Hon. J. J. Holmes: This Bill will put them out of work.

The HONORARY MINISTER: No. It is one of the few industries in this State which do not provide opportunities for many adult workers. Not one of those junior workers will receive any benefit as a result of this legislation. So much for the figures in question. Then we were told that the Perth City Council, if the Bill passes, would have to find £3,000 extra per annum for wages. They employ a large number of men, running into hundreds, including tradesmen who receive considerably over the basic wage. To that extent the Perth City Council will be called upon to pay an additional amount, but whether it will represent £3,000 I cannot say. I wish to deal with what I can only describe as the somewhat cheap gibes at me as the result of the Bill having been placed in my charge instead of in that of the Chief Secretary. I will refer particularly to a statement made last night in which one member suggested that that course was pursued because the Chief Secretary left all the dirty work for me to do. That was a nice statement for a member of this House to make!

Hon. J. J. Holmes: That did not hurt the Chief Secretary.

The HONORARY MINISTER: It certainly would not hurt me.

The PRESIDENT: Order! I would have asked the hon. member concerned to withdraw that statement, but I took it that the interjection was in jest and that the Honorary Minister seemed to enjoy it very much. If he had regarded it in a serious light, I would have asked the member who made it to withdraw the statement.

Hon. J. J. Holmes: He has told us that he liked it.

The HONORARY MINISTER: I merely refer to the incident in order to tell the hon. member concerned that whether it represents dirty work or not, I am delighted indeed to have had the opportunity of undertaking the task.

Hon. G. W. Miles: On a point of order. I was responsible for the interjection. I desire to withdraw the remark if I hurt the Honorary Minister's feelings.

Hon. E. H. Harris: He said he was not hurt.

Hon. G. W. Miles: A member was speaking, and referred to the fact that the Honorary Minister had introduced the Bill. The Honorary Minister was out of order in interjecting with a request to know what inference was to be drawn from the fact. I then made the remark about the dirty work being left to the Honorary Minister. If the remark was offensive to him, I shall withdraw it.

The HONORARY MINISTER: I merely refer to the incident in order to advise Mr. Miles that I am very pleased to have been entrusted with the task.

Hon. G. W. Miles: You asked for it yourself.

The HONORARY MINISTER: I have endeavoured to indicate to members the basis on which the Bill has been compiled. I reiterate the statement that not only has the Bill been advanced in accordance with a pre-election promise, but in keeping with a principle of the party to which I belong. We have at all times entered our protest against the continuance of the Act, and we proclaimed that as far as the financial position would allow, we would endeavour to rectify a measure that should never have been passed by Parliament, particularly as it affects the workers in private industry. I wish to refer to a statement made by Mr. Holmes. While the information may not be very definite, it will at least give him some idea in assessing his own estimates regarding the cost of this legislation. I informed the House previously that the figures had been compiled as accurately as possible.

Hon. J. J. Holmes: I understood you to say that the cost would be £90,000 for this year.

The HONORARY MINISTER: No, I said it would cost £50,000 to the end of the present financial year, and might cost as much as £60,000, owing to the anomalies that we desired to correct. I also indicated that on an annual basis it would cost us £110,000, or a little more, per annum. It has been ascertained that over 50 per cent. of the Government wages employees receive below the minimum specified in the Financial Emergency Act. Thus we can assume the same percentage will apply to employees outside the Government service. If that be so, we can also estimate that there are 50 per cent. of the workers in industry to-day who

are not affected by the operations of the Financial Emergency Act, and therefore will not be affected by the Bill, except that, once outside the scope of the Act, they will not be brought under it again, irrespective of whether the cost of living or the basic wage rises above the limit specified in the Act. Mr. Williams referred to a particular case, and quoted a letter he had received. I have done my best to look into that matter in the limited time at my disposal. The employees at Dowak will be affected by the Bill, and will be brought into line with the workers in the Kalgoorlie district. Esperance is not in the goldfields area but wages employees there will benefit by being removed from the Act, and with regard to salaried officers relief will be limited to those who were in receipt of £293 per annum as at the 30th June, 1932. Although Mr. Williams mentioned that Dowak is 120 miles from Esperance, I have ascertained that it is only 73 miles away. Government wages men in receipt of the basic wage at Kalgoorlie prior to the recent concession, were paid £3 13s. 8d., consisting of wages, £3 11s. 4d., and district allowance 2s. 4d. Under the provisions of the Bill, a man in a similar position in the Esperance district will receive from the 1st of next month a wage that will amount to £3 19s. 10d., consisting of wages £3 17s. 6d., and district allowance 2s. 4d. Similarly a Government wages employee at Salmon Gums or Dowak will receive £4 2s. 9d.—wages £3 17s. 6d., district allowance 5s. 3d. If that information does not satisfy Mr. Williams, he can make representations to the department and if there are other anomalies that can be overcome, an effort will be made to do so. There are many other points I could refer to, but as I feel sure that in the Committee stage they will all be raised again, and it may be necessary for me to reply to them then, I shall be doing the right thing if I limit my remarks at this stage. If I were to reply to all the statements made with which I do not agree, I would be keeping members for a considerable time, so I will refrain. There is no doubt as to the Bill passing the second reading, but on the other hand there seems to be little doubt as to what some members will endeavour to do when the Bill is in Committee, and so I suggest that when we get into Committee, members be as brief as possible. Complaints have been made of the long speeches delivered and the time taken over this and other

measures. I am not responsible for any of the delay; I have simply tried to do my duty, and when members have raised points calling for a reply I have endeavoured to give all the information at my disposal, or to combat arguments used against the measure.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Clause 2—Amendment of Section 7:

Hon. H. SEDDON: I move an amendment—

That in lines 8, 9 and 10 of paragraph (a) of proposed new Subsection 4 the words "and which as fixed on the 30th day of June, 1930, did not exceed £293 per annum" be struck out.

My object is to extend the benefit of the Bill to every section of the public service.

The HONORARY MINISTER: Not in any circumstances could I accept the amendment, and so I do not propose to spend time discussing it. On two occasions have I intimated to the Chamber that we have endeavoured to give relief to the lower paid men of the public service to the full extent that our financial resources will allow.

Hon. J. J. Holmes: It is up to the mover of the amendment to tell the Committee what the amendment will cost.

Hon. C. F. Baxter: Quite certainly it will increase the burden on the taxpayer.

Hon. H. SEDDON: It is for the Government to supply that information; it is no concern of ours.

Hon. J. J. Holmes: It is your amendment.

Hon. H. SEDDON: Yes, but already the Government have said that it is no concern of ours, that it is for them to say where the money would come from.

Hon. G. W. MILES: I oppose the amendment. I hope the Committee will not spend time over it. We have listened to 13 or 14 speeches on the second reading, and it is now up to the Committee to vote, not to talk.

The HONORARY MINISTER: The hon. member has had this amendment for some little time. Had it been handed to me two or three hours ago, it might have been pos-

sible to secure the information he is keen on having.

Hon. E. H. Harris: We did not expect to get it.

The HONORARY MINISTER: In the circumstances could I possibly agree to the amendment?

Amendment put and a division called for.

The CHAIRMAN: I give my vote for the ayes.

Division resulted as follows:—

Ayes	..	..	..	..	7
Noes	..	..	..	..	18

Majority against 11

AYES.

Hon. J. Cornwell	Hon. R. G. Moore
Hon. E. H. H. Hall	Hon. C. B. Williams
Hon. E. H. Harris	Hon. H. Seddon
Hon. W. J. Mann	(Teller.)

NOES.

Hon. C. F. Baxter	Hon. W. H. Kitson
Hon. L. B. Bolton	Hon. J. M. Macfarlane
Hon. A. M. Clydesdale	Hon. G. W. Miles
Hon. J. M. Drew	Hon. Sir C. Nathan
Hon. J. T. Franklin	Hon. J. Nicholson
Hon. G. Fraser	Hon. H. V. Piessé
Hon. E. H. Gray	Hon. A. Thomson
Hon. V. Hamersley	Hon. H. J. Yelland
Hon. J. J. Holmes	Hon. C. H. Wittenoom
	(Teller.)

Amendment thus negatived.

Hon. H. SEDDON: As the Committee are not prepared to go so far as to extend the benefits of the measure to all civil servants, I hope they will endeavour to correct anomalies that exist in regard to the goldfields.

Hon. J. J. Holmes: Why on the goldfields? Are there not others?

Hon. H. SEDDON: Well, those outside the South-West Land Division. I move an amendment—

That the following proviso be added at the end of paragraph (a):—"Provided further, that civil servants and teachers in receipt of salaries which exceed the rate of £293 as fixed on the 30th day of June, 1930, employed in the Yilgarn, Dundas, North-East Coolgardie, Mt. Margaret, Yalgoo, Broad Arrow, North Coolgardie, East Murchison, and Peak Hill goldfields shall, after the first day of January, 1934, be exempt from the reductions provided in this Act to the extent of an amount equivalent to the male basic wages as declared since the 30th day of June, 1930, whether prior to or after the commencement of this subsection."

Hon. J. J. HOLMES: I always held a very high opinion of Mr. Seddon until I read his

amendment. He seems to have overlooked the great North where we have civil servants labouring under far greater disadvantages than do those smooth people on the goldfields.

Hon. E. H. Harris: Are you going to move to include them?

Hon. J. J. HOLMES: No, I shall not be a party to expenditure that the country cannot afford. I am not going to play to the gallery for political purposes, or anything else. In putting an amendment of this kind before an intelligent body of men, the mover must think that we have been sitting so long that our intellects have become affected.

The HONORARY MINISTER: I cannot see why we should make an exception of the civil servants in those districts. Some civil servants in the districts mentioned are in receipt of probably £600, £700 or £800 a year. To suggest that they should be benefited while their colleagues in other parts of the State are still under the Act savours of what has been described as parish-pump politics.

Hon. C. B. WILLIAMS: A civil servant who is moved to the goldfields is called upon to pay rent up to £2 a week, when he could get a similar house in Perth for a few shillings a week. He also has to buy his goods in the dearest market in the State compared with the man in Perth who buys in the cheapest market.

Hon. H. SEDDON: The goldfields men referred to in the Bill are to be found not alone in Kalgoorlie and Boulder. Some of these officers were reduced as much as 70 per cent. I only ask that all these goldfields men should be placed on the same footing as regards sacrifices as their colleagues in other parts of the State.

Hon. R. G. MOORE: I support the amendment. When the Act was first before the House I endeavoured to have put right an anomaly that existed with regard to men on the basic wage on the goldfields, being obliged to pay a tax which was not paid by their confreres in a similar position in the metropolitan area.

Hon. J. J. HOLMES: There are other anomalies besides that. The widow of the greatest engineer Western Australia has ever known was granted an annuity of £250. She is now receiving £205 a year. If the value of her husband's services had been fully appreciated at the time she would probably have received £1,000 a year. If I have any-

thing to do with it no one under this Bill will receive any increase.

Hon. E. H. HARRIS: When the emergency legislation was going through there was a great deal of talk about equal sacrifices for all. Men on the gold-fields were penalised chiefly through the loss of their district allowances of from £10 to £45 per annum, and the loss of their biennial railway passes. About that time the mine owners proved to the court that they could not pay a higher rate of wage because the industry could not stand it. When things changed for the better, the Chamber of Mines conferred with the workers, and said if they were prepared to agree to a rotation of holidays, etc., their wages would not be reduced. That agreement holds good to-day. In Kalgoorlie and Boulder, roughly 500 employees of the Water Supply, Mines, Railway, and Education Departments have perforce to live where they work, and have to buy in a £4 5s. market. That consideration was urged upon the previous Government also.

Hon. J. J. Holmes: Those people buy from the Eastern States.

Hon. E. H. HARRIS: They are penalised, and that is our reason for putting up what might be termed a parochial argument. If the Government have £100,000 to distribute amongst civil servants, let them have regard for men who have been penalised since 1930. Government grants to hospitals and other public institutions have been reduced by 22½ per cent. Under the Bill, those reductions will continue, and the civil servants for whom we have pleaded will still be penalised, though they are entitled to their share of the £100,000.

Amendment put, and a division called for.

The CHAIRMAN: I give my vote for the ayes, because in all the districts mentioned in the amendment the present Government have stretched the existing law to include hundreds of workers similarly affected, and have given them easement on the same process of reasoning as is embodied in the amendment. I submit it is just to extend or stretch the law so as to include Government workers in those localities. Even if the Bill is lost—except as regards the continuation clause—it is only reasonable that men who are suffering a similar disability should receive similar consideration.

Result of division:—

Ayes	..	..	..	..	7
Noes	..	..	..	..	18

Majority against 11

AYES.

Hon. J. Cornell	Hon. H. Seddon
Hon. V. Hamersley	Hon. C. B. Williams
Hon. E. H. Harris	Hon. E. H. Hall
Hon. R. G. Moore	(Teller.)

NOES.

Hon. C. F. Baxter	Hon. J. M. Macfarlane
Hon. L. B. Bolton	Hon. W. J. Maun
Hon. A. M. Clydesdale	Hon. G. W. Miles
Hon. J. M. Drew	Hon. Sir C. Nathan
Hon. J. T. Franklin	Hon. J. Nicholson
Hon. G. Fraser	Hon. H. V. Piesse
Hon. E. H. Gray	Hon. C. H. Wittenoom
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. W. H. Kitson	Hon. A. Thomson
	(Teller.)

Amendment thus negated.

Clause put and a division called for.

The CHAIRMAN: Before the tellers are appointed, I indicate that I shall cast my vote with the Noes.

Division taken with the following result—

Ayes	..	..	..	..	12
Noes	..	..	..	..	13

Majority against 1

AYES.

Hon. C. F. Baxter	Hon. E. H. H. Hall
Hon. A. M. Clydesdale	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. R. G. Moore
Hon. J. T. Franklin	Hon. H. Seddon
Hon. G. Fraser	Hon. C. B. Williams
Hon. E. H. Gray	Hon. E. H. Harris
	(Teller.)

NOES.

Hon. L. B. Bolton	Hon. Sir C. Nathan
Hon. J. Cornell	Hon. J. Nicholson
Hon. V. Hamersley	Hon. A. Thomson
Hon. J. J. Holmes	Hon. C. H. Wittenoom
Hon. J. M. Macfarlane	Hon. H. J. Yelland
Hon. W. J. Maun	Hon. H. V. Piesse
Hon. G. W. Miles	(Teller.)

Clause thus negated.

Clause 3—Amendment of Section 8:

Clause put and a division taken with the following result—

Ayes	..	..	..	..	12
Noes	..	..	..	..	12

A tie 0

AYES.

Hon. C. F. Baxter	Hon. W. H. Kitson
Hon. A. M. Clydesdale	Hon. R. G. Moore
Hon. J. M. Drew	Hon. H. Seddon
Hon. J. T. Franklin	Hon. C. B. Williams
Hon. G. Fraser	Hon. E. H. Gray
Hon. E. H. H. Hall	(Teller.)
Hon. E. H. Harris	

NOES.

Hon. V. Hamersley	Hon. H. V. Piesse
Hon. J. J. Holmes	Hon. A. Thomson
Hon. J. M. Macfarlane	Hon. C. H. Wittenoom
Hon. W. J. Mann	Hon. H. J. Yelland
Hon. G. W. Miles	Hon. L. B. Bolton
Hon. Sir C. Nathan	(Teller.)
Hon. J. Nicholson	

The CHAIRMAN: The voting being equal, the question passes in the negative.

Clause thus negatived.

Clause 4—Repeal of Part V.:

Clause put and a division taken with the following result—

Ayes	..	..	..	..	11
Noes	..	..	..	..	13
					—
Majority against	..	..	..	..	2
					—

AYES.

Hon. J. M. Drew	Hon. W. H. Kitson
Hon. J. T. Franklin	Hon. R. G. Moore
Hon. G. Fraser	Hon. H. Seddon
Hon. E. H. Gray	Hon. C. B. Williams
Hon. E. H. H. Hall	Hon. A. M. Clydesdale
Hon. E. H. Harris	(Teller.)

NOES.

Hon. C. F. Baxter	Hon. J. Nicholson
Hon. L. B. Bolton	Hon. H. V. Piesse
Hon. V. Hamersley	Hon. A. Thomson
Hon. J. M. Macfarlane	Hon. C. H. Wittenoom
Hon. W. J. Mann	Hon. H. J. Yelland
Hon. G. W. Miles	Hon. J. J. Holmes
Hon. Sir C. Nathan	(Teller.)

Clause thus negatived.

Clause 5—Amendment of Section 26:

The CHAIRMAN: We have now reached the interesting stage where the Bill is purely a continuance Bill, and neither Clause 5 nor the Title is applicable to the Bill.

Hon. J. J. HOLMES: Can we not amend both?

The CHAIRMAN: That is for the Committee to say.

Hon. J. J. HOLMES: The Minister in charge of the Bill has the Crown Law officers available to prepare the necessary amendments.

Hon. C. F. Baxter: I suggest to the Minister that he report progress.

Hon. E. H. Harris: I suggest that we adjourn for 10 minutes while the Minister confers with the Crown Law officers.

Hon. J. J. Holmes: In what way does Clause 5 not apply?

The CHAIRMAN: We have arrived at exactly the same position as was reached last year on other measures.

Hon. G. W. Miles: Cannot we amend the Title?

The CHAIRMAN: Yes, if you will do it. Everything has been taken out of the Bill except the continuance provision, and members should complete their job.

Hon. J. J. Holmes: We asked for 10 minutes in which to consult the Crown Law officers, and now we have spent 10 minutes arguing the point.

The CHAIRMAN: The course I suggest is for some member to move that these words be inserted at the beginning of Clause 5:—"Subsection 1 of Section 26 of the principal Act shall continue in force until the end of the year 1934 and no longer." Then the Title can be amended. When far-reaching amendments such as these are contemplated, some consideration ought to be given to what is going to arise out of it.

Hon. J. J. Holmes: One never knows what is going to happen in this House.

The CHAIRMAN: I will put Clause 5 as printed.

Clause put and passed.

Clause 6—agreed to.

Title:

Hon. J. J. HOLMES: Should not the title be "A Bill for an Act to amend and continue the operation of the Financial Emergency Act, 1931"?

The CHAIRMAN: We have treated it as an amending Bill, not as a continuance Bill.

Hon. G. FRASER: We should have the sham fight to-night instead of to-morrow night. There have been many complaints about wasting time.

Hon. J. J. Holmes: Is the hon. member in order in referring to wasting time?

The CHAIRMAN: The Title will be made to read, "A Bill for an Act to amend Section 26 of the Financial Emergency Act, 1931."

Bill reported with amendments and an amendment to the Title and the report adopted.

Third Reading.

Bill read a third time and returned to the Assembly with amendments.

BILL—STATE TRANSPORT CO-ORDINATION.

In Committee.

Resumed from the 19th December; Hon. J. Cornell in the Chair, the Chief Secretary in charge of the Bill.

Clause 59—Financial provision:

Hon. V. HAMERSLEY: I move an amendment—

That in Subclause 2, after the word "vehicles," in line 19, the following proviso be added:—"Provided that not more than five per centum of the total amount placed to the credit of the said fund under this section in respect of premiums, licenses, and fees during the financial year shall be applied in or towards payment of the said cost of administration."

The tendency in Government departments is to build up the expenses. My amendment is intended to safeguard that position.

The CHIEF SECRETARY: The hon. member should supply some figures in support of his desire to limit the expenditure of the board in this way. Has he any idea what the cost of administration should be?

Hon. V. HAMERSLEY: In answer to a question, I was informed that the fees collected under certain parts of the Traffic Act for the last financial year amounted to £15,000. It may be that 5 per cent. of that income would not cover the cost of administration, but I think some limit should be placed upon the expenditure by the board from the fees collected. The whole of the income should not be swallowed up by the cost of administration.

The CHIEF SECRETARY: The cost of administering the Traffic Act itself is not a safe guide in estimating the expenditure that will have to be incurred by this board. In the initial stages the cost of administration will undoubtedly be higher than it is likely to be later on. A new clause which has been inserted in the Bill provides that as soon as may be after the 30th June in each year the board shall report on finance and administration. Thus Parliament is given an opportunity to control. The Bill, no matter how perfect it may seem to us, will have to be amended before long, and then hon. members may demand that cost of administration figures shall be supplied. If the figures are abnormal, and not such as can be justified, there

will be grounds for severe criticism of the board.

Hon. V. HAMERSLEY: My idea was that the board would be occupied for six months in furnishing information which would be a guide to the expenditure required. In view of the Minister's assurance, I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clause 60—Exercise of powers after passing and before coming into operation of Act:

Hon. E. H. HARRIS: Under Part II. of the Act appointments may be made to the board, and under Part III. applications for licenses may be submitted to and validly made by the board. The board, which legally comes into existence on the 1st July, can be appointed forthwith, and under Part III. can grant licenses, but none of such licenses can come into operation until the 1st July. Is not this clause a, so to speak, left-handed amendment of the Interpretation Act, and foreign to the Title of the Bill?

Hon. J. J. Holmes: I raised that point on the second reading.

Hon. E. H. HARRIS: I ask for your ruling, Mr. Chairman.

The CHAIRMAN: I rule that the clause is not foreign to the Title.

Hon. E. H. HARRIS: Notwithstanding the provisions of the Interpretation Act, certain things are to be done under the Bill. What is the reason for disregarding the provisions of the Interpretation Act?

The CHAIRMAN: The Title of the Bill is still in the air, having been postponed because of an amendment moved under which the measure would come into operation on a date to be fixed by proclamation. We will assume that the Act is to come into operation as from the 1st July next. If members compare Clause 60 with Section 11 of the Interpretation Act, they will see that what is permitted to be done under that Act is set out in the clause. In order to square with the Interpretation Act, it sets out that after the passing of the Act by Parliament and before the 1st July, the board may be appointed and may call for and deal with applications for licenses, but no license granted shall become operative until the Act itself becomes operative. The effect of that

is that it will allow the Government to appoint the board and the board to carry out the necessary preliminary work to enable the Act to operate effectively as from the 1st July. If the clause were not in the Bill, nothing could be done until after the 1st July.

Hon. J. J. HOLMES: If that ruling be correct, we do not require the preliminary words to Clause 60, "Notwithstanding the provisions of the Interpretation Act, 1918."

The CHAIRMAN: They are necessary.

The CHIEF SECRETARY: Perhaps I can shorten the discussion by drawing attention of members to Section 3 of the Interpretation Act. I have already explained that the Interpretation Act is a shortening ordinance for the purpose of assisting the Parliamentary Draftsmen in the saving of time, ink and paper and also in the interpretation of Acts of Parliament. Section 3 commences—

In the absence of express provision to the contrary, this Act shall apply to every Act of the Parliament of the State, heretofore or hereafter passed, and to every regulation made under any such Act

There is "express provision to the contrary" in the clause.

Hon. E. H. Harris: That sounds all right.

Clause put and passed.

Postponed Clause 1—Short Title:

Hon. A. THOMSON: I had intended to move an amendment to the Short Title but I shall not proceed with it.

Clause put and passed.

Postponed Clause 14—Fees for licenses:

The CHAIRMAN: The consideration of the clause was postponed after Mr. Nicholson had moved in line 13 of paragraph (b), after "vehicle," to insert the following words:—"other than a trailer or semi-trailer operating in the manner referred to in the said Section 33."

Hon. J. NICHOLSON: I intend to proceed with that amendment so as to keep trailers and semi-trailers separate and apart from motor vehicles.

The CHIEF SECRETARY: I shall not oppose the amendment, which is harmless.

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

Clause 15—Passengers or goods not to be sent by unlicensed vehicle:

Hon. A. THOMSON: This clause should be deleted. In the metropolitan area any person can send his goods without danger of infringing the law, but this clause makes it an offence for a person living in the country to convey any passengers or goods. It is a most objectionable clause.

The CHIEF SECRETARY: I move an amendment—

That after "who" in line 1, "knowingly" be inserted.

This should remove some of the hon. member's objections.

Hon. A. THOMSON: What justification is there for making it an offence for a man in the country to ask his neighbour to carry some special goods for him? Why in the name of God make a man in a country district a criminal for such an action? I understand the intention is to catch a man plying for hire with an unlicensed vehicle. That is all right, and will be supported by everybody in a country district.

Hon. G. W. Miles: This has nothing to do with the Bill.

Hon. A. THOMSON: It is all very well for the hon. member, but if it applied to his district in the North, he would be the first to object.

Hon. G. W. Miles: You are talking utter damn nonsense.

Hon. A. THOMSON: I ask that that be withdrawn.

Hon. G. W. Miles: I will withdraw it, and say that the hon. member's statement is made in a parochial spirit, which he cannot help.

Hon. A. THOMSON: I ask that that also be withdrawn.

The CHAIRMAN: The hon. member will withdraw.

Hon. G. W. Miles: Yes, I will withdraw.

Hon. A. THOMSON: There is nothing parochial about my remarks at all.

Hon. G. W. Miles: There are unlicensed vehicles running in the country districts today and no action is taken against them.

Hon. A. THOMSON: It is not fair to allow people in the city or in the North to send anything by any vehicle, whereas in country districts it is to be made a crime. In Victoria the woolgrower with his own lorry can cart wool anywhere, and can cart

wool for his neighbour in the same way. The Victorian Act contains no section comparable with this clause.

The CHIEF SECRETARY: That has nothing to do with the clause.

Hon. A. THOMSON: It shows the difference between the Victorian Act and this Bill.

Hon. Sir CHARLES NATHAN: We have agreed to the principle of the measure. The Minister has made a reasonable attempt to meet Mr. Thomson, and I hope the Committee will agree to the Minister's proposal. The onus of proof would then be on the department.

The CHIEF SECRETARY: This is one of many amendments I suggested to the Minister who will control the measure if it becomes law. Mr. Thomson's attitude would encourage people to commit breaches of the law.

Hon. A. Thomson: No, I wish to protect the people in the country.

The CHIEF SECRETARY: Anyone who knowingly induces an unlicensed carrier to carry goods or passengers should be regarded as a worse offender than the carrier himself.

Hon. E. H. HARRIS: Anyone on the goldfields who knowingly forwarded by an unlicensed carrier a broken piston that might be holding up a mine would be guilty of an offence. If the Governor-General passed in his car at the time, he would be asked to take the broken piston to a repair shop. I consider also that the men who were gassed at Norseman the other day could not have been carried.

Hon. J. Nicholson: Emergencies are provided for.

Hon. L. B. BOLTON: I travel frequently to my farm, and on every other trip I pick up some spare part for an adjoining farmer, have it repaired and take it back on my next trip. Would that be a breach of the measure? If so, it would be a most serious position from my point of view.

The CHIEF SECRETARY: The hon. member would not be committing an offence unless he charged for the carriage of the parts.

Hon. L. B. Bolton: I do not charge for the carriage.

Hon. J. J. HOLMES: I should feel inclined to support Mr. Thomson if he could show how the measure could be policed, but he has not done so.

Hon. W. J. MANN: There are emergencies in which it would be unfair to ask a person to carry goods at no cost. He might have to go miles out of his way to deliver them. At the same time I realise that unless a clause of the kind is inserted, anyone and everyone could flout the law. I have known cases in which considerable hardship would occur under this clause.

Hon. G. FRASER: Mr. Thomson has not much to fear from this clause. Ample protection is provided for the person to whom he refers. Unless a man consistently broke the law in this respect he would not be likely to be found out.

Hon. A. THOMSON: The Chief Secretary has said that if no charge was made a person would not be committing an offence. Unfortunately the wording of the clause does not make that clear. Anyone who plies for hire with an unlicensed vehicle should be dealt with, but power should not be given to penalise people in the manner indicated in this clause.

Hon. H. V. PIESSE: If I were travelling through the country, and gave a man a lift in my car, could I take him to Perth without being guilty of an offence against the Act?

Hon. L. B. BOLTON: Apparently, whether a person charges or not for the service he renders, he will be liable under this clause. Only people who live in the country can have a proper appreciation of its effects. Would I be liable if I took a friend up to my farm, and allowed him to pay for the petrol consumed on the journey?

The CHIEF SECRETARY: Yes, if the hon. member accepted payment in the form of petrol. If the friend was carried without any payment he would not be committing a breach of the Act. If there is no payment there can be no offence.

Hon. J. J. HOLMES: The whole question hinges on whether the passenger is carried free or for a charge. If a motor owner carries a parcel for a neighbour and makes no charge, there is no offence.

Hon. V. HAMERSLEY: We had all this the other evening. The clause should be struck out.

Hon. A. THOMSON: Will the Chief Secretary agree to the insertion of the words "for hire or reward" after the word "goods"? Then my objection to the clause would be removed.

The CHIEF SECRETARY: I should be only too pleased to accept the amendment, but to do so would indicate stupidity on my part. Some hon. members desire to destroy the Bill. One member could not find a single good clause in it. If a member considers that the Bill should be killed, he ought to use every legitimate means to keep it off the statute-book.

Hon. H. V. PIESSE: If a man driving a private car picks up someone on the road, is he perfectly in order in carrying that person to his destination? Or if he brings a spare part from Perth to a neighbour, without charge, is he in order?

The Chief Secretary: Perfectly.

Hon. H. V. PIESSE: That puts quite a different complexion on the clause.

Hon. Sir CHARLES NATHAN: I move—

That the Committee do now divide.

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

Ayes	..	..	..	12
Noes	..	..	..	6
<hr/>				
Majority for	..	..	..	6
<hr/>				

AYES.

Hon. J. Cornell	Hon. Sir C. Nathan
Hon. J. M. Drew	Hon. C. B. Williams
Hon. G. Fraser	Hon. C. H. Wittenoom
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. W. H. Kitson	Hon. W. J. Mann
Hon. J. M. Macfarlane	(Teller.)
Hon. G. W. Miles	

NOES.

Hon. L. B. Bolton	Hon. A. Thomson
Hon. V. Hamersley	Hon. E. H. Hall
Hon. R. G. Moore	(Teller.)
Hon. H. V. Piesse	

Motion thus passed.

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

New clause:

Hon. J. NICHOLSON: I move—

That a new clause to stand as Clause 20, be inserted as follows:—

"20. (1.) In the event of the Board refusing to renew a license to any owner of a public vehicle to carry on the business of a carrier of goods or passengers for hire in a manner previously lawfully carried on by him, and over a route previously used by him, because only of such carrier competing with some other transport service which, in the opinion of the Board, gives or is capable of giving a satisfactory service for conveyance of goods or passengers upon such route, the Board shall

compensate such carrier for any loss incurred by him in respect of plant owned by him being rendered useless or depreciated in value by reason of such refusal of his application for a license.

(2.) For the purpose of assessment of such compensation, such owner may bring proceedings before the local court magistrate of the district in which such route is situated or partly situated, and such magistrate shall be empowered to assess such compensation on evidence tendered on oath before him.

(3.) The amount of such compensation so awarded shall be payable out of the Transport Co-ordination Fund, or to the extent that such fund is insufficient to pay the same, by the owner of the transport service operating on such route, and if more than one such service is operating over such route, then in such proportion as to each such service as the magistrate may order, on application by the party to whom compensation has been awarded."

The amendment is in the form submitted in another place and the object is to allow compensation to owners of motor vehicles who are, so to speak, delicensed, in a manner similar to that operating under the Licensing Act.

The CHIEF SECRETARY: Mr. Nicholson seeks to grant compensation to motor proprietors who are refused a license. There is a precedent under the Licensing Act, money being forthcoming from contributions paid to the compensation fund over a period of years. That would not be possible under the Bill. We would have to wait for years for the fund to be built up to the necessary extent, and there would be protests against that course by statutory authorities who would receive the funds for the construction of roads. The question arises: Are these people entitled to compensation? They embarked in the business with their eyes open. They took a business risk and realised that it could not go on for any length of time because legislation was being passed in various parts of the world, even in Australia, to control the transport position. Let me give an illustration to demonstrate the injustice of the proposal. I will cite Wiluna. When mining was first mooted there, the Government guaranteed the company for a large amount. Later on, when the flotation of the company that owned the property was finalised, the Government consented to construct 190 miles of railway to Wiluna. The next concession from the Railway Department was in connection with the rate charged for the conveyance of crude oil for the generation of power on the mine. The conces-

sion also included the free return of empty wagons. It was found that the arsenical fumes given off in the treatment of the ore were such that, unless arrested, the town would become uninhabitable. Again the Railway Department came to the rescue by agreeing to an unpayable rate on the conveyance of arsenic, on account of the low market value. The quantity of arsenic recovered was more than the Australian market could absorb and the necessity arose for export overseas. The normal rate for the carriage of arsenic is £9 11s. 2d. per ton, but the railways agreed to transport the arsenic for £1 9s. 8d. per ton over a distance of 72·3 miles. In addition, the department made a further concession regarding the return of empty drums sent to Wiluna. The rate worked out at £2 4s. 8d. per ton whereas the normal rate is £3 8s. 1d. per ton. Since only 25 cwt. to 30 cwt. could be loaded in the ten ton capacity trucks, the department received the munificent sum of £3 10s. for that concession.

Hon. J. J. Holmes: You are doing more for one mine than for the wheat belt.

The CHIEF SECRETARY: It is left to the railways to carry fruit and vegetables without which life at Wiluna would be seriously impaired. The railways perform all the essential services while a fleet of motor trucks run in opposition, taking the payable traffic that the Railway Department hoped would make up for the concessions granted to the mining community. By charging a flat rate of £10 per ton, the motor trucks have been able to operate profitably while the railways have had to stagger along with the charges I have mentioned. Will members support an amendment for compensation for motor owners in the face of such circumstances? I trust the amendment will not be agreed to. I notice, after a careful perusal of the amendment, that there is an attempt to bring the Government railways in, as well as the Midland railway.

Hon. J. Nicholson: Where?

The CHIEF SECRETARY: That is clear in the third paragraph of the amendment. It provides that the amount of compensation awarded shall be payable out of the fund or, to the extent that such fund is insufficient to pay that amount, by the owner of the transport service operating on such route.

Hon. J. Nicholson: That is on the road route.

The CHIEF SECRETARY: The railway operates on those routes.

Hon. J. Nicholson: I am glad to know from the Minister they are liable under the Bill. I shall be careful to see there is an amendment moved exempting the Midland Railway Company.

The CHAIRMAN: The hon. member is making them liable by the new clause.

The CHIEF SECRETARY: That is so. If there is a deficiency in the compensation fund, the Government railways and the Midland railway will have to contribute a considerable portion of the necessary money. I am surprised that the hon. member should have the temerity to move an amendment like this except it be preceded by a Message from His Excellency.

Hon. J. NICHOLSON: The Chief Secretary has interpreted paragraph 3 of my amendment as referring to the Midland Railway Company. I suggest that it cannot in any sense be held to apply to that company. The Bill is intended to apply to vehicles operating on roads or streets in competition with the Government railways. That is gathered from the fact that the definition of "commercial goods vehicles" means any vehicle, other than one propelled by animal or human power, used or intended to be used on roads or streets. My proposed new clause is not intended to apply to the Midland Railway Company.

The CHAIRMAN: But it might be put off the road on the score of being a competitor.

Hon. J. NICHOLSON: If I thought there was such a subtle move underlying the Bill, I would urge every member to vote the Bill out.

The CHAIRMAN: Would the hon. member consider compensation payable out of the Transport Co-ordination Fund a legitimate charge against administration of the Act?

Hon. J. NICHOLSON: I do not know that I would. I think compensation is something outside of administration.

Hon. A. Thomson: Read Clause 59.

Hon. J. NICHOLSON: If this new clause were agreed to, it would become necessary to amend Clause 59.

The CHAIRMAN: Suppose there was not sufficient in the fund to pay compensation, who would pay it?

Hon. J. NICHOLSON: It can be provided that if the funds were not there, the compensation could wait.

The CHAIRMAN: The proposed new clause necessitates an amendment of Clause 59, but the hon. member has made no provision for that.

Hon. J. NICHOLSON: There is no need to do so until the proposed new clause is agreed to.

The CHAIRMAN: I have the admission from the hon. member that, assuming there is nothing in the objection raised by the Chief Secretary, and the Committee agree to the proposed new clause, it will be necessary to amend Clause 59, and the hon. member has made no provision to do it.

Hon. J. NICHOLSON: I am prepared to do it.

The CHAIRMAN: Mr. Thomson did not transgress to anything like the extent the hon. member has done to-night.

Hon. J. NICHOLSON: I cannot see that I have transgressed.

The CHAIRMAN: You have moved for compensation and have made no provision to amend the phraseology to meet the case.

Hon. J. NICHOLSON: I am prepared to move accordingly.

The CHAIRMAN: Evidently you were not aware of the fact.

Hon. J. NICHOLSON: I had it in mind. The first step was to carry this provision. I hope the Chief Secretary will assure us that the Government are not seeking to ring in the Midland or any other railway under this Bill.

The CHAIRMAN: Assuming that the board considered that the Midland railway provided the necessary transport from Perth to Moora and put certain vehicles off the road, under your proposal they would be compensated. If there was not sufficient money in the fund to compensate them, the Midland Railway Company would have to pay.

Hon. A. Thomson: I suggest that all the words after the word "fund" be struck out.

Hon. J. NICHOLSON: I am agreeable to submitting the amendment in that form.

Hon. A. THOMSON: I move—

That the amendment be amended by striking out of Subclause 3 all the words after "fund."

That should remove any doubt as to bringing in the Midland or any other railway. I hope the Committee will agree to the payment of compensation. If any man, in

accordance with the law, has incurred heavy liabilities to purchase plant and his service is declared unwarranted, compensation should be paid. I regret that members, including the Minister, have inferred that I am out to kill the Bill. I have merely been making an honest endeavour to protect the interests of the people I represent.

Hon. H. V. PIESSE: I support the amendment. Those who have provided motor transport in the country have shown for what amount goods can be carried. If I were not sure that the Government would reduce their freights, I would not be supporting the Bill. It is only right that compensation should be paid to those persons who have blazed the trail and then suffered the loss of their license.

Amendment put and passed.

The CHAIRMAN: I rule that the new clause, as amended, is out of order. It imposes a charge on the transport co-ordination fund. The proposals set out in the clause are calculated to increase the liability that must be carried in this connection. It constitutes an amendment to the Bill which cannot properly be moved in this place, and should be introduced by message.

Hon. J. NICHOLSON: The clause does not impose any burden upon the people. The fund is made up of money raised out of these fees. It is not a tax imposed upon the people as a whole.

The CHAIRMAN: If there was not enough money in the fund to meet the compensation none would be paid. The hon. member's remedy is to disagree with my ruling.

Dissent from Chairman's Ruling.

Hon. A. THOMSON: I move—

That the Committee dissent from the Chairman's ruling.

This clause provides for the payment of compensation to the man who loses his business.

The Chairman: Will the hon. member state his dissent in writing, under Standing Order 255?

[The President resumed the Chair.]

Hon. J. Cornell: Mr. Nicholson has moved to insert a new clause providing for the payment of compensation in the case of the

owner of any transport service whose license has been refused by the transport board. The compensation would be paid out of the transport co-ordination fund. I have ruled that the new clause is not admissible, my authority being Subsections 1 and 3 of Section 46 of the Constitution Act. The compensation in question would be a charge on the transport co-ordination fund. I have ruled that one of two things can happen. If the transport fund, after meeting all its obligations, could not meet such a claim, moneys appropriated might be used. Again, there might never be any money in the fund. Then, if money had to be got, it would have to be got by Parliament appropriating funds and thus increasing the burden on the people. I ruled that the amendment could not be moved without a Message from the Governor. Mr. Thomson is really appealing against Mr. Nicholson's amendment, and not against my ruling.

The President: The writing that I have received from Mr. Thomson reads—

I disagree with the Chairman's ruling that the amendment proposed by the Hon. J. Nicholson is not admissible under Section 46 Subsections 1 and 3, of the Constitution Acts Amendment Act.

If any hon. member wishes to address the Chamber on the matter, I shall be glad to hear him.

Hon. A. Thomson: The matter is of vital importance to the people affected by the Bill. I disagree with the Chairman's ruling. In his explanation to you, Mr. President, the Chairman said it was quite possible that there would not be sufficient money in the fund to pay any compensation. Clause 59 of the Bills reads—

(1) There shall be kept in the Treasury a fund, to be called the "Transport Co-ordination Fund." There shall be placed to the credit of the said fund—(a) subject to the expressed provisions of Subsection 5 of Section 11 all moneys received by the board in respect of premiums and/or licenses granted under this Act and for fees payable under this Act; (b) any moneys appropriated by Parliament for the purpose of this Act.

I contend that the intention is that all premiums and license fees shall be paid into the fund. Then Subclause 2 provides—

(2) Out of the said fund there shall be paid the cost of administration of this Act . . .

I intended to move that after the word "Act," in line 2 of Subclause 2, there be in-

serted "and any payment which may from time to time be payable under Section 20." The intention is that if there are any moneys available in the fund, compensation shall not be paid out of revenue. The Bill was introduced in another place by a Message from the Lieut.-Governor. It provides for the taking-away of a man's livelihood. In all other cases where that takes place, compensation is provided.

Hon. J. Nicholson: I respectfully suggest that the Chairman's ruling is not in order, because this is not a taxing measure. The grounds of the Chairman's ruling are to be found in Subsections 1 and 3 of Section 46 of the Constitution Acts Amendment Act. Subsection 1 provides that Bills appropriating revenue or moneys, or imposing taxation, shall not originate in the Legislative Council. This Bill has not originated here, but in the Legislative Assembly. Any amendment moved here is an amendment moved as our right under the Standing Orders. Subsection 1 deals with the Bill itself—a totally different thing from the amendment. Subsection 1 proceeds—

But a Bill shall not be taken to appropriate revenue or moneys, or to impose taxation, in reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand of payment or appropriation of fees for licenses . . .

Even the appropriation of fees for licenses shall not be regarded as making it such a Bill. Subsection 3 reads—

The Legislative Council may not amend any Bill so as to increase any proposed charge or burden on the people.

The Chairman said that if the fund happened to be insufficient to meet compensation requirements, it would mean that the money would have to come from Consolidated Revenue. I consider there would be no such obligation. Had I specifically referred to that in the amendment, I agree that the Chairman's ruling would have been correct. As I did not include those words and did not impose a burden on the people, I submit that the ruling is wrong and without foundation.

Hon. H. V. Piessé: I would like to know where the compensation payments would come from?

Hon. J. Nicholson: From the Transport co-ordination fund.

Hon. H. V. Piessé: And if there were no money in the fund, where would the compensation come from?

Hon. J. Nicholson: Those concerned would have to wait until there was money in the fund.

The President: I would like to hear the Leader of the House on the question of the ruling of the Chairman.

The Chief Secretary: I think the Chairman's ruling was correct, but not on the grounds he gave. I base my contention on the opinion forwarded to the late Mr. Lovekin by Sir Howard D'Egville. In this House an attempt was made to increase license fees and Mr. Lovekin was of opinion that the ruling of the Chairman of Committees of the day that it would impose a burden on the people was not correct, as it would affect only a section of the people. Sir Howard D'Egville expressed the opinion that although it affected a section only, it did increase the burden on the people, and that the Council had no power to take such an action.

Hon. J. Nicholson: But my amendment would not impose a burden on the people.

The Chief Secretary: It certainly would, and on a very large section of the people. It might mean, if agreed to, that the license fee would have to be increased. Further, the money derived from the fees is to go to the local authorities to enable them to maintain their roads. If the local authorities are deprived of their money, they must secure funds from the Government, and that in itself would impose a burden on the people.

Hon. H. V. Piesse: You do not mean that the local authorities would have to provide the compensation?

The Chief Secretary: Not directly, but to the extent that the funds from the fees might be used for compensation purposes, whereas that money would normally go to the local governing authorities. The last-mentioned would, indirectly, provide the compensation.

Hon. J. Cornell: There is one phase I wish to mention. I specifically pointed out that if the new clause were agreed to, it would necessitate amending the provisions regarding the fund; otherwise it would be meaningless. The scope of the fund would have to be extended so as to provide for compensation. Secondly, if compensation were to be provided, it would have to be by means of increased licensed fees, or by withdrawing from local authorities money that should go to them. I pointed out that that imposed a burden on the people.

The President: I have no hesitation whatsoever in giving my decision. I have studied Section 46 of the Constitution, which is very emphatic on the point that the Legislative Council may not amend any Bill so as to increase any charge or burden on the people. That is emphasised more than once in the Constitution. According to my interpretation of that section, the new clause proposed by Mr. Nicholson does, within the meaning of that section, impose a burden on the people, and I rule that the decision of the Chairman of Committees was correct.

Committee resumed.

First Schedule:

The CHIEF SECRETARY: I move an amendment—

That before "solely" in line 5 of paragraph 2 a new paragraph be commenced, to stand as paragraph 3.

This might be said to be merely a matter of punctuation, but it is desirable that the amendment should be made.

The CHAIRMAN: The better way would be to insert the figure "3" before "solely" in line 5.

The CHIEF SECRETARY: Very well. That will do.

Amendment put and passed.

Hon. A. THOMSON: I move an amendment—

That after "wheat" in line 6 of paragraph 2, the words "or wool" be inserted.

This will permit a farmer to cart his own wool down to the city, as is done in Victoria.

Hon. J. Nicholson: Would you agree to add also the words "or machinery parts"?

Hon. A. THOMSON: I think that is already provided for in the succeeding lines of the paragraph.

Hon. J. Nicholson: I do not think so. To make sure, you had better add those words.

Hon. A. THOMSON: I would prefer to let the words "or machinery parts" be the subject of a subsequent amendment. The object of my amendment is to permit a man to cart his own wool.

Hon. J. J. Holmes: Under the Traffic Act, cannot he get a permit for that now?

Hon. A. THOMSON: No, I can assure the hon. member of that.

Hon. J. J. Holmes: I heard of a case in the Williams district.

Hon. A. THOMSON: Yes, but that was in very special circumstances.

The CHIEF SECRETARY: The hon. member wishes to include wool which it is hoped the measure will preserve for the railways. Wool is quite a different proposition from wheat, and I cannot imagine the Committee, who have endorsed the principles of the Bill, sanctioning the amendment.

Hon. A. Thomson: If it is good enough for Victoria, it should be good enough for us.

The CHIEF SECRETARY: Superphosphate for the farmer is carried at an immense loss to the railways and the hon. member would give the farmer, who is deriving that benefit, the right to cart his wool by motor.

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

Ayes	..	..	..	8
Noes	..	..	..	12

Majority against .. 4

AYES.

Hon. E. H. H. Hall
Hon. V. Hamerley
Hon. W. J. Mann
Hon. J. Nicholson

Hon. H. V. Piesse
Hon. A. Thomson
Hon. C. H. Wittenoom
Hon. H. J. Yelland
(Teller.)

NOES.

Hon. L. B. Bolton
Hon. J. M. Drew
Hon. J. T. Franklin
Hon. G. Fraser
Hon. E. H. Gray
Hon. J. J. Holmes

Hon. W. H. Kitson
Hon. J. M. Macfarlane
Hon. G. W. Miles
Hon. R. G. Moore
Hon. Sir C. Nathan
Hon. C. B. Williams
(Teller.)

Amendment thus negatived.

Hon. J. J. HOLMES: I move an amendment—

That the following be added to paragraph 4 of the schedule:—"The term 'The railway station or town nearest to such property' shall include that station or town most accessible to the property, and to which supplies and requisites for that property would ordinarily be raised."

In the Murchison there might be a direct road leading to a railway and further up a railway station with no road leading to it. The amendment would permit of a person travelling to the railway line by the track he had been accustomed to take.

The CHIEF SECRETARY: I accept the amendment.

Amendment put and passed.

Hon. L. B. BOLTON: I move an amendment—

That a new paragraph be inserted as follows:—"The carriage of goods produced or manufactured in Western Australia for exhibition, sale or delivery to purchasers or prospective purchasers in a vehicle owned by the producer or manufacturer."

I am only asking for a small concession for locally-manufactured goods.

Hon. Sir Charles Nathan: Can we, under the Federal Constitution, differentiate between locally manufactured goods and goods manufactured in other parts of Australia?

The CHAIRMAN: Clause 4 indicates that the Act will be subject to the Commonwealth legislation governing this question.

Hon. H. V. PIESSE: Does Mr. Bolton intend the vehicle to travel as a wholesale or a retail vehicle? The amendment is a dangerous one, for it would mean that any one manufacturing goods in Perth could retail them in the country without any hindrance.

The CHIEF SECRETARY: This is a dangerous amendment, and borders on a direct infringement of the Federal Constitution. It is an unfair discrimination between goods manufactured in the Eastern States and those produced in this State. It is equivalent to a Customs duty on the imported article.

Hon. Sir CHARLES NATHAN: There is no definition of "goods manufactured in Western Australia." They could be represented by tomato sauce put up in an Eastern States bottle.

Hon. L. B. BOLTON: We should give a small concession like this to Western Australian made goods when the opportunity offers.

Hon. H. V. PIESSE: We must protect business people in the country, and should not allow manufacturers in Perth to tour the country and sell goods on a retail basis.

Amendment put and negatived.

Hon. J. M. MACFARLANE: Does paragraph 8, reading "The carriage of milk or cream to the nearest factory," mean alternatively carriage to the nearest railway station?

The CHIEF SECRETARY: It means what it says—the factory nearest to the farm.

Hon. J. M. MACFARLANE: In many cases milk or cream is taken in the first

place to a railway station. I would like the words "or the nearest railway station" to be added to the paragraph.

The CHAIRMAN: The Chief Secretary states that the schedule already contains such a provision.

Hon. J. J. HOLMES: I move an amendment—

That the following new paragraph be inserted after paragraph 8:—"The carriage of shearing employees and their luggage in a vehicle to any place or places where they are to carry out any shearing contract and the return by the same vehicle of such employees to their places of residence on completion of the contract."

I understand that the Minister approves of the amendment.

Amendment put and passed.

Hon. H. V. PIESSE: I move an amendment—

That the following new paragraph be inserted after paragraph 8:—"As a feeder to or from any country railway station or siding, provided it is not operating at a distance beyond 35 miles from such station or siding."

This will prove advantageous to the railways. It will obviate the transport of considerable quantities of wool by truck.

The CHIEF SECRETARY: I have much pleasure in accepting the amendment, and in endorsing the principle involved.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That at the end of paragraph 9 of the First Schedule "thirty-four" be struck out and the words "thirty-three" inserted in lieu.

The amendment will rectify a typographical error.

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

Second Schedule, Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by the Chief Secretary, Bill recommitted for the purpose of further considering Clauses 3, 10, 13, 14, 15, 17, 20, 24, 33, 37, 52, 54 and 57.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 3—Interpretation:

Hon. J. NICHOLSON: I move an amendment—

That after "only" in line 3 of the definition of "commercial goods vehicle," the words "operated or" be inserted.

My object is to bring the definition into association with the definition of "operate."

The CHIEF SECRETARY: Mr. Nicholson has sprung this amendment on the Committee; it is not included among those on the Notice Paper to be dealt with on recommendation. Many of the amendments that appear there have been rendered necessary by the amendments carried last night at the instance of Mr. Nicholson, which confused the powers embodied in the Bill. Here is another amendment that it is impossible for us to follow.

Hon. J. Nicholson: I could not give you notice of it, as it has only occurred to me this moment.

The CHAIRMAN: That is the reason for the confusion.

The CHIEF SECRETARY: I shall vote against the amendment.

Hon. J. NICHOLSON: My object is to make the definition clear and in harmony with the definition of "operate." It will make it clear that the vehicle will be one that operates for hire.

Amendment put, and a division called for.

The CHAIRMAN: I will give my vote with the noes.

Division resulted as follows:—

Ayes	..	..	..	..	12
Noes	..	..	..	..	10
					—
Majority for	..	..	..	..	2
					—

AYES.

Hon. L. B. Bolton	Hon. Sir C. Nathan
Hon. E. H. H. Hall	Hon. J. Nicholson
Hon. V. Hamersley	Hon. A. Thomson
Hon. E. H. Harris	Hon. C. H. Wittenoom
Hon. J. M. Macfarlane	Hon. H. J. Yelland
Hon. R. G. Moore	Hon. H. V. Piesse
	(Teller.)

NOES.

Hon. J. Cornell	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. W. J. Mann
Hon. G. Fraser	Hon. G. W. Miles
Hon. E. H. Gray	Hon. C. B. Williams
Hon. J. J. Holmes	Hon. J. T. Franklin
	(Teller.)

Amendment thus passed.

Hon. A. THOMSON: I move an amendment—

That after "goods," in line 4, the words "but does not include any motor car" be inserted.

These words appear in the corresponding definition in the Victorian Act.

The CHIEF SECRETARY: If this amendment were agreed to, a man with a large motor car could carry goods for payment throughout the length and breadth of the State without being called upon to pay a license fee.

Hon. A. THOMSON: Then why is it that these words I propose to insert are in the Victorian Act?

The CHAIRMAN: I cannot tell you that.

Hon. A. THOMSON: If the Crown Law Department rules that the result of the amendment will be as stated by the Chief Secretary, I will not press the amendment. When we discussed this previously, the Chief Secretary indicated that he would have the words inserted in the First Schedule.

The CHIEF SECRETARY: I can assure the hon. member that under the amendment a man could convert a motor car into what was really a commercial goods vehicle, and carry goods for payment without having to pay a license fee.

Amendment put and negatived.

The CHIEF SECRETARY: I move an amendment—

That in the definition of "Goods" the words "save and except such as are referred to in the first schedule hereto" be struck out.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That at the end of the definition of "Operate" the words "save as provided by Section 33 of this Act" be added.

The CHIEF SECRETARY: The amendment would be unnecessary and stultifying and would create confusion.

Hon. J. NICHOLSON: Clause 33 provides the 15-mile radius exemption and the word "operate" applies to vehicles used in the course of any trade or business. I wish to make it clear that when a vehicle is operated within the 15-mile radius, the definition will not apply.

The CHIEF SECRETARY: The amendment would be just as futile as some of the others moved by the hon. member. A vehicle granted an exemption under Section 33 would still be operating, and it is from the consequence of operating without a license that the vehicle will be exempted.

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

Ayes	..	..	..	..	11
Noes	..	..	..	..	10

Majority for 1

AYES.

Hon. L. B. Bolton	Hon. H. V. Piesse
Hon. V. Hamersley	Hon. A. Thomson
Hon. E. H. Harris	Hon. C. H. Wittenoom
Hon. J. M. Macfarlane	Hon. H. J. Yelland
Hon. W. J. Mann	Hon. E. H. H. Hall
Hon. J. Nicholson	(Teller.)

NOES.

Hon. J. Cornell	Hon. G. W. Miles
Hon. J. M. Drew	Hon. R. G. Moore
Hon. G. Fraser	Hon. C. B. Williams
Hon. E. H. Gray	Hon. J. T. Franklin
Hon. J. J. Holmes	(Teller.)
Hon. W. H. Kitson	

The CHAIRMAN: I have given my vote with the Noes.

Amendment thus passed.

Hon. J. NICHOLSON: I move an amendment—

That in the definition of "Vehicle," after the word "power," the following be inserted:—"and used or intended to be used on road or street."

The CHIEF SECRETARY: A vehicle can only operate on a road or a street. The words "road or street" are unnecessary, and certainly would not apply to aircraft.

Hon. J. NICHOLSON: I should like to know if the Chief Secretary is going to move the amendment he has on the Notice Paper to the definition of "vehicle"; and, if so, if he will include in that amendment the words "or private," as relating to railways or tramways.

The CHAIRMAN: The Chief Secretary's amendment is on the Notice Paper, and will be dealt with when we come to it.

Amendment put and negatived.

The CHIEF SECRETARY: I have on the Notice Paper an amendment to the definition of "vehicle." It is to insert after "tramway" in line 34 the words "whether used on a Government railway or tramway."

Hon. J. NICHOLSON: Now I should like to know whether the Chief Secretary, before moving his amendment, will insert after the word "Government" the words "or private."

The CHIEF SECRETARY: I have no objection to embodying those words in my amendment. I move an amendment—

That in the definition of "Vehicle," after "tramway," in line 34, the following words be inserted:—"whether used on a Government or private railway or tramway."

The CHAIRMAN: The question is that the amendment be agreed to.

Hon. J. NICHOLSON: I would draw your attention, Mr. Chairman, to the fact that the amendment, as you have stated it, is as it appears on the Notice Paper, whereas the Chief Secretary has just agreed to insert in his amendment the words "or private" as referring to railways or tramways.

The CHAIRMAN: If the amendment has been altered as it appeared on the Notice Paper, then I want three copies of it.

Hon. J. NICHOLSON: I am only trying to help the Chief Secretary, and have no desire to delay the proceedings, but he has agreed to the inclusion of these words.

The CHAIRMAN: You are trying to help!

Hon. J. NICHOLSON: That is not a fair remark, Mr. Chairman!

The CHAIRMAN: That is a matter of opinion.

Hon. J. NICHOLSON: You are wrong, Mr. Chairman.

Hon. G. W. MILES: The Chief Secretary agreed to include in his amendment the words "or private." You are wrong in taking Mr. Nicholson to task in that way. The amendment has been moved by the Chief Secretary. You ought to be fair.

The CHAIRMAN: I am quite fair, and I ask members to be fair to the Chairman of Committees as well as to the clerks.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That in the definition of "Vehicle" the words "or a privately-owned vehicle used only for the use or pleasure of the owner" be struck out.

These words were added in another place, and they are unnecessary. The term "use

or" is considered dangerously wide. Moreover, the Bill does not in any way affect privately-owned vehicles used in the course of business.

Hon. J. Nicholson: Would it be sufficient to strike out the words "use or"?

The CHIEF SECRETARY: Yes.

Hon. G. W. MILES: What is the use of having those words in the Bill when it does not refer to privately-owned vehicles at all? They can only lead to complications.

Hon. Sir CHARLES NATHAN: We are spending a lot of time in discussing verbiage. Surely we have enough confidence in Ministers and others concerned in the drafting of Bills.

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

Clause 10—Powers and authorities:

The CHIEF SECRETARY: I move an amendment—

That in line 8 of paragraph (d), after "license," the words "as hereinafter defined" be inserted.

Amendment put and passed.

Hon. J. M. MACFARLANE: When the clause was previously under discussion, I raised several points and the Chief Secretary has endeavoured to meet me in the amendment that he has on the Notice Paper. The second paragraph of his amendment does not quite meet my wishes and I hope the Committee will accept the first paragraph of the Chief Secretary's amendment, substitute the proviso that I have on the Notice Paper for his second paragraph, and adopt the third paragraph. My proviso reads as follows:—

Provided that no tenders or premium shall be called or invited—

- (i) unless and until the licensee, if any, of any omnibus operating on any route or in any area or district shall have failed to provide adequate transport within a reasonable time after notice so to do shall be given by the Board in writing to such licensee; and
- (ii) for any route which may be substituted for a route prescribed by the Traffic Act, 1919-1932, and in existence at the commencement of this Act.

My object is to safeguard the interests of a licensee who has built up the business along a route and render it unnecessary for tenders to be called for any extension along that route. It may possibly be necessary to re-

quire a premium and that can be dealt with by the board. It would be wrong to require the owner of the motors catering for a route to tender for the business should an extension be necessary.

The CHIEF SECRETARY: I can scarcely accept the suggestion of Mr. Macfarlane. It might mean that if the bus owner could not make a success of his route, he might claim he should have a monopoly over a substituted route. A monopoly should not be allowed in connection with a transport service. No doubt the board will favour the original applicant in most instances, but we should not tie the hands of the board. When we considered Clause 28, members indicated they were not in favour of giving any licensee rights in perpetuity.

Hon. J. M. MACFARLANE: I suggest the Committee accept paragraph (a) of the Chief Secretary's amendment on the Notice Paper.

The CHAIRMAN: What does the hon. member really want?

Hon. J. M. MACFARLANE: The Chief Secretary has met me with that paragraph (a), and I should like to adopt it. Then I should like to deal with paragraph (b) of the Chief Secretary's amendment by trying to get the Committee to adopt my proviso, with the exception of cutting out the tenders. Under this the board would have the right to call for tenders. I contend that those with an established route should be safeguarded and not have to come into competition with others. If the Committee would accept paragraph (a) of the Chief Secretary's proposal, we could then deal with paragraph (b).

The CHIEF SECRETARY: Does the hon. member think his proviso could be added to paragraph (b) of my amendment?

Hon. J. M. Macfarlane: Yes.

The CHIEF SECRETARY: We might postpone this and let the draftsman consider it.

Hon. J. M. Macfarlane: Very well.

The CHIEF SECRETARY: I move—

That further consideration of the clause be postponed.

Motion put and passed.

Clause 13—No unlicensed public vehicle to be operated:

The CHIEF SECRETARY: I move an amendment—

That at the commencement of the clause the words "subject to the provisions of Section 33" be inserted.

This has been requested by Mr. Nicholson.

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

Clause 14—Fees for licenses:

The CHIEF SECRETARY: I move an amendment—

That in paragraph (a) "5" be struck out and "7½" inserted in lieu.

In the Bill originally the fee for omnibuses was set down at not more than 10 per cent. of the gross earnings. Mr. Baxter successfully moved an amendment reducing it to five per cent. In many cases probably five per cent. would be quite enough, but there may be cases where five per cent. would not be enough. The board will exercise discretion and will not impose a higher fee than is desirable. In South Australia up to 10 per cent. is imposed in some cases, and there may be parallel cases here in Western Australia.

Hon. H. V. PIESSE: As a business man, I feel that one could not charge any business with more than five per cent. for the goodwill. The Government next session can re-submit to Parliament the charges to be made. If they bring the Bill into operation in June, it will give them opportunity to know whether they can carry on on a five per cent. basis. I should like to see the amendment rejected and the rate left at five per cent.

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

Ayes	..	..	..	..	5
Noes	..	..	..	..	16

Majority against 11

AYES.

Hon. J. M. Drew
Hon. E. H. H. Hall
Hon. W. H. Kitson

Hon. C. B. Williams
Hon. E. H. Gray
(Teller.)

NOES.

Hon. L. B. Bolton
Hon. J. T. Franklin
Hon. V. Hamersley
Hon. E. H. Harris
Hon. J. J. Holmes
Hon. J. M. Macfarlane
Hon. W. J. Mann
Hon. G. W. Miles

Hon. R. G. Moore
Hon. Sir C. Nathan
Hon. J. Nicholson
Hon. H. V. Piessé
Hon. A. Thomson
Hon. C. H. Wittenoom
Hon. H. J. Yelland
Hon. G. Fraser
(Teller.)

Amendment thus negatived.

The CHIEF SECRETARY: I move an amendment—

That the words "and does not apply to subsidies paid to aerial services" be struck out, and the words "and in assessing such gross earnings the amount of any subsidy paid for an aerial service shall not be taken into account" inserted in lieu.

This is merely a new drafting to make clear the intention.

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

Clause 15—Passengers or goods not to be sent by unlicensed vehicle:

The CHIEF SECRETARY: I move an amendment—

That the second paragraph be struck out.

The paragraph is unnecessary in view of an amendment previously made to the clause.

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

Clause 17—Commercial goods vehicle not to be used for passengers:

The CHIEF SECRETARY: I move an amendment—

That the words "for hire or reward," appearing after the word "thereupon," in line 33, be struck out, and that after the word "pounds" the following be inserted:—

"unless—

- (a) a license granted under this Act in respect of the vehicle expressly authorises the carriage of passengers therein; or
- (b) the person so carried is—
 - (i) in the employ of the owner of the vehicle and is proceeding on his master's business; or
 - (ii) the owner or a member of the family of the owner of the vehicle;
 - (iii) carried in the case of special emergency;
 - (iv) an indigent person who is carried without fee or reward of any kind;
- (c) the owner of the vehicle is the holder of a special permit granted by the Board, and the person so carried is carried in conformity with the permit."

Hon. J. NICHOLSON: This amendment provides for the carrying of an indigent person, who would pay neither fee nor reward for the service. Perhaps the Chief Secretary would agree to the striking out of the word "indigent."

The CHIEF SECRETARY: This applies only to commercial goods vehicles, the opera-

tor of which is not supposed to carry passengers.

Hon. W. J. MANN: A man has only to declare that he is indigent in order to get a free ride. Could not the word "unemployed" be used?

Hon. E. H. GRAY: The word "indigent" should be struck out. Surely it is possible to give a man a lift who is not entirely without means.

Hon. A. THOMSON: I move—

That the amendment be amended by striking out the word "indigent."

The CHIEF SECRETARY: I cannot accept the amendment on the amendment. It would open the door to allowing commercial goods vehicles to carry any number of persons and probably compete with buses.

Hon. A. THOMSON: Under the wording of the amendment, a licensed carrier conveying a man's stock could not give the man himself a lift. I quite agree with the Minister that the licensed carrier should be debarred from competing with buses.

Hon. E. H. H. HALL: I hope that the amendment on the amendment will be carried. As it stands, the amendment goes too far.

Amendment on the amendment put and passed.

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

Clause 20—Omnibuses not to operate unless licensed:

The CHIEF SECRETARY: I move an amendment—

That the following proviso be added to the clause:—"Provided that no license is required under this part where—(a) on any special occasion persons co-operate to bear the expense of any journey undertaken for pleasure in a privately-owned motor vehicle; and (b) such journey is made to a destination to which on the day the journey was undertaken there was no suitable train running or public vehicle operating."

With reference to paragraph (a), I have substituted "motor vehicle" for the words "motor car" appearing on the Notice Paper, because large parties usually travel by truck.

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

Clause 24—Power to grant, etc., application:

The CHIEF SECRETARY: I move an amendment—

That after "application," in line 3, the words "There shall be an appeal against the decision of the Board to a court of petty sessions, whose order shall be final, in any case where a license, or a transfer of a license, under this Part of this Act is refused."

On the hearing of the appeal the court may order that the license shall be granted, or may dismiss the appeal, and may order either party to the appeal to pay such costs as in its discretion the court may think fit."

be struck out and the following words inserted in lieu:—

"2. (a) Any person who at the thirty-first day of December, 1933, is the holder of a license for a vehicle which was—

(i) licensed under section ten A of the Traffic Act, 1919-1932, and engaged in carrying goods on one specific route for a period of not less than twelve months prior to such date; or

(ii) licensed and operating as an omnibus on a route prescribed under that Act for a period of not less than twelve months prior to such date,

shall if he at any time within three years of the date of the commencement of this Act is refused a license or renewal of a license under this Act in respect of such vehicle for the route on which it was operating at the thirty-first day of December, 1933, be entitled to appeal to a stipendiary magistrate in respect of such refusal within the time and manner prescribed.

(b) The appellant shall on instituting his appeal pay the sum of ten pounds into court as security for the costs of the appeal.

(c) On the hearing of the appeal the magistrate may order that the license be granted in accordance with the application or subject to such conditions (being conditions which the Board itself might have imposed if it granted the application in the first instance) as the magistrate may think fit or the magistrate may dismiss the appeal and in any case may make such order as to costs as the magistrate deems advisable.

(d) The decision of the magistrate shall be final."

Hon. A. THOMSON: As I moved for the inclusion of the words that are to be struck out, I do not offer any objection to the Chief Secretary's amendment, because I regard it as an improvement.

Hon. G. W. MILES: Would it not be better for the appeal to be to a judge of the Supreme Court instead of to a stipendiary magistrate?

The CHIEF SECRETARY: Stipendiary magistrates are highly qualified and experienced men. It would be difficult to secure the services of a judge, as the judiciary are already short-handed.

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

Clause 33—Application of part:

Hon. J. NICHOLSON: I move an amendment—

That after "vehicle," in line 2, the words "or trailer or semi-trailer" be inserted.

Amendment put and passed.

[Hon. Sir John Kirwan took the Chair.]

Hon. V. HAMERSLEY: I move an amendment—

That in paragraph (a) "fifteen" be struck out, and "forty" inserted in lieu.

I know that Mr. Yelland has a similar amendment to substitute "thirty-five," but I wish to increase the radius to forty miles because a large number of people in various centres have written to me asking that this be done. Fruit and vegetable growers and poultry farmers at Wanneroo, Chittering and Armadale are all keenly interested in this question of radius. They say it will break them if they are not able to continue sending their goods in to the market, and that they cannot get the necessary service from the railways.

Hon. H. J. YELLAND: I have on the Notice Paper an amendment to make the radius 35 miles, but I am prepared to withdraw in favour of Mr. Hamersley's amendment. The proposed radius of 15 miles will cut right through the middle of various progressive centres, benefiting some of the producers, but penalising others. A 40-mile radius would include all the fruit and vegetable growers and the poultry producers. The manager of the Illawarra orchard stated that about £400 a year was being spent to rail fruit by train. Pears for export, however could not be sent by train because of the heat engendered, and it was necessary to get special freight from the orchard to the port. If the 15-mile limit were insisted on, he would be unable to avail himself of that convenience.

The CHIEF SECRETARY: When the matter was previously considered, Mr. Thomson made a ferocious attack upon the metro-

politan area, saying that concessions were being made to the metropolitan area and denied to the country. Mr. Nicholson replied to him at length. That was on the basis of a 15-mile radius. Now it is proposed to extend the radius to 40 miles, which would mean a distance of 80 miles in each direction. What about the producers in other parts of the State?

Hon. H. J. Yelland: We have a similar amendment for country districts.

The CHIEF SECRETARY: I oppose the amendment.

Hon. H. V. Piesse: Cannot you grant concessions in special cases?

The CHIEF SECRETARY: Yes. If we conceded 40 miles now, there would be a demand next year for a still greater radius.

Hon. W. J. MANN: Listening to Mr. Yelland one would have thought that he was dealing with one-way traffic. I wish to emphasise the disability to country storekeepers if the radius is increased. People in the city will be able to deliver goods over a distance of 80 miles. In reply to Mr. Yelland, what about the pears that come from Pemberton? This is about the silliest proposal that has been submitted for a long time.

Hon. R. G. MOORE: If the amendment be accepted, the Bill might as well be thrown aside. All that a man would have to do would be to establish a business in a chosen centre and then he would get an 80-mile run.

Hon. H. V. PIESSE: If any concession is to be made it should be granted to the man in the country. The man in the town has enough concessions already. I am surprised that Mr. Yelland's supporting such a proposal.

Amendment put and negatived.

Hon. W. J. MANN: I move an amendment—

That in paragraph (b) the word "fifteen" be struck out and "thirty" inserted in lieu.

In order to cover reasonable delivery in the country, a wider range should be given over which commercial goods vehicles may travel.

The CHIEF SECRETARY: I cannot accept the amendment. It is fair that the country people should be put on the same basis as those in the metropolitan area.

Hon. W. J. MANN: Once a storekeeper goes beyond the 15-mile radius, his vehicle is classed as a commercial goods vehicle, and must be licensed for that purpose.

The Chief Secretary: He would then apply for exemption.

Hon. W. J. MANN: If that is made quite clear, most of my objections will be removed. Some storekeepers have to travel many miles before they reach their first customer.

Hon. H. V. PIESSE: In this matter we should do what we can to direct freight to the railways. If a commercial goods vehicle were allowed to work over a radius of 35 miles from country towns, there should be a considerable increase in the quantity of goods consigned to those towns by rail.

Hon. H. J. YELLAND: Country storekeepers may have to travel long distances in passing from one customer to another. The greater the volume of goods that are distributed in country centres the more freight will there be for the railways.

Hon. H. V. PIESSE: I take it the Chief Secretary will agree to give the country districts a radius of 35 miles over which these vehicles may operate. When goods are railed into the country, the consignees should be able to take delivery of them at the railway station and convey them to their centre of business. In Katanning there is a man who has carried for many years, having only an ordinary license. He has carried thousands of tons for the railways. It was at his request I put up the suggestion in my second reading speech. The Government have met us fairly.

Hon. W. J. MANN: Can a country storekeeper distribute goods within 35 miles of a railway?

The Chief Secretary: Yes.

Hon. W. J. MANN: Then what is the use of the reference to 15 miles in paragraph (b)? The position is covered by the 35-mile radius.

Hon. H. J. Yelland: We should strike out 15 miles and insert 35, here in the clause.

Hon. W. J. MANN: I move an amendment—

That in paragraph (b) the word "fifteen" be struck out, and "thirty-five" inserted in lieu.

Hon. R. G. MOORE: I think that amendment would apply to all places of business, including those in the metropolitan area.

Hon. W. J. MANN: This refers to town-sites.

Hon. Sir CHARLES NATHAN: If I understand the Minister aright, the country trader receiving goods by rail can distribute them over a radius of 35 miles. The amend-

ment would give a storekeeper the opportunity to act as carrier within a radius of 35 miles.

Hon. H. V. PIESSE: My amendment was suggested to me by the manager of a co-operative business in Kondinin. The object of increasing the radius from 30 miles to 35 was to include Kondinin and Hyden Rock.

Hon. W. J. MANN: If what Sir Charles Nathan says is correct, we are all right; but so far we have only what someone in Kondinin says.

The CHIEF SECRETARY: If Mr. Mann's amendment is carried, we shall have the operators of commercial goods vehicles, though not called upon to be licensed, co-operating with traders within a 35-mile radius of every town in Western Australia.

Hon. J. Nicholson: The carriers would link up, 35 miles here and 35 miles there.

The CHIEF SECRETARY: Wherever there was a trader, there would be an exemption of 35 miles; and so there would be a regular chess board of exemptions.

Amendment put and negatived.

The CHIEF SECRETARY: I move an amendment—

That paragraph (d) be struck out.

The paragraph was inserted in a previous Committee and the amendment is really consequential.

Hon. J. NICHOLSON: There is much to be said regarding the amendment being consequential, but I would like the Chief Secretary to consider the fact that the Victorian Act contains a provision specifically setting out that the definition of "commercial goods vehicles" shall not include a motor car. In order to protect private motor cars, we should make that quite clear, while at the same time not leaving the provision so wide as to furnish means of evasion of the legislation.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That a new paragraph, to stand as paragraph (d), be inserted as follows:—" (d) is a privately-owned motor car, the loaded capacity whereof does not exceed two tons and is not used for hire or reward."

The CHAIRMAN: I would point out that this part of the Bill deals with commercial goods vehicles.

The CHIEF SECRETARY: According to the hon. member a two-ton motor car is a commercial goods vehicle. We dealt with this aspect of the question hours ago, and the principle was rejected by the Committee. The discussion lasted for a long time and Mr. Nicholson himself was the leader on one side. This amendment would allow a two-ton motor car to go anywhere free of all statutory charges.

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

[Hon. J. Cornell took the Chair.]

Clause 37—Power of board to grant or refuse application for license:

The CHIEF SECRETARY: I move an amendment—

That after "application," in line 3, the following be deleted:—"There shall be an appeal against the decision of the board to a court of petty sessions, whose order shall be final in any case where a license, or a transfer of a license, under this Part of this Act is refused."

On the hearing of the appeal the court may order that the license shall be granted, or may dismiss the appeal, and may order either party to the appeal to pay such costs as in its discretion the court may think fit."

And that there be inserted in lieu thereof:—"There shall be an appeal to a stipendiary magistrate against the decision of the board in refusing to grant the application."

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

Clause 52—Proof that passengers carried at separate fares:

The CHIEF SECRETARY: I move an amendment—

That after "passengers," in line 3, "were" be inserted.

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

Clause 54—Power to revoke or suspend license or permit:

The CHIEF SECRETARY: I move an amendment—

That after "suspended," in line 9, the following be deleted:—"There shall be an appeal to a court of petty sessions, whose order shall be final, in any case where a license, or a transfer of a license, under this Part of this Act is refused."

On the hearing of the appeal the court may order that the license shall be granted, or may

dismiss the appeal, and may order either party to the appeal to pay such costs as in its discretion the court may think fit."

Ant there be inserted the following proviso at the end of the clause:—"Provided further, that there shall be an appeal to a stipendiary magistrate against the decision of the board in revoking or suspending a license, and in relation to any such appeal the provisions of section twenty-four shall apply with the necessary modifications."

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

Clause 57—Regulations:

On motion by the Chief Secretary, Subclause 1 amended by inserting after "vehicle" in paragraph (g) the words "required to be licensed under this Act"; and by striking out of paragraph (h) "omnibuses and of commercial goods vehicles" and inserting in lieu the words "public vehicles." Paragraphs (i), (l) and (m) consequentially amended and paragraph (c) of Subclause 2 struck out.

Clause, as further amended, put and passed.

Sitting suspended from 6.56 to 7.50 a.m.

Postponed Clause 10—Powers and authorities:

The CHAIRMAN: I understand Mr. Macfarlane has an amendment to move to this clause.

Hon. J. M. MACFARLANE: I move an amendment—

That in paragraph (d) the following words be added:—"In this paragraph the term 'new license' shall be construed as follows:—

(a) A license for a vehicle on a route not prescribed at the commencement of this Act under the Traffic Act, 1919-1932, or which is not substantially the same as any such route; or

(b) Where an applicant already has at the commencement of this Act a public vehicle or vehicles lawfully operating on any prescribed route under the Traffic Act, 1919-1932, and requires a license for one additional vehicle for the same route the license for that additional vehicle shall not be considered a new license, but every additional vehicle license applied for beyond such one additional license shall be construed as a new license; or

(c) A license for any route prescribed under the Traffic Act, 1919-1932, but which has fallen into desuetude at any time previous to the date of the application for the new license."

I am grateful to the Chief Secretary for the consideration he has given to the holders of licenses who are only in a small way of business. I hope the amendment will be agreed to.

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

Bill again reported with further amendments and the report adopted.

BILL—PURCHASERS' PROTECTION.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 1, 2, 3, 5, 6, 7, 9, 10, and 11, and had disagreed to No. 8, and had agreed to No. 4, subject to a further amendment, in which the Assembly desired the concurrence of the Council, now considered.

In Committee.

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

No. 4. Clause 5. Delete the words "a said period of seven days", and insert in lieu thereof "the last-mentioned period."

The HONORARY MINISTER: I move—

That the Assembly's alternative amendment be agreed to.

Hon. J. Nicholson: Should it not read "within the said period of seven days"?

The HONORARY MINISTER: I understand that four days is to be the period after inspection, which would give a total of 11 days. Four days are to be allowed for repudiation after inspection.

The CHAIRMAN: The Assembly's reason is—

The period should be that allowed after inspection, namely, four days.

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

No. 8. Clause 8.—Delete all the words after the word "sale", in line 10, down to and including "1913," in line 15.

The CHAIRMAN: The Assembly's reason for disagreeing to the Council's amendment is—

It is considered just as necessary for a responsible signatory to attest these contracts as it is in the case of transfer of land.

The words deleted by the Assembly are—

“The attestation shall be made by a person who is a person authorised to attest instruments under the provisions of the Transfer of Land Act, 1893, and its amendments, or by a person who is authorised to attest instruments under the provisions of the Declarations and Attestations Act, 1913.”

The HONORARY MINISTER: I move—

That the amendment be not insisted on.

The Assembly's reason is the same as that which I gave during the second reading stage. In the past it has been the custom, I understand, for persons interested in the business of the vendor to attest documents of this kind, and certain agents have been in the habit of attesting documents of this kind for other agents. Therefore it is considered necessary, with a view to avoiding influences which have been used on numerous occasions, to insist that these documents should be witnessed by a person authorised either under the Transfer of Land Act or the Declarations and Attestations Act. I previously read a long list of persons authorised. There should not be any difficulty in a land agent securing, when necessary, an authorised person to attest.

Hon. J. NICHOLSON: I consider that we should insist on our amendment. I explained previously the position with regard to attestations. Really, the attestation of an agreement of sale is less important than the attestation of a will and many other documents. There is no need for these special witnesses to attest the execution of a will. Again, this Chamber passed Clause 15, forbidding house to house canvassing.

The CHAIRMAN: That has nothing to do with the question.

Hon. J. NICHOLSON: The question of attestation was introduced so that an agent would not go round from house to house, with one of these go-getters to attest the execution of documents. There has been retained in the clause the provision that the person attesting shall not be a person in the employ of the vendor, or a person who is in any way interested in the business of the vendor. Thus in any event the person attesting would have to be a responsible person. Any member of this Chamber would be as reliable for the purpose of attestation as any of those enumerated in the Transfer of Land Act or Attestation Act.

Hon. R. G. MOORE: I hope the Committee will not insist on its amendment. The clause will inflict no hardship whatever.

Hon. J. NICHOLSON: If the hon. member were in business he would not say that.

Hon. R. G. MOORE: I have been in business for the last 35 years and I have had experience of many documents. A person who has had any business experience will know that no difficulty is experienced in getting documents attested by someone included in the many categories mentioned in the Acts.

Hon. J. NICHOLSON: Strange to say, members of Parliament are not included in that list.

Hon. Sir Charles Nathan: Perhaps it is just as well.

Hon. C. H. WITTENOOM: I hope the Committee will insist on the amendment. It is difficult to secure the services of someone to attest documents despite the list referred to by the Honorary Minister.

Hon. G. W. MILES: On the contrary, I hope the Committee will not insist on the amendment. The Assembly has agreed to about nine of our amendments, and in view of the way they have met us we should not insist on this solitary amendment.

Question put and passed; the Council's amendment not insisted upon.

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

*Sitting suspended from 8.15 a.m. (Friday)
to 2.30 p.m.*