

Hon. N. KEENAN: I move an amendment—

That in lines 5 to 7 of paragraph (c) of Subclause (3) the words "have regard to such considerations as would in the particular circumstances usually guide a business man" be struck out with a view to inserting the words "call or receive evidence on oath to prove that such justification did in fact exist within the knowledge of such person."

Where justification is alleged and the court finds that the person who is charged with the responsibility did in fact believe that the matter was justified, then he is exempted from liability. The subclause as drafted is most indefinite and may be given a different meaning. My amendment will provide for evidence to establish definitely that justification existed.

Amendment (to strike out words) put and passed.

Hon. N. KEENAN: I move an amendment—

That the words proposed to be inserted be inserted.

Mr. HUGHES: Why include such words in the paragraph? Already we provide that if a person makes a declaration of solvency without justification, he will be liable to a fine of £200. Such a man cannot be fined unless he is charged before the court, and naturally he would have the right in court to call evidence to justify his position. Hence there is no necessity to provide in the paragraph that the court may do what it has already power to undertake. The amendment will simply load up the clause with useless verbiage. I would prefer the deletion of the whole paragraph.

The Minister for Justice: It can do no harm.

Hon. N. Keenan: It will do good in giving an instruction to the court.

Mr. HUGHES: Is it necessary to instruct a court on such a matter when a man is charged with a criminal offence? This is a new departure. The more we build up an Act unnecessarily, the harder it will be to operate.

The CHAIRMAN: Will the hon. member confine his remarks to the amendment before the Chair?

Mr. HUGHES: The intention seems to be to build up the measure, and I hope the Minister will reject the amendment and delete paragraph (c) altogether.

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

Clauses 241 to 248—agreed to.

Progress reported.

### ADJOURNMENT—SPECIAL.

THE PREMIER [6.7]: I move—

That the House at its rising adjourn till Tuesday, the 23rd February.

Question put and passed.

*House adjourned at 6.8 p.m.*

## Legislative Council.

*Tuesday, 16th February, 1943.*

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The PRESIDENT took the Chair at 2.15 p.m., and read prayers.

### QUESTION—BETTING SHOPS.

*As to Prosecution of Owners and Occupiers.*

Hon. J. CORNELL asked the Chief Secretary: 1, Has any prosecution been initiated under amended Section 211, Criminal Code, against owners or occupiers of S.P. betting shops? 2, If so, how many? 3, If not, why not?

The CHIEF SECRETARY replied: 1, No. 2, Answered by No. 1. 3, The names of a number of persons alleged to be owners or occupiers have been supplied to the Crown Law authorities and the necessary action is being instituted.

### BILL—BUSINESS NAMES.

Read a third time, and returned to the Assembly with amendments.

### BILL—COAL MINE WORKERS (PENSIONS).

*Second Reading.*

Debate resumed from the 3rd February.

HON. SIR HAL COLEBATCH (Metropolitan) [2.22]: I regret that I am not able to support the second reading of this Bill. There are certain elements in it with which

I am entirely in accord. I am in sympathy with the general principle of pensions, particularly on a contributory basis, as provided for in this measure. I see no objection whatever to the taxpayer making some contribution, but to my mind to pass this Bill would be to express satisfaction at the condition of affairs, from the point of view of the State, that has prevailed in Collie over a long period of years. It would also be an expression of opinion that the industry was entitled to priority over other industries in this matter of the establishment of a pensions fund to which the State shall be a contributor. I cannot give my support to either of those assumptions. I believe strongly, and my opinion is strengthened by abundant evidence, that over a long period of years the Collie coal mines have not been operated in the best interests of the people of the State.

We have a great asset at Collie, and there is no industry in the State that is not more or less, directly or indirectly, dependent on the best possible use being made of Collie coal. Nor am I satisfied that the employees work under such conditions as to entitle them to prior consideration over employees of many other industries. It certainly seemed to me that the Minister himself was not particularly enthusiastic about this Bill. I have never before heard a measure of such importance introduced with so complete a paucity of arguments in its favour. At the outset we were told that the coalminers of New South Wales enjoyed a similar privilege, which was granted to them in 1941, two years after the start of the war. I venture to assert that there has been very little evidence of appreciation of that concession shown by the coalminers of New South Wales. I believe the coal-owners in that State offered no opposition to the Bill, which differs from that which has been introduced by the Government of this State in that it permitted the coal-owners to pass on the total amount of the contribution they have to make to the pension fund. That contribution is estimated in New South Wales to represent 5d. a ton, and the coal-owners pass that 5d. a ton on to all their customers, including the Government which, as in this State, is one of the largest customers. Had the Government included a similar provision in the Bill now under discussion, thereby permitting the coal-owners

of this State to pass on the whole of this additional cost, I would have considered the measure even more objectionable than I do at present.

To my mind the Bill suggests competition between the Commonwealth Government and the State Government respecting which is able to make the biggest bid for the votes of the workers; and in both instances there seems to be a rather reckless disregard of where the money is to come from. Personally I think it is simple dishonesty for any Government to make concessions of any kind unless it is prepared to obtain the requisite money by direct taxation of the people. It may be contended, and I suggest it is a point for attention, that the Bill involves some consideration at any rate of the measures now before the Commonwealth Parliament. It may be said that the £30,000,000 which the Commonwealth Government proposes to set aside for different forms of social service is to be raised by taxation, but after all that is nothing more nor less than a pretence because we know perfectly well that money raised by way of taxation and of loan will be from £100,000,000 to £200,000,000 short of the war requirements of the Commonwealth. Consequently, to defray from money raised by taxation the £30,000,000 which is to be set aside for social services, simply means that a like amount will have to be added to the Commonwealth Bank credit needed to finance the war. The Commonwealth Government cannot therefore claim it is really raising this money by taxation, and I suggest that if the present policy is persisted in before very much longer the receivers of pensions will find that their purchasing power is much less than they had been led to expect.

My chief objection to the Bill is that it suggests the piecemeal introduction of a policy of pensions, and a complete lack of discrimination as to the workers and industries that are most entitled to special consideration of this kind. The Minister has told us that a committee had been set up consisting of the Under Secretary for Mines, the Government Actuary, the Under Treasurer and a representative of the Commissioner of Railways. I have no doubt from the point of view of that committee, the members—from what may be roughly termed an actuarial standpoint—carried out work that was well done, although we seem to have received little information as a result

of their inquiries. I do not think the Chief Secretary, in the course of his speech, gave us any indication as to the gross cost involved to the industry. We were told what the cost is to be to the country in that it will start at £1,500, rising to £4,500 in six years, and to that will have to be added the extra cost of coal which the owners will be able to charge on account of this pension scheme. The committee apparently made no inquiry whatever as to the conditions under which the miners at Collie work. The members of that body seem to have had no information as to whether or not, by comparison with other workers in Western Australia, the coalminers were so situated as to entitle them to be picked out for a special pension scheme, nor did the Government make any such investigation.

The Government does not know anything about the conditions of labour on the Collie coalfield. That may seem an extraordinary statement, but I make it deliberately. The Government made no inquiry before introducing this Bill. When the measure was tabled in the Legislative Assembly some two or three months ago, I gave notice of a series of questions, the answers to which would have made clear the conditions prevailing on the Collie mines, and made clear to the House whether the men employed in the industry were entitled to this special priority in the granting of pensions. After a lapse of two months, the Minister informed me that such information was not in the possession of the Government. The only questions he was able to answer were minor questions relating to output, railway purchases and shortage of supplies to the railways, none of which had the least bearing on the Bill, and none of which disclosed the conditions that prevail on the Collie coalfields.

It seems extraordinary that in a time of acute financial stress—I am not sure whether that is a correct expression to use when we know that, owing to the extraordinary methods adopted to finance the war, everybody seems to have more money—

Hon. H. Seddon: Not everybody!

Hon. Sir HAL COLEBATCH: A condition of affairs prevails which I should think would appeal to the mind of any intelligent schoolboy as ridiculous. As regards the Government, however, it is a time of financial stress, a time when the Government is compelled to refuse many requests that no

doubt it would be only too glad to comply with if it had the means. For the Government to introduce such a Bill involving contributions from the Treasury and the public without making any inquiry as to the justification for it seems to me to be entirely extraordinary—a practice that should be condemned.

Failing to get information from the Government—the source from which I would have preferred to obtain it—I have made independent endeavours to ascertain exactly under what conditions the miners of Collie are employed. The information I have suggests that their conditions are probably better than those enjoyed by employees in any other industry in the State. For the six months ended the 31st March, 1940, which might be regarded as a sort of pre-war period, the average earnings of the employees on the four mines controlled by Amalgamated Collieries, Limited, were as follows:—

|                   |                       |
|-------------------|-----------------------|
| Miners .. ..      | £1 7s. 2d. per shift. |
| Whealers .. ..    | £1 2s. 9d. " "        |
| Machine men .. .. | £1 13s. 1d. " "       |
| Borers .. ..      | £1 5s. 2d. " "        |

The shift consisted of seven hours. The men left the surface at eight o'clock in the morning and returned at three o'clock in the afternoon, a total period of seven hours. On an average it takes about half-an-hour to get to their places and half-an-hour to return with half-an-hour cribtime, so that their actual work extends over a period of about 5½ hours. Since the outbreak of war there has been a number of increases with the result that the average earnings now, working six shifts a week, are—

|                |  |
|----------------|--|
| Miners ....    | £1 11s. 5d. per shift or £9 8s. 6d. per week.    |
| Whealers ....  | £1 5s. 9d. per shift or £7 10s. 6d. per week.    |
| Machine Men .. | £1 15s. 10d. per shift or £10 15s. 0d. per week. |
| Borers ....    | £1 16s. 6d. per shift or £10 10s. 0d. per week.  |

I question very much whether there is any other industry in the State in which the men engaged receive such generous payment, and to pick out that particular industry for the establishment of a pension fund to be contributed to by the general public seems to be an act of unfairness as between one section and other sections.

I am advised on reliable authority that both passive and active resistance has been offered to the introduction of labour-saving machinery. A mechanical loader was declared black. Men with a very accurate knowledge of the industry have told me that, with the free introduction of labour-

saving machinery, the employees might still enjoy a generous wage and the production costs might be reduced by almost one-half. Let us remember that every industry in the country is more or less dependent on Collie coal. Its price influences railway rates, which is a matter directly affecting the whole of our primary industries, and every manufacturer in the State is also dependent upon Collie coal. It is, therefore, a matter of vital interest to Western Australia that this commodity should be supplied at the lowest level consistent with the adequate remuneration of the men engaged in the industry.

In the last 10 years two Royal Commissions have investigated problems connected with the Collie coal industry. The Commission appointed a couple of years ago had a special field of investigation. I have glanced through the report, but it does not seem to touch upon any matter directly connected with this Bill. The Commission of 1933, however, did deal with such matters, and I propose to make some quotations from the report. I commend to the consideration of members the whole of the summary, findings and recommendations of the Commission as contained in pages 40-43 of the report. I do not think anyone can come to a conclusion other than that the findings were completely justified. I trust that the Minister, when replying to the debate, will tell the House to what extent the recommendations made in that report have been put into effect. My information is that very few of the important recommendations have been given effect to. Let me quote from the findings of the Commission—

The Amalgamated Collieries Company of W.A., Ltd., has been granted by the State almost a monopoly of the Collie coalfield, outside of which there is at present no known commercially workable coal seam within the State. The State grants to the company leases of its coal-bearing land at low charges for lease rent and royalty. The State does not enforce fulfilment of the statutory labour covenants on the company's holding of about 36,000 acres. Western Australian sentiment naturally calls for the use of native coal thereby depriving the State of any real control of prices by the competition of imported coal. Hence ordinary commercial price regulation has been absent in arranging State contracts for purchase of Collie coal. The State itself, almost from the day that the Collie field first started to produce coal, has been and still is the purchaser of more than 80 per cent. of the total Collie production. For all these reasons there is justification, which otherwise might not exist, for a definite measure of control by the State of

the operations of the Amalgamated Collieries Company.

There is ample evidence in this report that such State control is not merely justified, but has become an urgent public necessity.

The summary has a number of paragraphs very severely criticising, even strongly reflecting upon, the management of the company; but, as they apply entirely to two gentlemen who have both passed away, I do not intend to read them. When members read them, they will see exactly what has been stated.

The Chief Secretary: Had not we better have both sides?

Hon. Sir HAL COLEBATCH: The Minister will have both sides in what I am about to tell the House. I am not the least bit interested or concerned so far as the Collie companies are concerned. I am viewing the matter purely from the standpoint of the State. There are numerous paragraphs making very serious accusations against two men. Anyone who wishes to read those paragraphs can do so. I do not propose to read them to the House. The report continues—

(c) The declared profits of the Amalgamated Collieries Company for 12 years to 30-6-1932 have averaged 15.3 per cent. per annum on £250,000. The actual profits earned have really been at least 24.4 per cent. per annum on £180,000. A reasonable average profit would have been 10 per cent. on the latter amount, equal to £216,000, instead of £528,360 earned, an excess of about £312,000.

That is by the company. It has no application to the miners. It applies solely to the companies.

(k) During 12 years, 1921 to 30-6-1932, consumers of Amalgamated Collieries coal have paid in excess of all fair profits and costs £312,000 in profits on real capital invested; £80,000 for administration; £12,000 for insurance; £27,000 to the Collie Power Company; total £431,000, equal to 1s. 9d. per ton of coal. That is as against the management, as against the company. Then we come to the position regarding the employees—

(m) Due primarily to the necessary observance in Western Australia of a series of Commonwealth awards made in the years 1916 to 1920, and later to continued observance of such awards after they had ceased to be binding, the Collie coal workers have received extraordinarily high rates of pay compared with workers in other Western Australian industries. These Commonwealth awards, though dressed in legal garb, were undoubtedly a series of surrenders to the militancy of certain favoured unions in the Eastern States. It is only fair to the Collie workers to say that, although they shared the benefits of this militancy, they were

not its originators. The Commonwealth awards had apparently lost legal force as far back as 1922; but the very high rates continued in Western Australia till October, 1931, when substantial reductions were made by the State Arbitration Court in the Walsh award. Despite such reductions rates of pay to the Collie coal workers are still abnormally high.

(n) From the date of the Hibble (Commonwealth) award of 22-9-1920 to the date of the Walsh (State) award of 25-10-1931, contract and daily rates of pay at Collie averaged 73 per cent. more than those of the Kalgoorlie gold workers. Since the Walsh award the excess has been 30 per cent. During the former period the coal workers were paid for wages about £2,430,400. At gold workers' rates they would have been paid £1,026,200 less. The coal produced from all mines at Collie during this 11-year period was 5,214,000 tons. There is no reason to believe that the gold worker has not been receiving a fair wage; there is every reason to believe that the coal worker should not receive more than the gold worker. The levy for unfairly high remuneration paid to the Collie coal workers by the rest of the community during this 11-year period was 3s. 11d. per ton, or £93,300 per annum. Since the Walsh award the levy has been, and still is, about 1s. 7d. per ton, or about £34,800 per annum.

This is stated against owners and workers both—

(o) For 11 years prior to the Walsh award, owners and workers together received 5s. 6d. too much for every ton of coal produced. The Railway Department purchased during this period 3,014,000 tons of coal, and paid £928,800 too much for it, at the average rate of £75,350 per year. Since the Walsh award the workers have been receiving 1s. 7d. per ton too much, while the Amalgamated Collieries costs include unwarranted items aggregating an additional 1s. 10d. per ton. The double impost represents about £68,800 a year on the whole Collie output, to which the Railway Department contributes about £44,500 a year.

(p) East Perth power station paid during the same 11-year period £253,300 too much for its coal, or £23,000 a year; the unwarranted items of cost mentioned in (o) above represent to this undertaking present losses of £17,500 a year. Other State activities consuming smaller quantities of native coal are correspondingly affected.

I hope the Chief Secretary does not think that I should have read the whole report, as it is extremely lengthy, running probably to some 33 pages. I have, however, gone through it most carefully with the idea of extracting all the items that have a direct bearing upon the proposal now before the House. The only conclusion one can reach is that both the owners and the miners have been grossly overpaid for a long period of years. The owners have been just as much at fault as the miners, and perhaps more,

because there are suggestions against the owners which certainly would not be made against the miners. But there the fact remains, that the State has had to pay all these excessive sums in the interests of the industry, which is now picked out as the one specially entitled to pensions partly at the cost of the State.

There is another point. Reference has been made to the preference shareholders of the amalgamated companies, and to the fact that they have a prior claim on the company for interest at the rate of 8 per cent. Now, I have spoken too often in condemnation of high rates of interest for anyone to suppose that I would regard with indifference a rate of 8 per cent. per annum for anybody; but I think it is a fact that the preference shareholders provided the capital. They hold, according to this report, rather more than four-fifths of the total number of shares; but they have no voice whatever in the management and, according to this report, are not even furnished with financial reports. Apparently this too high an interest of 8 per cent. is given because they found the money and because they do not want to interfere with the management. Let the management do whatever it likes! The Royal Commission made particular reference to this, and its report contained a strong recommendation that the company should be reconstructed and the whole of the shareholders placed on an equal footing, having equal responsibilities and equal interest in the profits without any obligation on the part of the company to pay 8 per cent. to the preference shareholders. Had that portion of the report been adopted the present difficulty in regard to the preference shareholders would have been swept aside long ago.

Hon. T. Moore: How could such a thing have been brought about?

Hon. Sir HAL COLEBATCH: Since my objection is based on broad principles I do not think it is necessary to pay too much attention to details, but there are a few clauses to which I should like to direct attention. Clause 5 deals with the prohibition of employment after 60 years of age. The broad definition of a mine worker in the interpretation clauses makes the compulsory retirement age of 60 applicable to surface workers, and everyone engaged throughout the mine. I do not intend to dwell upon the point, but I think it is a matter of very doubtful wisdom that every worker, no mat-

ter what he is engaged in, should be compelled to retire at 60 years of age. I know there is some sort of idea that the more people that can be pushed out, so making room for others, the better it is, but that is an idea that finds no sympathy from me. I consider it is right that everyone should work for as long as he is capable, and I do not think that compulsory retirement at the age of 60 for men engaged on surface work is by any means desirable. On pages 10 and 11 of the Bill we find the following:—

Any mine worker who is employed as a mine worker at the commencement of this Part or at the date upon which he attains the age of sixty years, whichever is the later, or who though not so employed had during the twelve months immediately preceding the commencement of this Part, or the date upon which he attained the age of sixty years, whichever is the later, actually worked as a mine worker for not less than sixty days in all during the said period of twelve months, shall be eligible, as from the date of retirement, to a pension of two pounds per week, if he establishes to the satisfaction of the tribunal that—

(a) He has been continuously resident in this State during the five years immediately preceding the date of retirement and—

(i) he has actually worked in or about a coalmine in this State for not less than 300 days during the said period of five years.

That is to say, that all that is necessary to qualify him for this permanent pension is that he should have worked in or about a coalmine for one year. That seems to me to be an extraordinarily easy way of earning a pension. I can well imagine that the difficulties of the present time may lead to the employment of men of a much greater age than that at which men would be taken on in normal times. That is happening in every industry. I think that men have been recently employed—in rare cases not sufficiently numerous to make any point of—at the age of 57, 60 and 61. If a man were employed at the mine for 12 months he would qualify for a pension of £2 a week and £1 for his wife, and so much for each child under the age of 16. The Bill provides that—

Any mine worker who is at the commencement of this Part of or above the age of sixty years and who had during the twelve months immediately preceding such commencement, actually worked as a mine worker for not less than sixty days in all, but who is unable to satisfy the conditions contained in paragraph (a) or paragraph (b) of subsection (1) of this section, shall be eligible as from the date of retirement, for a pension of one pound ten shillings per week: Provided that the tribunal

shall not award a pension under this subsection to any mine worker unless, in its opinion, the employment of such mine worker was bona fide, and was not arranged solely or mainly for the purpose of enabling such mine worker to become eligible for a pension pursuant to this subsection.

Surely it would not be argued that a man was taken on not because of the difficulty of obtaining labour but mainly to enable him to get a pension! There is another paragraph with an extraordinary heading at the side, namely, "Hard-luck cases." I think that heading should be altered to read "good-luck cases," because it provides—

Notwithstanding anything in this Part, the tribunal may award a pension to any mine worker, even though he may not possess the qualifications required by any other provision of this Part, where the tribunal is satisfied that the granting of such a pension would not be inconsistent with the general scope and purpose of this Part and that, having regard to all the circumstances of the particular case, it is just and equitable to award a pension to such mine worker.

In that case the minimum to be paid is £1 10s. per week. Then there are provisions which if the Bill were otherwise satisfactory I would consider quite proper. A pound a week is provided for a wife, and 8s. 6d. in respect of each child dependent on the miner, but in this regard a question arises. The Bill provides that if a pensioner receives anything from the Commonwealth Government by way of old-age pension or anything else of that kind it is to be deducted from his payment. On the face of it that would seem a reasonable provision, but what is likely to happen? Is it not probable the Commonwealth will say, "You have your £2 a week—£3 if you have a wife—and there is provision that if we pay you anything it will be knocked out. So it is no good our paying you anything. You will be no better off." The Commonwealth will refrain from making any payment and that will mean that a charge leviable on the Commonwealth will be paid by the people of the State!

Hon. H. Seddon: The Commonwealth will not pay the old-age pension while that is in existence.

Hon. Sir HAL COLEBATCH: Money would be saved to the Commonwealth and the people of the State would have to pay. On pages 25 and 26 there are one or two items of interest. On page 25 are set out the amounts to be contributed by different

parties. It is stated that in the sixth and all succeeding years the Treasurer shall pay £4,500. The present production at Collie is 600,000 tons. The company is entitled to make an extra charge of 2d. in partial recompense of its contribution towards this pension fund. That amounts to £5,000, so the community would have to pay not £4,500 a year, but £9,500, the amount being made up of £4,500 in a direct grant, and £5,000 in the increased price of coal. There is another curious provision on page 26, to the effect that—

If a mine worker has made regular contributions to the fund for a period of five years and such mine worker resigns or is dismissed from the coalmining industry in circumstances which do not entitle him to a pension under any of the provisions of this Act, the tribunal shall pay to him the amount of the actual contributions paid by him under this Act, irrespective of the cause of his resignation or dismissal.

I would like to see some sort of provision of that kind put into our insurance companies Acts, to the effect that anybody unable to continue his payments should get the lot back, but I am afraid we would be told that that would upset the actuarial basis on which insurance is founded. I would like to emphasise the great importance of the Collie coalfields to all the industries of Western Australia in the post-war period. Whatever expansion is made in social services the well-being of the community will still depend upon its industries, upon the wealth we produce, and if anyone thinks that, instead of depending upon the wealth directly produced, all these concessions can be made out of what is called Commonwealth Bank credit, it will not be very long before the receivers of these benefits will realise the extent to which they have been defrauded.

It is essential to the success of our industries that power should be provided as cheaply as is possible consistent with the adequate remuneration of those who supply it. It is essential to our primary industries that our railways should be run economically. In all these things Collie coal is bound to play a major part. The outstanding fact today, which is clearly disclosed from this report of the Royal Commission—and very few of the recommendations of that commission have been carried out, and the wages paid now at Collie are higher than when the Royal Commission made its report—is that Collie is not making the contribution it

should towards the prosperity of the State. I think I am right in saying that that is admitted by those engaged in the industry. The management blames the men: the men blame the management. It is not for me to say which is right and which is wrong, but I do say, however, that this House would be unmindful of its duty to the public of this State if it passed a Bill of this kind in such circumstances.

The bounden duty of the Government, whether by implementing the report of this Royal Commission or by appointing a further commission, is to take every step possible to ensure that neither the management nor the men should unduly burden the State, and that everything possible in the way of the introduction of labour-saving machinery to reduce costs, should be done. When all that is done and the industry has been put in order so that it is making the contribution toward the prosperity of the State that it should make, no one will be more ready than I to support a Bill to give pensions to those engaged in it.

On motion by Hon. L. B. Bolton, debate adjourned.

### ADJOURNMENT—SPECIAL.

**THE CHIEF SECRETARY** [3.2]: I move—

That the House at its rising adjourn till Tuesday, the 23rd February, at 2.15 p.m.

Question put and passed.

*House adjourned at 3.3 p.m.*

### Legislative Council.

*Tuesday, 23rd February, 1943.*

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The PRESIDENT took the Chair at 2.15 p.m., and read prayers.

### ASSENT TO BILL.

Message from the Lieut.-Governor received and read notifying assent to the Motor Spirit and Substitute Liquid Fuels Bill.