

## NOES.

Mr. Coverley  
Mr. Cross  
Mr. Fox  
Mr. Hawke  
Mr. J. Hegney  
Mr. Leahy  
Mr. Nulsen

Mr. Panten  
Mr. Styanta  
Mr. Triat  
Mr. Willcock  
Mr. Withers  
Mr. Wilson

(Teller.)

Amendment thus passed.

Mr. HUGHES: I move an amendment—

That in lines 6 and 7 of Subclause 3 the words "on which the shareholders' balance sheet is founded" be struck out.

I have already spoken on this aspect.

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

Clauses 139 to 141—agreed to.

Clause 142—Appointment and remuneration of auditors:

Hon. N. KEENAN: The retiring auditor holds his office subject to challenge at any annual meeting. One or more persons may be nominated by any shareholder to be elected to the office of auditor. Why should the retiring auditor receive notice that he will be opposed by so-and-so?

The Minister for Mines: It is only fair to give him notice.

Hon. N. KEENAN: Will the Minister say what this provision is for?

The Minister for Justice: I do not know.

Hon. N. KEENAN: I do not think anybody else does.

The Minister for Justice: It was taken from the South Australian Act.

Mr. Hughes: It is a case of protection of vested interests.

Hon. N. KEENAN: Can the Minister give a reason?

The Minister for Justice: No.

The CHAIRMAN: Order! I cannot allow this cross-examination. The hon. member will address the Chair and the Minister can reply.

Hon. N. KEENAN: I pass to Subclause 7. All that verbiage means that a proprietary company is not obliged to appoint an auditor. I draw the Minister's attention to Clause 117, which requires a proprietary company to return the name of its auditor for the time being.

Mr. Abbott: If it has one.

Hon. N. KEENAN: The obligation imposed by Clause 117 is clear cut. It means that a proprietary company must employ an auditor.

The Minister for Justice: It may do so.

Hon. N. KEENAN: I move an amendment—

That Subclause 7 be struck out.

Mr. ABBOTT: The member for Nedlands has certainly forgotten the reason for the provision for proprietary companies. It is to enable a small number of people—not more than 21—to conduct their affairs as a company. We have many small country companies. Are they to be put to the expense of an auditor, when the majority of the shareholders say an auditor is unnecessary? Are they to be put to the expense of employing a registered auditor who may charge a fee of 10 guineas for his audit? This clause protects those companies from having to meet that cost. To impose the obligation on them of having to employ an auditor would be going too far. The clause should remain as it is.

Progress reported.

House adjourned at 2.37 a.m. (Wednesday).

## Legislative Council.

Wednesday, 3rd December, 1941.

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

## MOTION—STANDING ORDERS SUSPENSION.

On motion by the Chief Secretary, resolved—

That during the remainder of the session so much of the Standing Orders be suspended as is necessary to enable Bills to be passed through all stages in one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith; and that Standing Order No. 62 (limit of time for commencing new business) be suspended during the same period.

# **BILL—MAIN ROADS ACT (FUNDS APPROPRIATION) (No. 2).**

Read a third time and *passed*.

## **BILL—FACTORIES AND SHOPS ACT AMENDMENT.**

*Second Reading—Defeated.*

Debate resumed from the previous day.

**THE HONORARY MINISTER** (Hon. F. H. Gray—West—in reply) [4.36]: I was rather surprised at the opposition to the Bill led, of course, by the Leader of the Opposition, Mr. Baxter.

Hon. J. J. Holmes: There is no Opposition leader here.

Hon. L. B. Bolton: This is a non-party House!

The HONORARY MINISTER: Mr. Baxter, in his usual noisy manner, again denounced the Government's desire to improve the lot of the worker in industry and invited those who follow him to do likewise. Some members did not need very much encouragement. One hon. member in particular, Mr. Bolton, excelled all his previous efforts in dealing with industrial Bills that have been introduced this session. I was somewhat surprised at the remarks he made because I did not expect such views from him. All who know the hon. member as the head of a big industrial concern know that he is—I was going to say a model employer; at any rate, they know that he is a good employer. I take it that in opposing this measure he was not altogether making known his own ideas but was giving expression to the policy of his colleagues in industry.

Hon. L. B. Bolton: You are wrong; I am in favour of what you are trying to secure, but I do not approve of your methods. I think these matters should be dealt with by the Arbitration Court.

The HONORARY MINISTER: I will deal with that later. The arguments about the Arbitration Court have no force in reference to this Bill.

Hon. J. J. Holmes: Is it not the duty of employers to protect their employees against pernicious legislation?

The HONORARY MINISTER: I am endeavouring to establish that this is not pernicious legislation. Those in opposition to the Bill have again raised the bogey of interference with Arbitration Court awards

and agreements. If this is not an excuse designed for the express purpose of defeating the Bill, then I can only say that it must arise from a lamentable lack of understanding of the provisions of the Factories and Shops Act—

Hon. J. Cornell: What about Clause 7?

The HONORARY MINISTER:—and of a Bill which seeks to insert what the Government considers necessary amendments for the benefit of a certain section of workers and the industries in which they are engaged. I desire first of all to deal with some of the statements made by Mr. Baxter and one or two other members. Just to indicate how inconsistent Mr. Baxter was, I propose to quote one passage at the beginning of his speech, and another at the end. He first of all said:

The parent Act is a hotch-potch and a genuine attempt should be made to rectify the anomalies contained therein.

Compare that quotation with his remarks towards the conclusion of his speech, when he said:

This is one of the best Acts we have on the statute book, but it will be gradually whittled away unless some care is taken.

That will indicate the consideration which the hon. member has given to the subject.

Hon. C. F. Baxter: I referred there to the Arbitration Act as being one of the best on the statute-book.

The HONORARY MINISTER: The hon. member was referring to the present Factories and Shops Act.

Hon. C. F. Baxter: No, to the Industrial Arbitration Act.

Hon. J. Cornell: The Honorary Minister is just pulling out what suits him.

The HONORARY MINISTER: Dealing with Clause 2 (a), subparagraph (ii), of the Bill, he stated that the amendment appeared unnecessary, as the definition of "factory" covered the manufacture of paint. He went on to say:

As to the mixing or spraying of paint, the proposed words would be wide enough to cover a private individual who, being a handy and versatile person, decided to paint his fence on a Saturday afternoon. After buying a tin of paint he may not like the colour of it and promptly buys another tin of, say, a lighter colour, and mixes the two to obtain an exotic tone more in harmony with and calculated to tickle his artistic taste. If this amendment is accepted his home would become a factory because he mixes paint in it.

Hon. G. W. Miles: Are you reading from "Hansard?"

The HONORARY MINISTER: No, I am quoting Mr. Baxter's remarks.

Hon. J. Cornell: They did not appear in the "West Australian."

The HONORARY MINISTER: Mr. Baxter then went on to say that if an individual decided to attach a spray to a vacuum cleaner or to use a fly-tox spray to spray the walls of his bathroom with paint, his bathroom would become a factory subject to inspection by those authorised under the Act. Mr. Baxter said that such a position would be absurd. It certainly would be absurd; it would be more than that—it would be ridiculous.

Hon. G. W. Miles: Where did you get all this? Did you memorise Mr. Baxter's speech?

The HONORARY MINISTER: The hon. member must have noticed that I took copious notes during the time Mr. Baxter was speaking.

Hon. W. J. Mann: Surely the Honorary Minister is not going to read all Mr. Baxter's speech.

The HONORARY MINISTER: If Mr. Baxter had taken the trouble to refer to the relevant clause in the Bill dealing with the definition of "factory" he would have found that a private home is excluded.

Hon. C. F. Baxter: It will become a factory.

The HONORARY MINISTER: No, it is excluded under the definition.

Hon. C. F. Baxter: Pardon me! You are quite wrong.

The HONORARY MINISTER: Dr. Hislop is also concerned in this connection. Clause 2 seeks to add a new paragraph (9) to the definition of "factory." The purpose of the new paragraph is to bring under the Act premises where lead processes are carried on and paint is manufactured, mixed or applied by spray. If this proposal is accepted, the premises affected will immediately come under the provisions of the Factories and Shops Act and all regulations made under the legislation. Hon. members will see that the Bill will go a long way towards achieving what Dr. Hislop says is necessary. That hon. member is quite right in expressing his opinion and he is quite in order in urging further

steps along the road of progress, but for the time being the Government cannot march in front of him.

It must be appreciated that the Act and the regulations do contain provisions which are of great benefit to the workers from the health point of view. The mere definition of "paint" and the defining of the place where paint is mixed as a factory will not of itself give workers protection. The provisions of the Act and the regulations, however, will give a great measure of protection. Undoubtedly Dr. Hislop will realise that at least the Government is going a step in the right direction when it seeks to bring such establishments under the Act. It may not result in complete protection. It may be that something more will be necessary. I feel sure that the House will benefit by Dr. Hislop's advice on further improvements, but so far the Government has not had the opportunity of considering any further ideas.

At present the Bill, in this regard at any rate, is designed to improve working conditions in the painting industry from the point of view of the worker's health and that being the case, I feel sure it will receive Dr. Hislop's support, although he may have ideas which will further benefit and protect the worker's health. Speaking from personal knowledge, I can pay a tribute to the work of Dr. Hislop with regard to the painters and the effect of the industry upon them, to which matter he alluded during his second reading speech. I appreciate the fact that if effect were given to his recommendations which were arrived at as a result of the research work he and others carried out, a greater advance would be made than is indicated in the provisions of the Bill.

Hon. H. Seddon: What the hon. member referred to concerned the amending of the Third Schedule of the Workers' Compensation Act.

The HONORARY MINISTER: I am not dealing with that phase at the moment; I am merely drawing attention to the fact that Dr. Hislop's work has been along right lines. Most members opposed to this measure have protested against the clause dealing with fixing the closing time for butchers' shops. In this respect I would point out that Arbitration Court awards and agreements cover the working conditions of employees only. The opening and closing

times of shops are governed by the Factories and Shops Act, and the hours at which shops are opened to the public have not necessarily any relation to the hours worked by employees, who may be, and are, employed in shops although the premises are not open to the public. There is absolutely no interference proposed with the jurisdiction of the Arbitration Court as inferred by some members.

Hon. J. Cornell: Exactly the same position arose in connection with the Mines Regulation Act, and the court went out and decided the issue.

The HONORARY MINISTER: The particular amendment has not been included in the Bill as representing the views of the Minister or the Government, but at the request of both the employees and the master butchers.

Hon. J. M. Macfarlane: You are wrong.

The HONORARY MINISTER: The Master Butchers' Association asked for this.

Hon. J. M. Macfarlane: Only a very small section of the master butchers.

Hon. W. J. Mann: Did the Honorary Minister consult the Housewives' Association?

The HONORARY MINISTER: I can prove what I have stated. A vote was taken on the question. I am referring to the Master Butchers' Association and not, of course, to the Housewives' Association. The proposal for altering the hours of trade has been included in the Bill at the express wish of both the butchers and the employees and has been brought forward as a result of experience gained in the shops.

Hon. J. Cornell: It is not the first time there has been a joint effort at the expense of the consumers.

Hon. L. B. Bolton: Can the Honorary Minister name any city butcher who is a member of the organisation?

Hon. J. J. Holmes: At any rate the Bill does not coincide with the terms of the letter.

The HONORARY MINISTER: I am dealing with the clause relating to the opening and closing hours for butchers' shops. I have a letter here from Mr. J. F. Graham, secretary of the Master Butchers' Association, which was sent to the Minister for Labour. In dealing with the reasons for suggesting the alteration of the times for

opening and closing shops, Mr. Graham wrote:—

It is now some 30-odd years that the spread of hours for the shops has been between 6 a.m. and 6 p.m. There has been no alteration, no improvement, improvements have been obtained by or given to the employees till today they enjoy a 44-hour week. Whilst the employer still enjoys his 68 hours, now to get in his 68 hours he has to do something like 72 to 75 hours per week.

Now let us see how this works as between the city butcher and the suburban butcher. And don't forget that the suburban butcher is in the vast majority, both as regards the amount of business done and the capital invested.

The city butcher employs a manager who is not bound by the award, or he employs a shopman who can start at 6 a.m. and finish at 4 p.m. So that the city butcher can come in early and let his shopman late, or reverse. And the city butcher can go off through the day because of his shopman or manager—the suburban butcher cannot.

The suburban butcher, not being able to employ a manager or perhaps a shopman, and as he requires his men there when the shop opens, he has to let them go at 4 p.m. and carry on himself till 6 p.m., hence he is there from 6 a.m. till 6 p.m. This means up at about 5 a.m. and home at about 7 p.m. Nice, is it not? We are asking for that hour to be cut off so that a master butcher can have a shave and get his tea in time to go to the pictures if he so desires.

The biggest butcher in the city closes at 5 p.m., and quite a number of suburban butchers close at 5 p.m., but it is not law.

Therefore the trade, by vote and book, has decided by a 95 per cent. majority in favour of 7 a.m. opening and 5 p.m. closing, and 5 a.m. opening on Saturdays and 12 noon closing.

I consider that letter gives a good explanation of what is happening today and puts up a good case for the provisions of the Bill. I hope the House will give consideration to the subject. The request is one made by the butchers, and the granting of it will interfere with only a very small proportion of the public.

Dealing with the main issue of the Bill, namely, that of the supposed interference with Arbitration Court awards, the minds of hon. members should be quite clear on this one vital point. This point is an absolute essential, and lack of understanding of it may be responsible for misapprehension and misstatement. Except in one minor particular the principal Act does not, and cannot possibly, interfere with or override the Arbitration Court or awards or

agreements made by the Arbitration Court. Section 163 of the principal Act reads:—

Nothing in this Act contained shall in any way affect the jurisdiction conferred on the Arbitration Court and any provisions in this Act as to any matters within the jurisdiction of the Court may be varied, altered, modified or excluded by any award now made or hereafter to be made by the Court or by any industrial agreement now made or hereafter to be made under the Arbitration Act.

That section has been in the Factories and Shops Act for many years. The effect of it is to prevent interference with the Arbitration Court by the Factories and Shops Act or any of its amendments. Actually, instead of the Factories and Shops Act or any amendment overriding the Arbitration Court, the position is the reverse.

On account of the wording of Section 163 of the Factories and Shops Act, the Arbitration Court can, when delivering an award or agreement, override the provisions of that Act. This is clear and beyond all doubt. Until Section 163 is altered, the position must remain clear and beyond doubt. Nothing but an express amendment of Section 163 or express provision in the amending Bill or any particular clause thereof can create interference with the Arbitration Court by amendments to the Factories and Shops Act. I want to stress that point.

Several members interjected.

The PRESIDENT: Order! The Honorary Minister has an extremely difficult task in replying to the number of speeches that have been made in opposition to the Bill, and I would ask hon. members to hear him in silence.

Hon. J. Cornell: He is covering up his tracks.

The PRESIDENT: I do think that the Chairman of Committees ought to show a good example to other members. It is highly disorderly to interject.

The HONORARY MINISTER: The only overriding provisions of that Act will be found in Subsection 3 of Section 163. There hon. members will see that the Factories and Shops Act is paramount as far as overtime provisions with regard to women and boys are concerned. In every other way, however, that Act is subject to the Arbitration Court, and any of its provisions may be varied, altered, modified or excluded by awards or industrial agreements. In this

respect the Act is unique. It would be safe to say that no other Act of Parliament can be varied, altered or modified except by Parliament itself. That provision sweeps away practically every argument that has been used against the Bill.

Section 163 gives the Arbitration Court power to vary, alter or modify the provisions of the Factories and Shops Act when an award or industrial agreement is made. I ask hon. members to keep that fact clearly in their minds. If they do so they must acknowledge the impossibility of an amendment of the Factories and Shops Act interfering with the Arbitration Court in the slightest degree. The Act can only apply where there exists no award or industrial agreement made a common rule. As long as there are workers who are not covered by awards or industrial agreements the Factories and Shops Act can be availed of. If the gradual progress under the Arbitration Act finally brings all workers under awards or industrial agreements, the Act will then cease to be effective as far as industrial matters affecting workers are concerned.

The Bill is intended to apply only to workers not covered by awards or industrial agreements, except in so far as certain females and boys are concerned; and, in fact, it cannot possibly apply to any other workers. It could not apply to any other workers even if the Government wished it to have that effect. I stress this important point because of the wrong impression which speeches made by certain members may have given to the House. One objection which is always raised to Bills amending the Factories and Shops Act is that such amendments encroach upon the jurisdiction of the Arbitration Court. It should now be perfectly clear that such amending Bills do not have this effect. The surprising part about it is that some members have actually pointed out this position in their speeches. Section 163 has been referred to quite frequently, and yet there is constant repetition that the Bill will interfere with the Arbitration Court.

Why should not workers in shops and factories enjoy the privileges accorded to other workers? Mr. Thomson made a good point about our men fighting in Libya and the men engaged in munitions work in the Old Country; but I do not think that has anything to do with the Bill. In this struggle in which we are now engaged, all people should be given an opportunity to do some-

thing to help. Why should men, women and girls employed in factories and shops who are not covered by awards or agreements of the Arbitration Court, be debarred from doing some public service? Why should they be asked to work longer hours than do other workers and thus be prevented from taking their part in the war effort? If the Bill passes, they will be given that opportunity.

Hon. A. Thomson: Eat, drink and be merry! We are not at war!

The HONORARY MINISTER: Let these men, women and young people help the war effort after they have finished their day's work.

Hon. A. Thomson: Where are these workers?

The HONORARY MINISTER: Scattered throughout Western Australia, but mostly in the metropolitan area.

The PRESIDENT: Order!

The HONORARY MINISTER: I have here a list of the workers that I could read to members. As I have said, these workers are not organised, nor have they the protection of Arbitration Court awards or agreements. They ought to receive the benefits which this Bill proposes to give them. Provision for compulsory holidays is also made by the Arbitration Court. The holidays specified in the Factories and Shops Act are frequently referred to in awards and agreements. Overtime rates of time and a half and double time are provided in innumerable cases. Preference of employment to unionists is a provision which is becoming more frequently the subject of decisions by the court. Why not? Preference to unionists has become an established fact in industry. Every employer who understands his business will not bother about the 3 per cent. or 4 per cent. of workers who, while willing to accept award conditions, do not contribute to the funds of the union. An employer unwise enough to take notice of such workers is out of step with modern industry. The great body of employers recognise the good that results from organised labour.

Hon. J. Cornell: In how many industries is preference to unionists given?

The HONORARY MINISTER: In America, hundreds of thousands of miners were recently on strike because 5 per cent., or less, of the workers in the industry were not members of their union.

Hon. J. Cornell: In how many industries that come under the Factories and Shops Act is preference to unionists in operation?

The HONORARY MINISTER: Quite a large number.

Hon. J. Cornell: As many as three?

The HONORARY MINISTER: Mr. Bolton will support me when I say that the modern employer would rather deal with organised than with unorganised labour. Wherever unorganised labour exists, there is trouble.

Hon. J. Cornell: Would not this measure override the Arbitration Court?

The HONORARY MINISTER: No.

Hon. J. Cornell: Preference would be given to all employees in shops and factories.

The HONORARY MINISTER: The Bill does not mean that at all. I cannot allow the hon. member to read into it something that it does not mean. The Bill will not affect decisions of the Arbitration Court. Members have been critical of the provision in the Bill which will allow employment of females for more than one shift in any one day. That provision, however, is necessary because the Act prevents more than one shift from being worked per day. This, again, is not an interference with the Arbitration Court. It is an alteration of the Act itself, and is justified only because the Act prevents the working of two shifts. It is also justified because women will be employed upon munition work, and the Bill is designed to assist the war effort in this regard. Mr. Thomson mentioned Mills & Ware, and I think one other employer was also referred to.

In order to meet defence orders, these employers found it necessary to work two shifts a day. The Minister for Labour agreed to their doing so, notwithstanding that it was a breach of the Act. That is an additional argument in favour of the passing of this measure. Conditions have changed so much that an alteration of the Act is demanded, so that two shifts may be worked in industries governed by the Act. It would be unwise for the House to rely upon the National Security regulations; it is our business to look after our own legislation and make necessary amendments to meet war requirements in industry.

Hon. J. J. Holmes: You admit that the Minister has already altered the legislation.

The HONORARY MINISTER: It would have been foolish for the Minister not to do so. If the House passes the Bill it will confirm the Minister's action. I cannot imagine the House turning down that particular amendment, even if it rejects all the others.

Hon. L. B. Bolton: Nonsense! It is not at all necessary.

The HONORARY MINISTER: Mr. Thomson, in dealing with common rules, said that on many occasions he has had to submit to a common rule that had been imposed on his business without his consent. A common rule can only come into force in one of two ways. When the Court of Arbitration delivers an award, the award automatically becomes a common rule of the industry and of the locality to which it is specifically applicable.

An industrial agreement originally made between a few parties can be declared a common rule by the Court of Arbitration. In each case, all employers likely to be affected, either by the award or by the agreement to be made a common rule, receive notice from the court. If they do not attend on the hearing, the court may imply consent. Quite likely, Mr. Thomson was too busy to appear before the court on the occasion he referred to. If the parties do attend, the court takes cognisance of their case and the award or common rule is made after due consideration. If, therefore, Mr. Thomson has been bound by a common rule, then it was one made by the Arbitration Court after he had received notice of the hearing and after the court had considered all matters relevant to the employers' point of view. Mr. Thomson made a statement which it is impossible to follow. He said—

If this measure becomes law, then according to the Minister those workers engaged in shops and factories who are not protected by an award of the Arbitration Court will automatically have their working hours fixed at 44 per week. If that is not overriding the Arbitration Court, then all I can say is that it is a matter of opinion.

How on earth can provision for workers not covered by awards or agreements be an interference with the Arbitration Court? The reverse is understandable. We cannot afford to sit back and do nothing in this matter. Our duty is to do justice to every citizen, if that is possible. The Bill seeks to make improvements in industry and to protect people at present unprotected.

I trust I have made a sufficiently clear explanation to show that the Bill is not what most of its opponents contend it is. It will not in any way affect the Arbitration Court. Should any of the workers whom it is sought to protect by this measure afterwards become subject to an award of the Arbitration Court, then this measure will cease to apply to them. As I have said, we must not rely upon the National Security regulations. We must have some regard for our responsibilities as members of Parliament, and we should not rely upon another authority to do our work for us.

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

Ayes	..	..	..	..	10
Noes	..	..	..	..	13
					—
Majority against	..	..	..	..	3
					—

AYES.	
Hon. J. Cornell	Hon. W. H. Kitson
Hon. J. M. Draw	Hon. A. Thomson
Hon. G. Frazer	Hon. C. B. Williams
Hon. E. H. Gray	Hon. G. B. Wood
Hon. W. R. Hall	Hon. E. H. H. Hall
(Teller.)	

NOES.	
Hon. C. F. Baxter	Hon. W. J. Mann
Hon. L. B. Bolton	Hon. G. W. Miles
Hon. Sir Hal Colebatch	Hon. H. V. Plesse
Hon. V. Hamersley	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. H. Tuckey
Hon. J. J. Holmes	Hon. J. A. Dimmitt
Hon. J. M. Macfarlane	(Teller.)

PAIRS.	
AYES.	NOES.
Hon. B. M. Heenan	Hon. H. S. W. Parker
Hon. T. Moore	Hon. F. R. Welsh

Question thus negatived.

Bill defeated.

### BILLS (3)—FIRST READING.

- 1, Stamp Act Amendment.
- 2, Death Duties (Taxing) Act Amendment.
- 3, Administration Act Amendment (No. 2).

Received from the Assembly.

### MOTION—HAY CROP.

*As to Relief to Farmers.*

Debate resumed from the 19th November on the following motion by Hon. G. B. Wood (East):—

That this House—having considered the position of farmers who, in 1940, cut hay when it was anticipated there would be a state of

emergency in regard to the shortage of hay, and who subsequently found themselves, owing to changed and more favourable seasonal conditions, without a market for same—is of the opinion that the proposals of the Government for the relief and assistance of such farmers are not only inadequate but unfair and impracticable, and calls upon the Government to evolve some fair and practicable method of relief without delay.

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West) [5.32]: This is a motion moved by Mr. Wood expressing dissatisfaction at what has been done by the Government, and asking for assistance to be rendered to certain farmers, who, it is claimed, cut more hay than usual last year, to some extent, on account of drought conditions and principally because of the representations made to them by the Government and other people. I find it rather hard to deal satisfactorily with the motion. Members will have noticed that Mr. Wood is asking this House to say that it is of opinion that the proposals of the Government for the relief and assistance to be granted to the farmers are inadequate and impracticable, and he calls upon the Government to evolve a fairer and more practicable method of relief without delay.

The first point I desire to make is this: Any action the Government has taken has been with the idea of giving relief to those farmers in need of it. Any relief given or offered by the Government has not been tendered in the form of compensation. The only alternative I can see to the method adopted by the Government is that the farmers should be given compensation. It is doubtful whether any Government could agree to compensate farmers because of the circumstances which existed last year. It is admitted by all concerned that conditions existed then which made it desirable, in the interests of everyone associated with the primary industries of this State, that something should be done to ensure more hay being cut than appeared likely to be available. Because of that, the Minister for Agriculture, speaking on behalf of the Government, did make an appeal to all farmers in a position to cut crops for hay to do so.

It is also admitted that, arising from a fortunate change in the seasonal conditions, the circumstances were, in a short time, entirely changed. Because of that, and because some of the farmers have not been

able to dispose of the hay they cut, Mr. Wood now says, "Well, the position is such that the Government should find some method to compensate them for what they believe to be a loss." That is stating the position very fairly.

I will now give the House some information. The average quantity of hay cut in this State is about 400,000 tons a year. In 1938-39 the quantity cut was 437,000 tons; in 1939-40 it was 399,000 tons, and, generally speaking, it can be said that the average is about 400,000 tons. It is well known that a survey was made of the position from which it was found that the total quantity that could be anticipated from those farmers who normally cut their crops for hay, if they cut crops which would realise 10 cwt. per acre and over, would only be 184,310 tons. That result, compared with the average quantity cut, provided sufficient justification for any action taken at that time. Notwithstanding all that had been said on this subject, and notwithstanding the statements made about what was done in certain districts—I refer to those made by farmers generally, and particularly one remark made by Mr. Wood respecting what was done in the district usually looked upon as being the main hay-cutting centre of this State—the fact remains that the total quantity of hay cut for the year 1940-41 was only 318,000 tons.

It has to be admitted that a number of farmers who do not usually cut their crops for hay did so on this occasion; it has to be admitted that a number of farmers cut considerable quantities for hay that otherwise would have been stripped for grain. It is also a fact that many of those farmers disposed of their hay to the Agricultural Bank or other buyers. It is rather interesting to note that the district I refer to as the main hay crop district of the State, No. 2 statistical district, which includes Northam and York, cut only 175,160 tons in 1940-41 as compared with 192,297 in the preceding year. This seems to be a rather remarkable state of affairs.

When we look for a reason for the lower cutting in 1940-41 as compared with 1939-40, it is very difficult to find any other than that some of the principal growers stated they refused to cut any more for hay unless they were guaranteed a higher price by the Government. While it is a fact that some farmers who do not normally cut their crops



for hay did so, I am advised it is also a fact that some of the farmers who generally cut their crops for hay refused to do so because they were not guaranteed a higher price by the Government.

Hon. W. J. Mann: The one balances the other.

The CHIEF SECRETARY: I do not know whether they balance or not.

Hon. A. Thomson: We have no brief for men who held out for unfair prices.

The CHIEF SECRETARY: The hon. member is not worrying about those people. It would be hard to draw a distinction between the farmers who are in the position claimed by the hon. member and the farmers who were able to and did dispose of their hay.

Hon. G. B. Wood: We admit that, too.

Hon. J. M. Macfarlane: You had importations, did you not?

The CHIEF SECRETARY: I cannot say; to my knowledge there were none. In support of the motion, Mr. Wood read one or two letters. In those cases there seemingly existed a set of circumstances not quite what they ought to have been, but I think the answer is quite reasonable, though it may not meet with the approval of Mr. Wood. The hon. member admits that he was one of those who endeavoured to ensure that a higher price than prevailed at the time would be guaranteed for hay or chaff. One letter quoted by him was from Mr. H. L. Kelsall who, I understand, is a farmer in the Moora district. His main complaint is that he did not have an opportunity to sell the hay he had cut, and because he did not have that opportunity, he thinks he should receive some compensation in accordance with the quantity cut.

Hon. L. B. Bolton: That was a very genuine case. Mr. Kelsall cut only in the interests of the State. I know the case well.

The CHIEF SECRETARY: I am not suggesting that his is not a genuine case, but I do suggest that it is not a case for compensation. The position is that the Agricultural Bank desired to purchase a large quantity of hay and, through its branch officers, endeavoured to buy its requirements at a price fixed of £3 10s. in the stack. For some weeks the officers of the bank were not able to purchase one ton of hay at that price. Eventually the chairman of the Agricultural Bank went into

the field himself with a view to ascertaining whether he could be more successful than his officers had been. In the first instance he met with a position similar to that which had confronted his officers. Finally he was forced to buy chaff at a price that represented £5 per ton in the stack at Grass Valley.

The officers of the bank were operating throughout the district, and it seems rather strange that a farmer in the Moora district can now claim that he had no knowledge that it was possible for him to sell his hay, especially in view of the fact that no less than 4,323 tons of chaff were purchased in the Midland district. Surely nobody would claim that Moora is not in the Midland district or that a prominent farmer did not know what was being done regarding the purchase of hay and chaff. It is a remarkable state of affairs, and I cannot imagine that any farmer, whether in a large or a small way, would have no knowledge whatever of the price that was being offered by the bank or the quantity that was required. To my way of thinking this farmer committed an error of judgment. Probably he did not want to sell at the time, believing, as many others believed, that the price of chaff would go sky high, and that he would be able to do a long way better than by selling at the price being offered in the district.

Hon. G. B. Wood: You have no grounds for making that statement. You are only surmising that. I know that Mr. Kelsall did not have an opportunity to sell his hay.

The CHIEF SECRETARY: I do not know how the hon. member can justify a statement of that sort. Members in no way associated with the farming industry are well aware of the great publicity through the Press given to the hay question at the time. I would say that any farmer, particularly in a district like Moora, and especially a farmer who was cutting for hay a larger acreage of his crop than usual, would at least be sufficiently interested to make some inquiries as to the position at the time and the probable position in future. Surely the Government is not to be blamed because this man did not make these inquiries or because he had no knowledge of the Press publicity given to the matter! Are we to accept a state of affairs in which it would be necessary for the Government, the Agricultural Bank or

some officer of the Government to notify every farmer that the Government was in the market for a certain quantity of hay? That would be an entirely false position to adopt. If this farmer had no knowledge at all of the position, that was just his bad luck.

Surely it is not right that a farmer in his position should come to the Government at this stage and say, "That is how I am situated. What I did was done from patriotic motives, and now I want the Government to compensate me for what I consider to be my loss." No Government could countenance an attitude of that sort. I am advised that the Agricultural Bank allocated the quota it was prepared to purchase in other districts at the price offered, and in the very district represented by Mr. Wood, the quota was 3,000 tons. It was in that district where the farmers held a meeting and decided that they would not sell at the price offered.

Hon. G. B. Wood: Which district was that?

The CHIEF SECRETARY: Cunderdin and Meekering.

Hon. G. B. Wood: I did not mention Cunderdin.

The CHIEF SECRETARY: I am advised that the farmers in the district held a meeting. I was not present.

Hon. G. B. Wood: I was not present, either.

The CHIEF SECRETARY: And they would not sell their hay at the price offered. They were under the impression that the price of chaff would go to £8 or £10 per ton. Of course, the Agricultural Bank, not being able to buy there at the price offered, went elsewhere and bought wherever it could, either at that price or at a fresh price made available. Much has been said regarding the farmer who does not usually cut any of his crop for hay having done so on this occasion and been left with large quantities for which he has no personal use, and for which at present he can find no sale. It is suggested that in many such cases, had the farmers cut their crops for grain, the price they would have received for their wheat would have shown a considerably advanced return as compared with what they are likely to get for their hay at present. We may admit that that may be the case.

Hon. A. Thomson: It unfortunately is the case.

The CHIEF SECRETARY: So far as these farmers are concerned—more particularly those who cut large acreages of hay—it seems strange that they should take the risk of doing so when they were far removed from the centre where the hay was required, and without making some preliminary inquiries as to how they were going to dispose of it when cut.

Hon. G. B. Wood: Mr. Bolton has told you why Mr. Kelsall did it.

The CHIEF SECRETARY: I do not question the motives of any farmers who cut hay, but I question the action of those people who did so without making some inquiry as to what the position was going to be when they had cut it. These remarks would apply more particularly to the gentleman who was quoted by either Mr. Hall, or Mr. Wood. I refer to a letter addressed to Mr. Hall by Mr. W. J. Teakle, of Isseka. That particular district is far removed from the district where the hay would be required. The gentleman in question cut 500 tons of hay. It would appear that he cut that quantity without in any way informing himself as to what he was going to do with it after he had cut it.

I do not know how members would describe action of that kind but I would say it was a most unbusinesslike thing to do. I do not question Mr. Teakle's motive, but whatever it may have been one would have thought that in his own interests he would first of all have inquired concerning the possibility of disposing of such a large quantity of hay, particularly in view of the district in which he is situated. Now I come to the farmers who cut more hay that year than they normally cut. They have been mentioned by Mr. Wood as being in the same category. His suggestion is that there should be some compensation for those farmers because of the fact that they had not been able to dispose of their surplus hay. I suggest that in those cases where farmers cut surplus hay in that year there is no necessity for them to cut any hay this year for their own requirements, and in view of the guaranteed price of wheat they would probably do better still. There should be no great complaint insofar as those particular farmers are concerned.

Hon. G. B. Wood: I did not mention them.

The CHIEF SECRETARY: Another argument in support of the case put forward, and used by Mr. Wood was, it seems,

that the merchants in Perth had exercised a certain amount of pressure. I am advised that the merchants did not use any pressure concerning the Government's attitude in connection with the purchase of chaff, nor with respect to the price at which it was purchased, nor in any other way with regard to the transaction.

Now I come to the question whether what the Government has done is fair or not. The Minister for Agriculture was notified that a number of farmers, who had cut more hay than they could either dispose of or required for their own use, were in difficulties. He was asked to do something to relieve the situation. Eventually it was agreed by the Minister that an advance of 25s. per ton should be made on all hay that was properly stacked and thatched. That 25s. per ton was arrived at, I understand, as being a fair return to cover the expenses a farmer might have been put to in cutting and getting his hay into stack. I do not know whether any members of this House would be in a better position than would be officers of the Agricultural Bank or the Agricultural Department to advise with regard to the amount of money that a farmer would be out of pocket as a result of having cut hay instead of having stripped his crop for grain. I want it to be definitely understood that the advance was made to farmers to tide them over a difficult period. It was not in the nature of a grant, and not in the nature of compensation.

What the Government did was to provide a certain amount of money for this purpose if farmers were willing to agree to the conditions under which the Government was prepared to advance it. Now we have to consider why the Government should fix the conditions that were laid down. Complaints have been made that if any farmer who accepted relief under those conditions broke his stack of hay he would be called upon immediately to repay the whole of the amount advanced. That complaint was voiced by Mr. Wood and those who supported him in the House, and those members said such a condition was most unfair. They may still say so.

It is my duty to put before the House the reasons why it was necessary to lay down these particular conditions. First of all I have to advise the House that no Government can advance money in the

form of loan or for purposes of relief unless it has some security. I think if this or any other Government did otherwise, the foremost critics of such action would be found in this Chamber. The Government offered an advance of 25s. per ton on the security of the hay itself, and not on anything else. It did not take security over the land or the machinery. Its only security for the advance was the hay.

Hon. G. B. Wood: How is a man going to cut his hay when such conditions are hanging over him?

The CHIEF SECRETARY: I did not catch the interjection of the hon. member.

Hon. G. B. Wood: It does not matter.

The CHIEF SECRETARY: Farmers who accepted the advance and agreed to the conditions should reasonably be expected to carry them out, or if their circumstances had altered since the advance was made, and altered for the worse, they should at least approach the Agricultural Bank with regard to their position. In those circumstances, particularly where a farmer has a larger stack of hay than he requires for his own purpose and desires to use only a portion of that stack, all he has to do is to make representations to the Agricultural Bank and it will endeavour to meet him in that regard.

Hon. G. B. Wood: That is the first time such a statement has been made.

The CHIEF SECRETARY: I did not know that; I am only setting out the position as it is today. Should the question concern a stack of hay which the farmer does not require for his own purpose, will anyone imagine that the Agricultural Bank—if it followed business methods such as we would expect it to do—would agree to any farmer disposing of his hay or portion of his stack and thus be prepared to see its security gradually disappear, or suddenly disappear overnight? Would it be reasonable for the Agricultural Bank to permit that? I am sure business members of this House would be on the side of the bank in cases of that kind. It is somewhat difficult to deal with this motion. Mr. Wood has not even suggested what he thinks should be done.

Hon. G. B. Wood: I am not a Government adviser; only a critic.

The CHIEF SECRETARY: He wants the Government to find some alternative to the method that has been adopted, and the

Government says to Mr. Wood, "After giving due consideration to all the circumstances, and in view of all the information that has been supplied to us, this is what we are prepared to do." I suggest to the House that there is no alternative to the method that has been adopted. True, it may be said that the amount offered is not half enough. To allow some farmers to cover their out-of-pocket expenses, or the amount of money they are out-of-pocket as the result of cutting their crop for hay rather than stripping it for wheat is one thing, but it is entirely different to suggest some other method as stated by Mr. Wood.

Even if some larger amount was suggested as being fairer than the present amount, does it not occur to members, having regard to the necessity for adopting business practices, that everything would depend on the security? Would it not be necessary for the Agricultural Bank to insist that the security should be there in the first place, that it should be the responsibility of the farmers to see that the security did not deteriorate, and further to see that the security did not disappear? I have a lot of sympathy for those farmers. I know many of them personally, but I am afraid there is little more the Government can do.

It may be a fact, as Mr. Wood says, that the statement I made a little while ago is the first occasion on which it has been made, namely, that when a farmer desires to dispose of his stack or a portion of it, either for his own use or other purposes, representations by him will receive consideration. I am not doubting the truth of the remark made by the hon. member, but it seems to me that the reasonable action for any farmer to take, who desires to do something different from that which he has undertaken to do, would be to communicate with the Agricultural Bank. I am not in a position to advise whether anyone has done this, but can only give the House the advice tendered to me. I think I have covered most of the points raised, although I may not have said all it is possible for me to say on the subject. It will, however, be understood from my remarks that I cannot agree to the motion moved by Mr. Wood.

the Government is confronted with a difficult problem, and I also appreciate Mr. Wood's difficulty in suggesting a remedy for the state of affairs with which we are dealing. We all know that only last year we in this State were afraid we were going to be in serious trouble. So anxious about the position were members that we divided portions of the agricultural areas into three sections, and toured the districts with the idea of arriving at some solution of the trouble. Everywhere we went the consensus of opinion was that there would definitely be a shortage of hay. I think that the Government was quite sincere in its desire to prepare for the serious position with which the State at that time appeared to be faced. While recognising that the Government did, or endeavoured to do, its part in meeting the situation, I desire to place before the Government and this House the position of quite a number of men who, in an effort to assist, cut hay which, in normal conditions, they would not have cut.

One particular case I have in mind concerns a man at Borden who had a crop from which he stripped over 10 bags to the acre. One of his neighbours, an Agricultural Bank client, approached him long before he undertook the stripping and requested him to sell hay to meet his (the neighbour's) requirements because he had a shortage. The farmer to whom I am referring would not normally have cut for hay since it would have paid him better not to do so, but he stripped the crop in order to assist a neighbour.

The Chief Secretary: He did not know what price he would get for his wheat.

Hon. A. THOMSON: Yes, he did. He had one of the best crops he had ever grown. The disappointment both of the man at Borden and of his neighbour can be imagined when the Agricultural Bank informed the latter that although a tentative agreement had been approved for the hay to be cut by the Borden farmer for his neighbour, there was ample chaff in the Pingelly area and he would have to take a supply from there at a higher price. That involved the Borden farmer in considerable loss because he would not have cut for hay except to assist his neighbour. Normally he never cuts for hay and did so on that occasion only to oblige a fellow farmer. The price agreed upon was about £3 10s. per ton.

HON. A. THOMSON (South-East)  
[5.59]: I agree with the Chief Secretary that

Hon. W. J. Mann: His neighbour let him down.

Hon. A. THOMSON: No, he was still willing to take it but the Agricultural Bank insisted on the chaff which he required coming from a stack that the bank had purchased at Pingelly. That has happened on many occasions under the Agricultural Bank and the Industries Assistance Board. I have here a file lent to me by Mr. H. S. Seward, M.L.A., which contains some interesting letters. I do not propose to read all of them but there is one here that will prove the truth of statements I have made regarding my friend at Borden and the effect of what has happened on the farmers in the Wandering area. The letter, dated the 22nd May, 1941, reads—

I have received a letter from the Minister for Lands offering to lend me 25s. per ton on the hay I cut on the advice of the Hon. Minister. This offer, to me, is absurd; what I want and claim as my just due is the difference between what I actually receive for my chaff when sold and the Minister's price of £3 10s. in the stack. In all my 20 years on the Noombling Estate I have never sold chaff even in the days when I used horses. Now I have no horses and do not even cut hay, yet when the Minister asked, I cut approximately 50 acres—say 80 tons—which would (some 2 acres left actually did) strip seven bags per acre.

It has cost me £12 for cutting; £26 for stacking; stooking and thatching £5; bags £55; total £98, and I have not received a penny, and all risk of price and water damage is mine. I ask the equivalent of £3 10s. in the stack and as I am solely a tractor farmer the Hon. Minister must agree that my case is a just one. It is my intention to sell hay as soon as the rains come and allow me to finish seeding. Getting someone to cut it will be a big problem too, under present conditions. I trust you will place my case before the Minister. It should be obvious to him that running 2,000 acres single-handed I'm not likely to dabble in chaff and its labour problems, without being asked to do so.

The Chief Secretary: In effect he is really saying that the Government should buy all the hay cut by farmers in that year.

Hon. A. THOMSON: He said he undertook to cut 50 acres of hay with the idea of answering the appeal made by the Government. I do not blame the Government for making that appeal but it seems to me that some consideration should be given to those men who, it might be said, came to the rescue. There are men who said they would cut hay that would give them 15 cwt. to the acre, but they wanted some guarantee as to the price. A most unfortunate position

has arisen and the Government should see if it can devise ways and means of giving some assistance to those people who incurred a loss owing to their desire to assist their less fortunate fellow farmers as far as possible. I have here a letter that was written by Mr. Seward and appeared in the "West Australian" on the 17th June, 1941. It reads as follows:—

Last September, when the State's prospect of securing its requirements of hay looked very remote, the Minister for Lands and Agriculture (Mr. Wise) appealed to farmers to cut hay wherever possible, at the same time pointing out that, even viewing the matter from the financial aspect alone, farmers would profit by so doing; in fact he went so far as to indicate a price of £4 per ton in the stack for hay. As a result of this appeal, farmers did cut hay wherever possible, instead of allowing the crop to ripen for grain. When hay cutting was in progress the Agricultural Bank's representatives went around and secured the bank's requirements at £6 per ton for chaff delivered at the siding, which approximated the price for hay indicated by the Minister. But, quite naturally, the bank secured its requirements from farmers grouped closely together, thereby reducing cutting costs.

There were, however, farmers in more isolated districts, and in later ones, too, who, when they were in a position to determine just what amount of hay they had to sell, found that the bank had ceased buying, and the best price they could get was £2 per ton in the stack, and even less than that. In other districts, too, where there were not any cutters operating, farmers were unable to obtain a quote for their hay. Very naturally, and quite justifiably, these farmers felt that they had been seriously misled, while in some cases their ability to finance their current season's operations was jeopardised. They therefore submitted a claim for compensation to the Government for the difference between the best price they could obtain for their excess hay, that is hay cut over and above their normal requirements, and £3 10s. per ton in the stack.

What is the Government's reply to this claim? That provided the hay is stacked, thatched or otherwise protected against the weather, insured, fenced off, and not the subject of any mortgage or encumbrance, it will advance the owner up to 25s. per ton for fair average quality hay, such advance to be repaid when the hay is sold or the stack is broken, the advance to be free of interest the first year and to carry an undetermined rate of interest if the hay is carried over to the second year.

The condition "to be free of any mortgage or other encumbrance" will, of course, render almost every farmer who might otherwise be eligible for the advance ineligible. But apart altogether from that, of what use is it to offer to lend a man up to 25s. per ton when he has

lost money by responding to an appeal made by the Government? We are entitled to believe that when a responsible Minister speaks, as did the Minister for Agriculture last September, he has full knowledge of the facts before him, but if subsequent events which he could not foresee prove him wrong, then the Government, and not the farmers, should suffer any financial loss that is made.

I know, of course, that some farmers refused the price offered by the Agricultural Bank, and, being unable since to obtain a better price, they consider the Government should now give them the price they refused, but I have no sympathy for such men. But the others who, as previously stated, answered a national call and so refused a known price for their crop if stripped for grain, these have, I consider, a just claim for compensation against the Government, and I appeal to the Minister to reconsider his decision to loan money only to such farmers as can comply with his very restrictive conditions.

I do not propose to go over all the ground covered by the file which Mr. Seward has been kind enough to lend me. Mr. Wood has stated the case from the farmer's point of view and the two letters I have read indicate the serious loss that has been borne by farmers who, in an honest endeavour to assist the Government and their fellow farmers, cut hay which under normal conditions they would not have done. Mr. Wood, in moving the motion, asked the Government to see whether it was not possible to evolve a fair and practical method of meeting the position that has arisen. I do not think that is impossible and I believe that on due inquiry it will be found that there are men who have experienced severe losses. It would not hurt the Government to deal with each case on its individual merits and I am sure the House would not take exception to any course of action the Government pursued in that direction.

The Chief Secretary: How can a distinction be made between the deserving and the undeserving?

Hon. A. THOMSON: I hold no brief for those that were offered high prices and refused them, but there are many farmers who have every justification for feeling that they have been let down. They were led to expect that they would receive a certain price, which they have not received. I hope the House will agree to the motion which, after all, is only a recommendation to the Government to inquire into the matter with a view to ascertaining whether

some way can be found to assist those who have suffered loss.

On motion by Hon. G. B. Wood, debate adjourned.

## BILL—WORKERS' COMPENSATION ACT AMENDMENT.

### *Assembly's further Message.*

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Legislative Council to the further amendment made by the Legislative Assembly to the Legislative Council's amendment No. 1.

*House adjourned at 6.18 p.m.*

## Legislative Assembly.

*Wednesday, 3rd December, 1941.*

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

## QUESTION—PUBLIC BUILDINGS.

### *As to Disinfection.*

Mrs. CARDELL-OLIVER asked the Minister for Health: 1, What is the practice of the Department regarding disinfection of public buildings; especially State schools? 2, Is he aware that many metropolitan schools have not been disinfected for 25 years, notwithstanding the various epidemics from which many school children have suffered? 3, Is he aware that in those schools where limited disinfection takes place, the school provides the disinfectant from school funds collected from the children?