Legislative Council,

Wednesday, 11th September, 1935.

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

ADDRESS-IN-REPLY.

Presentation.

The PRESIDENT: I desire to announce that I waited on His Excellency the Lieut.-Governor and presented the Address-in-reply to His Excellency's Speech, agreed to by the House, and that His Excellency has been pleased to make the following reply:—

The President and hon. members of the Legislative Council—I thank you for your expressions of loyalty to His Most Gracious Majesty the King and for your Address-in-reply to the Speech with which I opened Parliament. (Sgd.) James Mitchell, Lieut.-Governor.

PERSONAL EXPLANATION.

Hon. G. W. Miles and the Northern Aerial Survey.

Hon. G. W. MILES: I wish to make a personal explanation. Yesterday, in speaking on the Northern Australia Survey Agreement Bill, I said the aerial survey photos. were taken by plane to Queensland to be developed. That was perfectly correct, but I was wrong in implying that the planes returned to the Pilbara district. I have consulted the Government Geologist (Mr. Forman) who tells me that it was necessary to send the photos. to Queensland, as they had there the equipment and room for the development of the films, facilities which were not available in Perth: also that the work of the plane was finished for the time being in the Pilbara district, and that the aerial work was continued in Queensland. I am satisfied that I was in error in implying that the planes went to Queensland and came back again to Pilbara, which would mean an economic waste.

BILLS (2)—THIRD READING.

1, Northern Australia Survey Agreement. *Passed.*

2, Industrial Arbitration Act Amendment.

Transmitted to the Assembly.

BILL—BRANDS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.40] in moving the second reading said: The purpose of this Bill is to amend the Brands Act in an endeavour to provide a more effective means of combating the practice of sheep stealing, which is prevalent in this State. Amendments will also be submitted in regard to another measure to implement the action proposed in this Bill. In closely settled districts, motor transport facilities have been taken advantage of by sheep stealers with the result that sheep stealing has now developed into a systematised and organised practice of some magnitude. Under present conditions, the sheep can be shifted so quickly and to such a distance that all traces are covered before the owner realises that his stock has disappeared, and consequently the police labour under marked disadvantage, through having very little evidence to work upon in attempting to locate the guilty parties. The existing Brands Act and Droving Act were framed to suit conditions in regard to the control of branding, identification and travelling of stock 40 years ago, and do not meet the requirements of present-day conditions. Following an amendment to the Act in 1919, complaints were made that identification by means of earmarks was unsatisfactory. By mutilation of the ears it is possible to destroy the earmarks, and the practice of removing the ears from the skin has rendered it almost impossible to check up even on a known thief. So members will realise it is about time an amendment of the Act should

be made. Sheep stealing is increasing in spite of all attempts to prevent or minimise it. Members of road boards, the fat stock salesmen, the Royal Agricultural Society and the Pastoralists' Association have all expressed grave concern at the position, and have consistently requested some alteration in the existing law to enable an endeavour to be made to cope with the trouble. The police indicated that their position was not strong under the existing Acts. In view of the position, the Minister for Agriculture arranged a conference consisting of the Minister for Police, the Commissioner of Police and officers in control of operations under existing Acts. As a result, and after investigation and consideration, it was decided to present this Bill. It is considered that a system of compulsory branding and checking will provide the best means of hampering the thief in his operations, and greater facilities for his eventual detection. The first amendment makes it compulsory for growers to register a wool brand together with the earmark, and a wool brand must be registered in addition to the earmark by every owner of sheep. Experience has proved that it is very difficult for other than highly trained and experienced men to identify earmarks readily, whereas a wool brand can be easily distinguished, and, for this reason, it is considered necessary to make the wool brand compulsory. Another amendment makes it compulsory to place a wool brand on sheep after each shearing in a certain defined portion of the Southern part of the State. If sheep are branded with an easily distinguishable mark, like a wool brand which has been registered, there will be little difficulty in deciding the ownership. Some such system is particularly necessary in the South-West, where shearing is done at a central shed. Some of the trouble is attributable to unscrupulous growers, having lost sheep of their own, making up the deficiency from the flocks of convenient neighbours. The wool brand would minimise this practice. Provision is made in another Bill for an amendment of the Droving Act to cover cases where sheep have been purchased, and therefore carry a different wool brand to that of the owner. Of course, such sheep would be branded with the brand of the new owner after the first shearing following their purchase. A further provision gives power to an inspector to prevent removal of sheep that are not wool branded. This is designed to strike a blow at thieves making use of motor trucks for the conveyance of stolen sheep. Another important provision makes it unlawful to be in possession of sheepskins from which the ears have been removed or mutilated. Section 49B of the existing Act makes it unlawful to remove ears except prior to tanning, and that provision will be retained. Such a provision is necessary to assist in tracing sheep which have been stolen in small lots for slaughter and sale as meat. Clause 8 of the Bill is designed to make it unlawful to move sheep unless they are wool branded. This will apply to the whole State. The present practice in regard to the North requires sheep to be drafted and branded with a "T" brand prior to droving, but this Bill provides for their being branded with the registered wool brand of the owner. This provision will considerably hamper the operations of dishonest drovers. It will enable an easy check to be made of all sheep being moved either by droving or by vehicle. The most satisfactory form of wool brand is considered to be one showing the shape of the ear with its earmarks. The measure has received careful consideration, and it is felt that it will do much to prevent the practices that have been so prevalent of late years. Two or three days ago I was telephoned to by leading firms representing pastoral interests, who asked that I would meet a deputation from them, as they considered it was very necessary that some amendments should be made to the Bill. They also said some of the clauses in the Bill were impracticable. I replied that I was not responsible for the measure, that it had emanated from the Agricultural Department, and that the Minister was away from the city until Thursday. I said that pending his return, and consideration of the question, I would not take either this or the Droving Act Amendment Bill into Committee until they had had an opportunity of stating their case to the Minister. I move—

That the Bill be now read a second time.

On motion by Hon. C. F. Baxter, debate adjourned.

BILL—JUDGES' RETIREMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.52] in moving the second

reading said: The purpose of this Bill is to fix the age at 70 years for the retirement of Judges of the Supreme Court of Western Australia, who may be appointed after this Bill is passed and becomes operative. Section 4 of the Stipendiary Magistrates Act, 1930, fixes such a retiring age for a Stipendiary Magistrate, and similar provision is also made in Section 48 of the Industrial Arbitration Act, 1912-25, for the retirement of the President of the Industrial Arbitration Court. At present, Judges of the Supreme Court are entitled to hold office during good behaviour, without any obligation to retire at any age; and they can be removed from office only for misbehaviour and upon a resolution of both Houses of Parliament. It is considered reasonable that a specific retiring age should be fixed for Judges of the Supreme Court, so that there may be a uniform age for all persons holding high judicial office in this State. One other point that should be noted is the fact that there is no bar in the Act at the present time to prevent a person being appointed as a Judge of the Supreme Court regardless of his age or experience. These undesirable conditions are not confined to this State alone. In Great Britain the question in relation to Judges of the High Court of Justice in England has been inquired into and reported on by a Commission of Inquiry. The matter has been a subject of public discussion in relation to Judges of the Commonwealth High Court; and requests have already been made to the Attorney General of the State of Victoria to urge the Government of that State to fix a retiring age of 70 years for both Supreme Court Judges and inferior court judges of that State. The Attorney General has intimated that he is favourably disposed towards the introduction of such legislation. An Act was passed in Queensland in 1921 which fixed a retiring age of 70 years for all judges then in office or appointed subsequent to the passing of the Act, and, for the purposes of that Act, the term "Judge" includes all the Judges of the Supreme Court of Queensland, the President and Judges of the Court of Industrial Arbitration, and Judges of District Courts who are similar in status to our Stipendiary Magistrates. A similar Act was passed in New South Wales in 1918. If this Bill is passed, uniformity in regard to retirement of persons holding high judicial office in this State will be obtained, and the State will come into line with Queensland and New South Wales. It seems probable that Victoria will also pass similar legislation in the very near future. Clauses 1 and 2 of the Bill are merely machinery measures.

Hon. J. Nicholson: Is there any legislation like this in South Australia?

The CHIEF SECRETARY: I have no information regarding that State. Clause 3 provides that the Act shall not apply to Judges holding office at the commencement of this Act. This provision is made because the Government consider it would be unfair and unreasonable to interfere with the tenure of the present Judges who accepted office in the belief that their tenure of office, as provided by law at the time of their appointment, would not be interfered with, or their rights and interests affected. Clause 4 provides that all Judges appointed after the Act comes into force shall automatically retire from office at the age of 70 years. This provision is qualified by a provision for cases in which it is possible that a Judge may be in the middle of conducting a trial of an action in Court, and, in that event, he will be entitled to hold office until he has completed such trial. Clause 5 is a saving provision deemed necessary to protect the pension rights to which a Judge may be entitled under any other Act relating to Judges' pensions. In effect, this clause provides that, if under any other Act the Judge would be entitled to any pension if he resigned voluntarily on the day he became 70 years old, he will still be entitled to such pension, although, under this Act, he is automatically retired and does not voluntarily resign. I move—

That the Bill be now read a second time.

On motion by Hon. H. S. W. Parker, debate adjourned.

BILL—DROVING ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [3.0] in moving the second reading said: The purpose of this Bill is to amend the Droving Act so as to make it more workable and better suited to present day needs. In particular, it aims at a more efficient and protective measure for the prevention of sheep stealing which has been prevalent of late years. The Act was

originally passed in 1902, and, although it met the needs of those early days, it did not envisage the possibility that sheep would eventually be shifted in great numbers by the aid of motor transport. Times and conditions have so changed that it is now necessary to make some amendments that will enable the Act to be more efficiently applied for the protection of growers. There have been many complaints by growers, during recent years, in regard to sheep stealing. Reports from other Australian States, and from New Zealand, indicate that the trouble is widespread, and necessary legislation to combat it is either contemplated or already actually passed. In many cases the thieves operate with the aid of high powered motor vehicles, and can move so quickly from place to place that it is practically impossible, under present conditions, to bring them to justice.

The greatest losses have been incurred in closely settled areas. The losses in pastoral areas are mainly confined to an occasional drover who may add to his flock at suitable places and then sell the sheep at a discount, or perhaps pick up a few odd sheep to make good losses incurred during the trip. Another source of loss in pastoral areas is mainly confined to outlying districts, and is due to people shooting sheep for the sake of the meat. Many proposals have been made to combat the trouble. In Scotland, where heavy losses have taken place, the question of permanently marking all sheep with distinguishing marks in flocks is being considered, and in New Zealand the droving regulations have been amended to prohibit the carrying of any stock at night. It is claimed that this action has minimised the evil. Other proposals include the licensing of skin dealers and the insistence on records being kept by butchers. It is considered that the provisions of this Bill and another measure to amend the Brands Act will do much to prevent the practice of sheep stealing in this State.

It is proposed in the Bill that the distance necessitating a waybill shall be reduced from 40 miles, as at present, to 15 miles; that waybills shall be made out in triplicate and that one of such triplicates shall be forwarded, at least seven days prior to the moving of stock, to the nearest police officer, together with particulars of the route to be taken and the approximate time of arrival at the intended destination. Under certain circumstances, permission can be given to move the stock before the expiration of the period of seven days. Provision is made to prohibit sheep being moved from any place, after sale, until a prescribed statement, in duplicate, has been made out and one copy of the statement delivered to the person into whose control or custody the sheep are to be given. That person will retain the duplicate statement in his possession while the sheep are in course of removal and until they reach their intended destination. The duplicate statement shall then be handed to the principal, who must keep it in his possession for at least six months. Every person having any such statement in his possession must, on demand, produce it for inspection by any Justice of the Peace, inspector or authorised agent of an inspector. The present practice in regard to waybills, is that they are made out in duplicate, the agent or owner retaining one copy and the drover having the other. It is now desired to have them made out in triplicate, and the third copy is to be supplied to the nearest police officer, together with information in regard to the route and time of droving. Under the present system, police officers on the route can only inspect the waybill carried by the drover, and they have to accept the particulars shown thereon as correct. Under the proposed new system the inspecting officer will have his own copy of the waybill to check with the drover's copy, and, when once the sheep are outside his jurisdiction he will pass his copy on to the officer in charge of the next area, so that a complete and continuous check can be kept on the flock. It is also proposed to repeal section 16 of the principal Act and substitute a provision to ensure that the proprietor of travelling sheep shall have them all legibly branded with a registered wool brand. It is hoped that these provisions will enable a closer supervision to be kept over all travelling sheep, and that it will help appreciably to prevent the corrupt practices that have been going on for so long. I move—

That the Bill be now read a second time.

On motion by Hon. L. Craig, debate adjourned.

BILL—TENANTS, PURCHASERS AND MORTGAGORS' RELIEF ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [5.10] in moving the second reading said: This is one more of the financial emergency measures which the Government think should be continued for a further period of one year. As the Title of the Bill indicates, it is a measure designed to give relief to tenants of houses, purchasers of houses, and certain mortgagors who, through unemployment, are unable to meet their commitments. It is merely a machinery measure. The Act of itself does not inflict restriction on anybody but it does give the people I have mentioned the opportunity of applying to a Commissioner appointed under the Act to request that the owner or vendor or mortgagee, as the case might be, shall not proceed with his remedy on account of the failure of the individual to meet his obligations. The House will agree that many people have been seriously affected as a result of unemployment, and while it is a fact that there has been considerable improvement since the Act was passed, nevertheless we have not reached the stage where we can say that unemployment, or employment, is back to normal. I do not know that the Bill requires a detailed exposition on my part because I feel it is well understood by all members, but I think I can state briefly just what the Act covers, namely, the Act in itself does not impose any restriction or prohibition; it merely provides the machinery under which a Commissioner acting judicially can make an order of injunction in proper cases; that each case is considered and dealt with on its merits, and that it is administered so as to provide relief to honest but temporarily unfortunate persons against unreasonable or arbitrary people. There cannot be any real objection to the operation of the Act being continued for a further period of one year, and therefore I move—

That the Bill be now read a second time.

On motion by Hon. H. S. W. Parker, debate adjourned.

BILL—TRUSTEES' POWERS AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. J. NICHOLSON (Metropolitan) [5.14]: This Bill seeks to amend an Act which was passed in 1931. Because of conditions then prevailing, trustees were very much hampered in dealing with properties and particularly in the matter of interest to which they might be entitled by virtue of securities held by them. As a result of inquiries then made, it was found that trustees could not exercise that same freedom of conduct which would be open to an individual who had money invested in his own right. It has been an established principle for many years that trustees must not do anything which would be a departure from the powers and rights they may have under the terms of their trust deed. They would not be entitled to depart from the provisions of the trust deed, nor would they be entitled to reduce a rate of interest or do anything which an ordinary individual could do that might lessen the security, unless there was in force some statutory power. The Act of 1931 gave certain statutory power to trustees to depart from those strict rules. Powers were given to trustees to vary leases, to consent to a reduction of interest on mortgages, and also to apportion money between capital and income in connection with certain property.

Hon. J. J. Holmes: How much further than that does this Bill go?

Hon. J. NICHOLSON: This Bill deals with another aspect. It is designed to amend Section 6 to give trustees power to join in schemes of arrangement under the Farmers' Debts Adjustment Act. Having regard to the strict rules that regulate trust property, it is open to question whether a trustee would have power to do acts mentioned in the Bill. I agree with the Chief Secretary as to the position of trustees in that regard. When the Chief Secretary was moving the second reading, I thought there might be sufficient power under a very old Act with which Mr. Parker and most lawyers are familiar—Lord Cranworth's Act—which gives power to trustees to compound and do certain things with debts. But we have to realise that arrangements made under the Farmers' Debts Adjustment Act are more than a compounding. The English Act was amongst the statutes adopted in our State, and Section 30 provides—

> It shall be lawful for any executors to pay any debts or claims upon any evidence that they may think sufficient, and to accept any composition, or any security, real or personal, for any debts due to the deceased, and to allow any time for payment of any such debts as they shall think fit, and also to compromise, compound, or submit to arbitration all debts, accounts, claims, and things whatsoever re-

lating to the estate of the deceased, and for any of the purposes aforesaid to enter into, give, and execute such agreements, instruments of composition, releases, and other things as they shall think expedient, without being responsible for any loss to be occasioned thereby.

That Act remained in force in England for many years. Originally it operated from about 1860.

Hon. G. W. Miles: Is that Act in force here now?

Hon. J. NICHOLSON: Yes; it is one of the adopted statutes. That part of the Act was repealed in England by a comprehensive Act passed in 1881, and has suffered various amendments since. The power given to trustees in England under that and various amending Acts has been very much widened as compared with our law. As a matter of fact, our law regarding trust estates might well be overhauled and brought up-to-date. Many things can be done in other places by trustees that cannot be done here. As an instance, I might quote the power of a trustee to take up shares in a reconstructed company. Certain powers to do that are given by one of the amending Acts in England, but here a trustee is not so empowered.

Hon. J. J. Holmes: And he should not be, either. He could take up mining shares.

Hon. J. NICHOLSON: The power would need to be exercised with a certain amount of discretion and wisdom. In the reconstruction of a company, it is often found that trust estates might suffer loss. The law relating to trusts might well be made the subject of consideration with a view to future legislation. That particular section——

Hon. J. J. Holmes: The one you have read?

Hon. J. NICHOLSON: Yes, Section 30, would not be wide enough to apply to such an instance as one occurring under the Farmers' Debts Adjustment Act. Furthermore, the Act I have quoted applies only to persons entitled or acting under a deed, will, codicil or other instrument executed after the passing of the Act. There are trust deeds that might not be comprehended within that limitation. There might be an estate being administered by an administrator or personal representative, and the Bill before us seeks to make the term "trust deed" apply to a legal personal representative. The powers in the Act I have quoted do not apply to a representative acting under administration granted by the court. The more one looks into the matter, the more one realises the necessity for giving trustees authority to exercise discretionary power for the benefit of those whose trust estates they are administering. I have come to the conclusion that it is in the interests of those holding office as trustees that they should have the power proposed to be conferred upon them. For that reason, I shall support the second reading of the Bill.

On motion by Hon. J. J. Holmes, debate adjourned.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading—Defeated.

Debate resumed from the previous day.

THE HONORARY MINISTER (Hon. W. H. Kitson—West—in reply) [5.26]: I have listened very carefully to the debate on this measure. In order to ascertain whether anything I said in moving the second reading or anything in the Bill could possibly give rise to some of the statements that have been made, I have carefully read my own speech and have re-examined the Bill. I find it hard to determine whether some of the statements arose from a genuine misconception of the contents of the Bill or from a lack of knowledge of the provisions of the Act. Some of the statements made by members were really so far-fetched that one can hardly imagine anyone making them if he possessed anything like an accurate knowledge of the existing Act. When one compares the amending Bill and gets down to the bedrock of its meaning, it seems that there is no justification for the arguments used against it. For instance, Mr. Baxter said—

> All too frequently Parliament is requested to deal with restrictive legislation. We seem to be continually imposing further restrictions on individual effort, and harassing the everyday life of those who attempt to use their energies in building up some progressive industry. The Bill is designed to prevent a large number of persons from making a living.

Later on he said—

> If the Bill be passed without amendment, it will apply to the smallest so-called factories, and practically 90 per cent., possibly more, of those people operating to-day will go out of business altogether.

That is not correct, and I can hardly imagine that the hon. member could have been

serious in making such a statement if he understands the Act or the Bill on which he was speaking.

Hon. C. F. Baxter: Quite serious.

The HONORARY MINISTER: The Bill will not prevent any person from making a living. Neither will it impose on the small manufacturer restrictions that are not already imposed on other small manufacturers. It certainly will empower the Governor, on the recommendation of the Minister, to confer upon those who are employed in establishments where fewer than four persons are engaged, the same conditions of employment in relation to working hours, overtime, meal hours, and generally as are enjoyed by similar employees engaged in establishments which are subject to existing conditions.

Hon. H. S. W. Parker: The places will be factories, and the Government can declare them not to be. Is not that the position?

The HONORARY MINISTER: Under one clause that is so. Under another clause it is the very opposite, and that is the clause I am dealing with now. I suggest that if the Bill be carried, it is most unlikely that the Minister would recommend the Governor to declare such places to be factories unless there were adequate and substantial reasons for so doing.

Hon. J. J. Holmes: All these places automatically become factories if the Bill passes.

The HONORARY MINISTER: No. That again applies to only one clause, and not to the other clause. Further, on that point, having closely examined the Bill I feel that the drafting of the measure is perhaps not quite as clear as it might be, and in some respects possibly does not express the full intentions of the department concerned. If the measure passes the second reading—I hope it will—I do not propose to go into Committee to-night, because I desire to submit one or two variations which I feel will be more in accord with the sentiments expressed by several hon. members during the debate. But so far as the principle of the Bill is concerned, I feel that in view of the many criticisms which have been uttered I must at least justify the measure as introduced. The proposals contained in Clause 2 will bring the definition of the term "factory" in the Factories and Shops Act into conformity with that term as used in the corresponding New South Wales legislation, which adds, to a definition similar to that in our Act, the following provision:—

> Any building, premises or place in which less than four persons are engaged in any handicraft or preparing or manufacturing goods for trade or sale, and which the Governor by proclamation declares to be a factory, shall be a factory for the purposes of the Act.

So that there is nothing in the clause which goes any further than the New South Wales Act goes. In some respects this Bill does not go as far as that Act.

Hon. J. J. Holmes: In New South Wales they have done a lot of things that I would not like to see done here.

The HONORARY MINISTER: That may be so, but still we can draw comparisons.

Hon. J. J. Holmes: Is this part of the Lang plan?

The HONORARY MINISTER: I think this has been in operation longer than Mr. Lang has been in power in New South Wales. Any person who establishes a small business and carries on its activities without employing any outside labour will not be subject to any restriction as to working hours, meal times and overtime. I want hon. members to understand that distinctly, because many of them when speaking on the Bill claimed that the opposite would be the effect of the measure.

Hon. J. J. Holmes: I was aware of that.

Hon. J. Nicholson: The Honorary Minister is referring to the clause dealing with meal hours?

The HONORARY MINISTER: No; the clause dealing with the declaration of a small factory to be a factory within the meaning of the Act. Hon. members have said that if the Bill is carried, it will mean that persons who do not employ any outside labour, members of the same family operating what has been termed a backyard factory, will have the time within which they are allowed to work restricted to the hours in the Factories and Shops Act, and will have to comply with the provisions of that measure as to overtime and meal hours. I say definitely that the carrying of the Bill will not have that effect. Under the proposals contained in the Bill, if such persons do employ outside labour, their employees would receive the same privileges as employees in other small factories which are factories under the

Act to-day. That I regard as a perfectly fair provision. I will illustrate the point with one instance, which could be multiplied many times. Mr. Fraser, speaking on the second reading, referred to the furniture trade and in particular to the upholstery section. The furniture trade, like many other trades, has in recent years developed into a highly specialised trade. It has been sectionalised, and numerous small factories have sprung up to cater for a single section or class of the furniture trade. That applies especially to the upholstery section. In our furniture trade there are some large employers and many small employers. The large employer will have an upholstery section and may employ two or three upholsterers, who are governed by Arbitration Court award and also by the Factories and Shops Act. But in the case of the man specialising in upholstery work and employing the same number of upholsterers as the large employer, there being only three employed in the case of the man specialising and the three comprising the employer and his two employees, the latter of course being subject to the Arbitration Court award, that particular establishment is not subject to the Factories and Shops Act. Consequently the employees in such an establishment fail to obtain many things which they are entitled to obtain. As to the question of safety, for instance—

Hon. J. J. Holmes: Before you get away from the other point, would not the manufacturer come under the provisions of the Act if he employed only one person?

The HONORARY MINISTER: Yes. As regards some cases, owing to the furniture trade and other trades having been sectionalised in that manner, an unfair discrimination is operating in two ways. Firstly, the small manufacturer is being allowed an unfair advantage over the manufacturer who may be operating on only a slightly larger scale and employing only a few more men—though, of course, on the other hand he might be a big manufacturer. Secondly, we are denying to the employees of the small manufacturer benefits received by employees in larger factories.

Hon. H. S. W. Parker: You are also prohibiting the man who is working for himself.

The HONORARY MINISTER: Not at all. I have already stated that the Bill will not affect the man who is working for himself.

Hon. H. S. W. Parker: The Bill speaks of a place where four persons are "engaged." It does not say "employed."

The HONORARY MINISTER: No doubt an extreme interpretation can be put on the provision.

Hon. J. Nicholson: There is nothing extreme about that.

The HONORARY MINISTER: Some phrases in the Bill could be made more explicit, and perhaps more in accord with the sentiments expressed by several hon. members. I wish to repeat that there is no reason why any of these small factories should be put out of business, or materially affected in their activities, as the result of the adoption of the proposals contained in the Bill.

Hon. J. J. Holmes: How does this fit in with your declaration that the Bill would not affect the man working for himself in his own premises?

The HONORARY MINISTER: The Bill does not affect hours of labour or overtime or meal hours on such premises. The only clause affecting the individual is that other clause to which I referred in moving the second reading, the clause dealing with hygiene, safety and so on.

Hon. J. J. Holmes: Those things are all provided for in the Health Act.

The HONORARY MINISTER: In some cases that is so, but in other cases there is no protection whatever. One hon. member, I think Mr. Baxter, raised objection to the provision dealing with the time occupied in partaking of meals. I say frankly that the objection can quite easily be overcome. There is no reason why the clause should not be amended to read "meal times excepted." That alteration should meet any possible objections which could be raised on that score. Regarding Mr. Baxter's statement as to the proposed amendment of Section 45, I wish to point out that it is a fact that unless employees are subject to an award or an industrial agreement under the Industrial Arbitration Act, such workers are not legally entitled to claim the basic wage. However, I cannot agree with Mr. Baxter's remarks on that point. The hon. member said—

Under the Arbitration Act no person, unless covered by an award of the court or by an agreement registered at the court, is entitled to

the basic wage. This proposal would alter that provision. It can be taken for granted that no industry still left without an award or an agreement is in a position to pay the basic wage and other margins fixed by the court.

I cannot agree with that contention. The Industrial Arbitration Act simply lays down that in every award of the Arbitration Court and in every industrial agreement sanctioned by the court the basic wage shall be paid, plus any margin which the court may decide in the case of skilled industries or for some other reason. The Act, however, certainly does not say that other employees are not entitled to the basic wage. In this State we have reached the stage when it is commonly accepted, or at any rate accepted by most people, that every adult person is entitled at least to the basic wage, no matter what his or her occupation may be.

Hon. J. J. Holmes: Except the man on the land.

The HONORARY MINISTER: The man on the land is working for himself. That really would apply to Mr. Holmes.

Hon. C. F. Baxter: Years ago, but not for some considerable time.

Hon. J. J. Holmes: I do not get the basic wage.

The HONORARY MINISTER: The clause has relation to women. The situation disclosed by investigations shows that a fairly large number of women 21 years of age and over are employed by various firms and are paid, in many instances, considerably less than the basic wage for females.

Hon. J. Nicholson: Do not you think that the system, which has gradually developed with regard to rates of wages based upon age without regard to qualification, has been the cause of that?

The HONORARY MINISTER: I do not think so at all; it has not the slightest effect on the position.

Hon. J. Nicholson: I do not know about that.

The HONORARY MINISTER: It arises from the fact that, according to the definition in the Factories and Shops Act, a woman is a female irrespective of age.

Hon. J. Nicholson: Has anyone disputed that?

The HONORARY MINISTER: It is a very interesting point.

Hon. W. J. Mann: What is the alternative?

The HONORARY MINISTER: I can enjoy a joke, but this is no joke to a large number of these women. I will tell members how it operates. The Factories and Shops Act provides that where any Arbitration Court award or industrial agreement applies to a given industry, the female employees over 21 years of age shall be entitled to the minimum rates prescribed. I will put it another way. A female employee is entitled to the lowest minimum wage prescribed by any award or agreement. Another section of the Factories and Shops Act provides that a person employed in a factory shall be entitled to receive at least 10s. a week during the first year, 15s. a week for the second year, £1 a week for the third year and so on with increases of 5s. per year.

Hon. H. S. W. Parker: Do you say the present Factories and Shops Act contains that provision?

The HONORARY MINISTER: Yes. As a result, we have reached a regrettable position. In factories where the female employees are not organised and therefore cannot obtain the minimum rate of wage prescribed by an Arbitration Court award, an unscrupulous employer is able to pay to his female employees 10s., 15s. or whatever he may decide. There are many instances in Perth where women 21 years of age and over, owing to their economic position, have been compelled to accept employment in such factories at a much smaller wage than the basic wage.

Hon. L. Craig: If they could only cook, those women would be much better off.

The HONORARY MINISTER: But all females are not cooks.

Hon. L. Craig: They should be.

Hon. H. S. W. Parker: You are quite right.

The HONORARY MINISTER: That may be so.

Hon. J. J. Holmes: This Bill may make their condition of employment impossible, and they may be forced on to the dole.

The HONORARY MINISTER: The Bill will not make the position impossible from that point of view. It is useless for Mr. Holmes to suggest that conditions imposed under the Factories and Shops Act are such that they compel any person to lose his employment or even, with perhaps a few exceptions, to force an employer to dismiss employees. The exceptions I refer to are perhaps few and far between; I do not know that I could mention any particular

employer to whom that would apply. I can imagine an employer who was not too scrupulous using that as a pretext for getting rid or one or more of his employees. The question of the basic wage for women is important.

Hon. L. Craig: But does that come under the Bill?

The HONORARY MINISTER: Yes. It provides that every woman who is 21 years of age or over, who is employed in a factory within the meaning of the Act, shall be entitled to receive the basic wage, and that is not asking too much.

Hon. L. Craig: That would apply to where two employees are working.

The HONORARY MINISTER: No.

Hon. L. Craig: Then to factories where four or more are employed.

The HONORARY MINISTER: No. I have already explained that where an Arbitration Court award applies to a factory, no matter how large or small a concern it may be, a woman over 21 years of age is paid the minimum or basic wage, but in those factories where no Arbitration Court award applies, there have been many instances where employers have taken advantage of the definition of "woman" in the Act, and paid their female employees over 21 years of age, wages much below the basic wage.

Hon. J. J. Holmes: If you go on like this, you will have all the young women looking for work, as the young men have to do to-day.

The HONORARY MINISTER: I do not think so. On the other hand, if we pass this legislation, it will mean that quite a number of women will have to be paid what they have been entitled to for a considerable time past. This will affect adult women employed by manufacturing chemists and druggists, dressmakers, milliners and others. In the work of testing and packing eggs for export, many females are employed at less than the basic wage. That reminds me that Mr. Macfarlane, when opposing the Bill, said—

> I recognise that my adoption of this view will be against my own personal interests, but I have always supported any idea that would give an individual a chance to advance himself.

That sentiment, of course, has been applauded by more than one member of this House. I wonder just how far we can apply that dictum. For instance, I would like to know just what opposition arises from the small factories that could affect Mr. Macfarlane.

Hon. C. F. Baxter: It will affect all people who handle eggs.

The HONORARY MINISTER: Mr. Baxter is another member who is associated with the export of eggs. Now he says there are a number of small people employing two or three persons, who are engaged in the export of eggs.

Hon. J. J. Holmes: Why should they not be?

The HONORARY MINISTER: I do not know that they are. I do not think that they are.

Hon. C. F. Baxter: Yes they are.

Members: Name them.

Hon. J. J. Holmes: At this rate, an Act of Parliament will be necessary before a hen can lay an egg.

The HONORARY MINISTER: I want members to understand the significance of this. Who are these firms? I do not know of them. I know that in several industries there is a fair percentage of women over 21 years of age who are receiving considerably less than the basic wage.

Hon. J. Nicholson: Can the employer afford to pay them the full basic wage for the work they do?

The HONORARY MINISTER: Of course.

Hon. C. F. Baxter: They cannot. If they did, it would mean retiring the women over 21 years of age.

Hon. J. Nicholson: Yes, that is the position.

The HONORARY MINISTER: It is depressing to hear such remarks, because they show the attitude of mind that is adopted by some people regarding the employment of women over 21 years of age.

Hon. J. Nicholson: It is not a matter of the attitude regarding the employment of women over 21 years of age, but a question of what industry can stand.

Hon. C. F. Baxter: Of course it is.

The HONORARY MINISTER: If the hon. member says that because no arbitration award may apply and because of the definition of "woman" in the Act, a woman of more than 21 years of age should be paid less than the basic wage, he is entitled to argue along those lines; I cannot do so.

Hon. C. F. Baxter: It is not a matter of compelling them to do the work, because it is such that a junior could do just as well as a woman over 21 years of age.

The HONORARY MINISTER: That argument could be applied in other directions.

Hon. G. W. Miles: That is one of the reasons for our difficulty to-day. Men are forced out of jobs because of the fixation of wages according to age.

The HONORARY MINISTER: I can tell the hon. member something about that phase. It seems to me that the present conditions, to which I have drawn attention, cannot be justified by anyone. The reason why some females over 21 years of age are employed at wages much less than the basic wage is solely because they are unorganised and have no Arbitration Court award or agreement to protect their industrial interests.

Hon. J. M. Macfarlane: The work lasts for less than 12 months.

The HONORARY MINISTER: Another good reason why the interests of these women should be conserved is that they are in employment for only portion of the year.

Hon. J. M. Macfarlane: But they like it; they come back every year.

The HONORARY MINISTER: Of course, because that is the only work some of them can get.

Hon. L. Craig: There is plenty of domestic work available.

The HONORARY MINISTER: We cannot make domestics of the whole lot of these women.

Hon. L. Craig: But surely they can sweep!

The HONORARY MINISTER: I wish we could make many more of them domestics. If we could do so, there would be more positions for our young men.

Hon. J. Nicholson: And that would be a good thing.

Hon. G. W. Miles: If we compelled women to do domestic work and take a course in domestic science, it would be a good thing for them.

Hon. C. F. Baxter: But the women leave domestic service to come back to this particular work.

Hon. H. S. W. Parker: If we agree to the Bill how will it affect our farms?

The HONORARY MINISTER: It will not affect them.

Hon. H. S. W. Parker: Goods are prepared for sale on farms. If we agree to this, it will mean that the women will get the basic wage and men will not.

The HONORARY MINISTER: Mr. Parker should be aware that farms are not covered by the Factories and Shops Act.

Hon. H. S. W. Parker: They will be, if we agree to this legislation.

The HONORARY MINISTER: That is not so. If the hon. member does not know that the Act does not apply, he should. If he will only read the Act and consider the amendment in conjunction with that measure, he will alter his opinion.

Hon. J. J. Holmes: If we pass this Bill, the Minister and the Government will be able to do as they like.

The HONORARY MINISTER: Mr. Holmes had a lot to say about giving discretion to the Minister.

Hon. H. S. W. Parker: If the Honorary Minister says this legislation does not apply to the farming industry, how does he regard dairying?

The HONORARY MINISTER: The hon. member will have ample opportunity during the Committee stage to raise these particular points.

Hon. J. J. Holmes: No, he will not.

The HONORARY MINISTER: If we are not to have that opportunity, the Government cannot help it. This legislation is more important than some members are inclined to think. I hope, even if they do not agree with some of the provisions in the Bill, members will at least give it their consideration. I agree, for instance, with the remarks of one member who suggested it was desirable we should have a stated number of employees mentioned in the Act and not leave the matter to the discretion of the Minister, as provided in the Bill.

Hon. G. W. Miles: If you agree with that contention, why did you bring the Bill down in its present form? You have changed your opinion.

The HONORARY MINISTER: It is not a question of changing my opinion. I have presented the Bill to the House, as I am in duty bound to do. I am one only of a number. I suggest to the hon. member also that he should be quite prepared to give consideration to any provision in the Bill.

Several members interjected.

The PRESIDENT: I suggest that hon. members allow the Minister to proceed.

The HONORARY MINISTER: One member has said that if the Bill be agreed to, additional inspectors will be appointed, and another member referred to the multiplicity of inspectors who went round ordering that things be done. That is the duty of inspectors, to see that the Act is carried out.

Hon. W. J. Mann: But I do object to their number continually increasing.

The HONORARY MINISTER: So far as I know, the Bill will not mean one additional factory inspector.

Hon. L. Craig: How will they control in country districts?

The HONORARY MINISTER: We have inspectors controlling in country districts at present. Mr. Holmes cited a case that occurred in the country. His statement was so outrageous that I have had a few inquiries made and now I am prepared to give the actual facts of the case. This is what Mr. Holmes said—

I know that anything is possible. Let me tell the Minister what happened on my own premises. For the shearers we had one long dining table. An inspector came around and amongst other things he decreed that there should be two dining tables. The table had to be cut in two, and the policeman at Mingenew was instructed to see that that was done. The table was cut in two, but when the shearers' cook arrived, he decided to put the two tables together and cover the lot with one table cloth. The two dining tables have been used as one ever since. These inspectors travel around the country in Government motor cars and generally have an offsider with them for some purpose. I have heard that he is there for political purposes, but I do not know whether that is so. Such inspectors put people to all sorts of inconvenience. The floor of the lavatory accommodation on my holding has been condemned, a good jarrah floor, and we have had to rip it up and put down cement. It is idle for anyone to tell me that the Minister will not allow this or that to be done.

Those were the hon. member's remarks. The inference is that the factory inspector goes around and gives unreasonable instructions and, in general, makes things as inconvenient as he can for the pastoralist or farmer. I should like to ask the hon. member whether he thinks his remarks were fair to the inspector. In this case the inspector is the Chief Inspector of Factories, a gentleman known to every member of the House. I do not think there is one member, apart from Mr. Holmes, who would suggest that the Chief Inspector of Factories would put in a report contrary to facts.

Hon. J. J. Holmes: What was he doing out on a farm with all his work here to attend to?

The HONORARY MINISTER: Here is the report of the Chief Inspector of Factories:—

With reference to the statements made in the Legislative Council on the 27th instant by the Hon. J. J. Holmes, I submit for your information the following facts:—An inspector of factories, who is also an inspector under the Shearers' Accommodation Act, 1912, has made only two inspections at the property of Messrs. Holmes Bros, Ltd., Holmwood, in the Mingenew district. On the occasion of the first inspection, which was made in August, 1929 (six years ago), it was found that the provisions of the Shearers' Accommodation Act and regulations were not complied with in respect to a number of their requirements, and a requisition requiring the undermentioned defects to be remedied was served on the 8th August, 1929:—

1. Light area in each of the sleeping compartments is less than one-twelfth of the floor area. (Regulation 4.)
2. In the room in which provision is made for the cooking and serving of meals provision is not made for cooking the meals at one end of the room and serving them at the other. (Section 6 (2) (vi) of the Act.)
3. The latrine accommodation is unsatisfactory—the cess pit should be filled in with clean earth, the privy removed to another site, and a new cess pit provided.
4. The sleeping rooms are not sufficiently ventilated. (Section 6, subsection (2) (ix) of the Act.)
5. Provision is not made for the efficient drainage of liquid wastes from the baths, washing utensils, kitchen and dining rooms. (Regulation 8.)

Mr. Holmes was probably referring to item (2) of this six years old requisition, from which it will be noted that the inspector did not decree that "there should be two tables" but Subsection (2) paragraph vi. of Section 6 of the Act decrees that "when meals are cooked and served in one room provision shall be made for cooking the meals at one end of the room and for serving them at the other." It will be noted that the inspector quoted in each instance the section of the Act or the number of the regulation which was not being complied with, and he would have failed in his duty if he had not required the defects enumerated to be remedied. The police officer at Mingenew subsequently reported that the requisition had been complied with, and it is quite possible that in order to comply with the requirements of the Act (not of the inspector), the owner found it necessary to provide two tables in lieu of one. As stated, only two tours of inspection by an inspector have been made since the Shearers' Accommodation Act was passed in 1912, one in 1929 and one in 1934. On the occasion of the last inspection, made on the 12th July, 1934, the owners

of Holmwood were requisitioned to remedy the following defects in order to comply with the Act and regulations:—

(1) Internal walls and undersides of roof of sleeping and dining rooms required cleansing and lime-washing.
(2) Drainage from kitchen and bathroom inefficient.
(3) Covers for seat apertures and receptacle for deodorant are required at latrine.
(4) Suitable bunks or stretchers are not provided for all shearers.

The floor of the lavatory was not condemned, and the owner was not required by an inspector of factories to "rip up a good jarrah floor and put down cement." No other pastoralist has complained of inspectors putting them to all sorts of inconveniences, and any inconvenience that any of them may have suffered is due entirely to their failure to observe reasonably the requirements of the law. An inspector who failed to require the reasonable observance of the Act and regulations which he is employed to enforce, and to direct attention to, and require obvious breaches to be remedied, would be either incompetent or inefficient and unworthy of being continued in his employment.

So we have this position that Mr. Holmes, in bolstering up his opposition to the Bill, makes statements which are denied in this report.

Hon. J. J. Holmes: Tell us why the inspector had his offsider there.

The HONORARY MINISTER: I am not aware that he did have any offsider, but I do know that only two inspections of the place were made in six years. It is only right that we should have the facts of the case. No instructions were given that the table had to be cut in two, nor were any instructions given involving the pulling up of a good jarrah floor in the lavatory.

Hon. H. S. W. Parker: It all had nothing to do with the Factories and Shops Act.

The HONORARY MINISTER: No, but it had to do with the Shearers' Accommodation Act, and it was part of the duty of the inspector to attend to those matters. The requests made by the inspector on those two occasions were strictly in accordance with the Act and its regulations, and were not as stated by Mr. Holmes. The only other point I wish to deal with now is that of the hairdressers. I have examined the clause closely and I must agree that it would apply as stated by a member of the House. But that clause can easily be amended in Committee and, given the opportunity, I propose to submit an amendment which, I think, will be more in accord with the wishes of members. I hope the second reading will be agreed to, so that we may discuss the various amendments in detail in Committee, because they are most important and have far-reaching effects, while in my opinion they are perfectly justified by the facts as we know them to-day.

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

Ayes	9
Noes	12
Majority against	3

AYES.	
Hon. L. B. Bolton	Hon. T. Moore
Hon. J. M. Drew	Hon. H. V. Piesse
Hon. J. T. Franklin	Hon. H. Seddon
Hon. E. H. Gray	Hon. G. Fraser (*Teller.*)
Hon. W. H. Kitson	

NOES.	
Hon. E. H. Angelo	Hon. G. W. Miles
Hon. C. F. Baxter	Hon. J. Nicholson
Hon. L. Craig	Hon. H. S. W. Parker
Hon. E. H. H. Hall	Hon. A. Thomson
Hon. J. J. Holmes	Hon. H. Tuckey
Hon. J. M. Macfarlane	Hon. W. J. Mann (*Teller.*)

PAIR.	
AYE.	NO.
Hon. J. Cornell	Hon. C. H. Wittenoom

Question thus negatived—Bill defeated.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—REDUCTION OF RENTS ACT CONTINUANCE.

Second Reading.

Debate resumed from 27th August.

HON. H. S. W. PARKER (Metropolitan-Suburban) [7.31]: I propose to support the second reading of this Bill with a view to suggesting certain amendments in Committee. At the time this legislation was brought down, it proved a great benefit to numbers of people. It has, however, outlived its usefulness. At present one is not permitted to enter into a lease unless the rent is reduced by 22½ per cent. Whatever the rent was on the 30th June, 1930, must be the rent to-day, less 22½ per cent. Although people may agree upon the lease of premises at a certain rental, the agreement is inoperative unless the commissioner gives his consent to the increased rental. Let us assume that a hotel was let at £10 per week at the 30th June, 1930. The Act then came into operation and the lease was still in existence, but the rent was automatically reduced by 22½ per cent. It has continued to be reduced by that amount up

to the present day. The lease may have expired by this time. The tenant may then go to the landlord and ask for an extension of the lease, being prepared to pay anything over £10 a week, less the 22½ per cent, but as things are such a lease will be invalid and the landlord cannot claim any increase in the rental. The commissioner himself cannot consent to the payment of an increased rental unless certain special circumstances, which will warrant his agreeing to the application, are presented to him. These special circumstances have to be proved to the commissioner's satisfaction. A special circumstance is not that both parties have agreed to the new rent. Section 3 of the Act sets out that any contract or agreement made or entered into or to be made or entered into by any lessee shall, insofar as it purports to annul or vary any of the provisions of the Act, etc., be null and void. The commissioner is debarred by law from giving his consent to any increased rental unless the lessor can prove to his satisfaction that special circumstances exist. Numerous applications have been made to the commissioner in which the landlord and the tenant have come to an agreement. These applications have been made particularly in connection with hotel premises. In one instance the lessee had two years to run, and he wanted security of tenure for the future. He asked that his lease be extended by another five years. He was prepared to pay for the extra term a rental greater than that permitted under the Act.

The Honorary Minister: Greater than the original rental?

Hon. H. S. W. PARKER: I am not sure, but that does not matter. In his affidavit the lessee pointed out that business had improved during the last few years. The commissioner said he could not grant the further lease unless he saw the lessee's books, and satisfied himself that in fact the business had improved. As the lessee was only trying to help the lessor, he would not produce his books. He had gone as far as he intended to go, and had agreed to pay the rental. The lease therefore was not approved, and the landlord could not get the increased rental which the tenant was prepared to pay. Another case came under my notice where the hotel was leased for £10 a week. The rental was reduced by 22½ per cent., but the lease is about to expire. The tenant wishes to enter into a further lease for five years. He said he was prepared to pay the same rental if the landlord would give him a lease for a further five years. The landlord agreed to do this, but the commissioner said he could not grant it unless some special reasons could be shown.

Hon. A. Thomson: Even if both parties were agreed?

Hon. H. S. W. PARKER: The law prohibits it. It says that no contract or agreement made or entered into or to be made or entered into shall be valid if it is at variance with any provisions of the Act. If the parties do make a contract, it is rendered null and void. The tenant is hung up. He cannot get his lease although the landlord is willing to give it to him. Either the tenant will have to get the premises at the reduced rental, or the landlord will have to put in a manager and run the hotel himself. Neither party wants this.

Hon. A. Thomson: If the lease has expired, would not the parties be able to make a fresh lease?

Hon. H. S. W. PARKER: No.

Hon. H. V. Piesse: If the lease has expired, could not the landlord take over the premises?

Hon. H. S. W. PARKER: Certainly.

Hon. G. W. Miles: He could renew the lease at the old rate.

Hon. H. S. W. PARKER: If the lease was in existence at the 30th June, 1930, the premises could not be let without the consent of the commissioner, who has to be shown that there are good reasons why a greater rental should be charged than that charged on the 30th June, 1930.

Hon. J. J. Holmes: It can be shown that the salaries in the Government service are to be paid in full.

Hon. H. S. W. PARKER: It can be shown that there is a promise to that effect as from the 1st January next, but I do not know that such a thing would prove to the commissioner that the conditions were better.

Hon. J. J. Holmes: The political conditions may be better.

Hon. H. S. W. PARKER: It is not a matter of political conditions. The Act has run its course. It is preventing trade now,

as well as a certain amount of improvement in the general conditions. No man will improve his premises if he cannot get an increased rental for them. Improvement to premises is not or may not be sufficient to satisfy the commissioner that a greater rental should be paid by the lessee. He is there only to protect the lessee and look after him. The law will not permit the lessee to pay a higher rental. The time has arrived when the Act should be amended to apply only to long-term leases which have not yet expired, but were in existence on the 30th June, 1930. No tenant is bound to lease premises; he can surely get others. I would like to see the Act altered so that the present position will cease to exist at the end of the year, and that it will apply only to leases in existence on the 30th June, 1930, from now on. There are many long-term leases where there should still be a reduction in the rent.

Hon. H. V. Piesse: I know of one man who has leased a place, and is now receiving twice as much as he pays from subleasing it.

Hon. H. S. W. PARKER: There are exceptional cases. I assume the hon. member is talking about a goldfields hotel.

Hon. H. V. Piesse: The place is in Hay-street.

Hon. H. S. W. PARKER: Mostly where the rent has been increased has been in connection with goldfields hotels, where it can clearly be shown that the conditions have altered tremendously since the 30th June, 1930. The figures regarding applications do not show anything at all. Recently I had a case in which I made an application, and it became clear that I was not going to get an order, and neither was an order refused, nor an order made. I do not know whether that could be classed as a case pending. Many applications would be made if there were more elasticity in the law, or if the commissioner had more power than he possesses; but he is tied very much by Subsection 2 of Section 3 of the Act.

Hon. J. Nicholson: And by Section 5.

Hon. H. S. W. PARKER: The principal one is Subsection 2 of Section 3 which binds his discretion considerably. If he could be given a free hand possibly it might be better, but as the Act stands it has outlived its usefulness in that it is preventing trade and the investment of money, and generally stagnating things. It would be better to wipe out the Act entirely than to carry it on as it is. I should like to see the Bill withdrawn, and another introduced to meet existing condition.

Hon. A. Thomson: We cannot amend it; that is the trouble.

Hon. H. S. W. PARKER: I understand it is possible to put in amendments, and if they differ from the Title we can then amend the Title. Perhaps the Minister will consider the matter in the hope of having the Act amended as I suggest. For the time being I shall vote for the second reading with a view to amending it in Committee.

HON. E. H. ANGELO (North) [7.49]: I was a member of another place in 1931 when the financial emergency legislation was introduced. I have a vivid recollection of the debates that took place at that time. The then Premier told us how absolutely necessary it was to reduce the deficit, and he put forward plans which the Government considered were necessary to achieve that object. The result was the passing of the emergency legislation. Parliament did not seem to know of any better way at that time of meeting the position, but we were told then that there was to be an equality of sacrifice throughout the community. Civil servants were to have their salaries reduced and members of Parliament were also to suffer a reduction, Government employees were to receive lower wages and outside employees also were to make their contribution, whilst people with property, lessees and mortgagees, were to carry their share of the sacrifice. It was, however, distinctly promised at the time that when the depression had passed there would be a simultaneous releasing of all the restrictions.

Hon. E. H. Gray: Do you reckon the depression has passed?

Hon. E. H. ANGELO: I do not think so, but your Government think so.. Last session the Government introduced a Bill to afford relief to civil servants, and employees right through have been given relief. I certainly thought that at that time some relief would have also been given to mortgagees, tenants and other members of the community who, in 1931, had to suffer in common with everyone else, but who have had no relief since. Last year I voted against the Bill to restore a portion of the salaries simply because there was no mention of relief being given

to owners and mortgagees, and so to be consistent I am going to vote against the second reading of the present Bill. In another place last night I heard the Premier indicate that the civil servants were to get back the remainder of their reductions. Surely therefore other members of the community deserve some consideration, and for that reason alone I must vote against the Bill. At the same time I think for another reason I should vote against it because from what I have heard to-night, and from information I have gleaned on the subject, I honestly believe there are more suffering at the present time on account of this legislation being in force than the number who did not get relief in the first place. Really the boot should now be on the other foot if this legislation is to be carried on. It should be the tenants and the mortgagors, not the owners and the mortgagees, who should have to go to the court. I must also vote against the continuance of this and other similar measures because the promise made by the previous Government that there would be equality of relief given, is not being carried out.

On motion by Hon. A. Thomson, debate adjourned.

BILL — FREMANTLE (SKINNER STREET) DISUSED CEMETERY AMENDMENT.

Second Reading.

HON. E. H. GRAY (West) [7.54] in moving the second reading said: The object of the Bill is to give the Fremantle City Council power to carry out the intention of the original Act. The Skinner Street cemetery was closed in 1899. The land was originally vested in the trustees of the Church of England, Wesleyan Methodist Church, and the Congregational Church, and the Roman Catholic Bishop at the time, as well as two citizens, Elias Solomon and William Frederick Samson. Under the 1929 amending Act the land was vested in the Fremantle Cemetery Board, and it was then declared a disused burial ground. In 1931 another Act was passed whereby the land was taken from the trustees of the cemetery board and vested as a Class A reserve in the Fremantle City Council provided certain things were carried out. The amendment provided that the City Council should be empowered to remove in a reverent manner the remains and the tombstones from the cemetery. The City Council took the necessary steps to carry out their part of the contract, and on the completion of the work the Government were to give the necessary authority for the land to be declared a Class A reserve. The position to-day is that all relatives have been notified by the Fremantle City Council by advertisements in the Press, and in other ways, and 34 graves have been opened and 53 remains have been re-interred in the Fremantle cemetery. The relatives themselves have removed 12 headstones without removing the remains, as there was nothing left but dust. In a majority of cases when the coffins were disturbed, both coffins and remains crumbled into dust. When the first inspection was made some years ago, 300 graves were identified. At a recent inspection only 170 graves could be identified. A number of headstones were broken, and generally the cemetery was in a disgraceful state. The City Council now ask for permission to remove the headstones that are left, though not the remains, because it is impossible to carry out that part of the contract. Everything possible has been done, and everyone has been notified, and the position to-day is that it is a waste of time and of money to attempt further to disinter the remains. The City Council seek permission to remove the remaining headstones and re-erect them in the Fremantle cemetery. It would be far better for the headstones to be removed so that the ground may be used for recreation purposes. I was reading the records yesterday, and found that when the cemetery was first declared disused no one became interested in the place, and it was permitted to remain in its then state for 36 years, gradually to drift to ruin. Therefore it will be wise to carry the Bill so that the Fremantle City Council may convert the ground into a recreation reserve. I move—

That the Bill be now read a second time.

On motion by Hon. J. J. Holmes, debate adjourned.

BILL—CREMATION ACT AMENDMENT.

Second Reading.

HON. J. NICHOLSON (Metropolitan) [8.0] in moving the second reading said:

This Bill was passed by another place last session. Its purpose is to enlarge the provisions of the Cremation Act which was passed in 1929. Section 4 of the Act provided—

> The Governor may, subject to this Act, grant to the trustees or controlling authority of any cemetery a license to use and conduct a specified crematorium.

Then certain requirements that have to be conformed with are set out. The Governor must be satisfied by statutory declaration regarding certain matters. A large number of people in this State, in common with other States of the Commonwealth, are desirous of seeing a crematorium established, but owing to the provisions of the Act, a crematorium cannot be established except on authority given to the trustees or other controlling body of a cemetery. The only cemetery in the metropolitan area is that at Karrakatta, which is under the control of trustees, and I understand that they have been approached and that they are not in a position to erect a crematorium. I sponsored the Bill in 1929, which became law, and in moving the second reading I pointed out what had been the position in England. I explained how the matter had come before the courts there, and that a very illuminating judgment had been given by Mr. Justice Stephen dealing with the whole subject. I also pointed out how crematoria had been established in certain other States. I have been informed that since then a crematorium has been established in Brisbane and in one of the other States. The usefulness of such an institution has been demonstrated by the number of applications made from time to time by people who have considered its use desirable. The original Act provides all the safeguards necessary in matters of this kind. I believe that the Bill was very thoroughly examined previous to its reaching this House, and that the fullest investigations were made to ensure that proper safeguards were provided. The proposals in the Act and the Bill, I think, will be sufficient to convince members that there is nothing wanting in the way of protection. Clause 2 seeks to amend Section 4 of the Act. It is proposed to delete Subsection 1 and to insert the following in lieu—

> The Governor may, subject to this Act, grant a license to use and conduct a specified crematorium to any of the following bodies, namely:—(a) The trustees or controlling authority of any cemetery; (b) any association incorporated under the Associations Incorporation Act, 1895, established and constituted in connection with the cremation of dead human bodies, and holding a certificate under the hand of the Commissioner that such association is an association to which the provisions of this section may reasonably be extended.

Hon. J. J. Holmes: Who is the commissioner?

Hon. J. NICHOLSON: The Commissioner of Public Health. Other provisions stipulate that a portion of a cemetery may be set aside where the controlling authorities choose to have a crematorium. What is desired is the power contained in the proposed new Section 4B, providing for a site for a crematorium which is not included in a cemetery. Provision is also made regarding the disposal of ashes. It should not be necessary to elaborate the matter beyond emphasising the desirability of our State not being behind the other States of the Commonwealth. We are seeking to hold our own in the march of progress, and most civilised countries now have such institutions. We in Western Australia are in a rather awkward position, because the only place that could be used—and really it would not be lawful to use it—is the site used by certain Asiatics for some years past at the quarantine ground near Rockingham.

Hon. H. Tuckey: At Woodman's Point.

Hon. J. NICHOLSON: Yes. There, as I mentioned when moving the second reading of the Bill of 1929, I had the very unpleasant experience of having to have cremated the body of a person who had died here and whose relatives desired that his remains should be cremated. I was appalled when I found what sort of place had been provided for carrying out this very solemn act. I would not wish to repeat the experience. The plant was something like an enlarged baker's oven fed with wood, and how anyone could separate the ashes of the remains from the wood, I failed to conceive. That is hardly in keeping with needs when people desire such an act carried out and the ashes sent away. I took the opportunity to question the undertaker.

Hon. G. W. Miles: You had a job to get the undertaker.

Hon. J. NICHOLSON: Yes, it was difficult. However, I do not wish to repeat that. I questioned the undertaker as to how the ashes of the body were to be separated from the wood ashes.

Hon. E. H. Gray: If it was like a baker's oven there would be no difficulty.

Hon. J. NICHOLSON: The wood was piled inside the oven and beneath the body.

Hon. E. H. Gray: That is an old-fashioned baker's oven.

Hon. J. NICHOLSON: I believe that the furnace is still used by certain Asiatics who require that form of incineration for the bodies of their dead compatriots. They do not believe in burial. It has to be remembered that cremation is one of the oldest forms of disposing of the dead, far older than burying, the practice we adopt at present. Cremation dates back to very ancient times, and the history of it I found both interesting and enlightening.

Hon. L. B. Bolton: It is only a question of time when it will again be adopted.

Hon. J. NICHOLSON: By the legislation of 1929, we have enacted that no one shall carry out the disposal of the dead otherwise than by the method authorised by a crematorium, and there is no crematorium here. I am informed that it is the intention of a body of people to see that a suitable crematorium is erected, and that whatever is required will be carried into effect with that becoming dignity which is essential in such matters. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 8.20 p.m.

Legislative Assembly,

Wednesday, 11th September, 1935.

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

BILLS (4)—FIRST READING

1, Land Tax and Income Tax.

2, Financial Emergency Tax.
Introduced by the Premier.

3, Electoral.
Introduced by the Minister for Justice.

4, Mining Act Amendment.
Introduced by Mr. Marshall.

BILL—RURAL RELIEF FUND.

Recommittal.

On motion by the Minister for Lands, Bill recommitted for the further consideration of Subclause 1 of Clause 4.

In Committee.

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

Clause 4—How fund controlled:

The MINISTER FOR LANDS: Last evening the Committee favoured the principle of appointing a farmer in lieu of the Director.

Hon. C. G. Latham: You mean some did.

The MINISTER FOR LANDS: The Committee did. A correction is necessary because there might be some doubt as to the appointment of a farmer. I believe he could be appointed by regulation, but to remove the doubt I move an amendment—

That Subclause 1 be struck out with a view to inserting the following:—"(1) The fund shall be under the control of three trustees who shall be appointed by the Governor. One at least of such trustees shall be a farmer."