vides that any person who commits any breach of the Act or fails or neglects to comply with any of the provisions of the Act is liable, for the first offence, to a penalty of £20 and for a subsequent offence £100. A person may neglect to comply with the provisions of the Act by failing to put a proper stamp on the sheet. It should be sufficient to go back one year to prosecute a man for some neglect, because over that period, as the Leader of the Opposition pointed out, he might be able to submit a defence, but I consider that the limitation should be 12 months. Of course, if there were any fraud, then I would have no objection to the prosecution going back three years. If there should not be fraud, if it were merely neglect or omission, then a 12 months limitation would be fair.

On motion by Mr. Wilson, debate adjourned.

ADJOURNMENT—SPECIAL.

THE PREMIER (Hon. J. C. Willcock—Geraldton) [6.11]: I move—

That the House at its rising adjourn until Tuesday, the 26th October.

Question put and passed.

House adjourned at 6.12 p.m.

Legislative Council,

Tuesday, 26th October, 1937.

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

QUESTION—GROUP SETTLEMENT, DENMARK.

Hon. A. THOMSON asked the Chief Secretary: 1, What was the total expenditure by the State in establishing settlers in the Denmark area under the Group Settlement Scheme? 2, What was the total expenditure on road construction in the Denmark area? 3, What was the highest number of settlers in the Denmark area placed on holdings under the Group Settlement Scheme? 4, How many settlers are on their holdings at present?

The CHIEF SECRETARY replied: 1, £687,564. 2, Total expenditure to 30th June, 1937, from State funds on construction of roads and bridges in Denmark area:—General Loan Fund—(a) Group settlement (roads) item, £100,682; (b) new roads and bridges item, £9,784; total, £110,466. Sale of Government Property Trust Fund—Roads and bridges item, £20,106; grand total, £130,572. 3, 252. Holdings reduced by linking and rejections to 159. 4, 83.

FACTORIES AND SHOPS ACT AMENDMENT BILL SELECT COMMITTEE.

Extension of Time.

HON. J. NICHOLSON (Metropolitan) [4.37]: I move—

That the time for bringing up the report of the select committee be extended to Tuesday, the 2nd November.

In submitting the motion, and by way of explanation, I should like to remove from the

minds of members of the Government any impression that may exist that either the select committee or this House has sought to delay the passage of the Bill. On the contrary, I wish to give the assurance that the committee have devoted their time untiringly to taking evidence and making such investigations as seemed to them fitting and proper with regard to the matters at issue. No time has been lost, and I hope the Chief Secretary will convey this assurance to the Premier and his colleagues.

Question put and passed.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL SELECT COMMITTEE.

Extension of Time.

On motion by Hon. H. S. W. Parker, the time for bringing up the report was extended to Tuesday the 9th November.

BILL—SUPPLY (No. 2), £1,400,000.

Second Reading

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.40] in moving the second reading said: The purpose of this Bill is to grant the Government further Supply pending the passing of the Estimates. Supply granted under the No. 1 Bill for the quarter ended the 30th September was £2,500,000 apportioned as follows:—

	£
Consolidated Revenue Fund ..	1,600,000
General Loan Fund	600,000
Treasurer's Advance	300,000
	£2,500,000

Supply asked for under this measure is £1,400,000, comprising £1,250,000 from the Consolidated Revenue Fund and £150,000 from the General Loan Fund. During the three months ended the 30th September, expenditure out of Supply granted (exclusive of expenditure under Special Acts) was as follows:—

	£
Consolidated Revenue Fund ..	1,728,353
General Loan Fund	335,586
	£2,063,939

Including that under Special Acts, expenditure from the Consolidated Revenue Fund during the same period was as follows:—

	£
Special Acts	1,040,691
Governmental	783,820
Public Utilities	944,533
	£2,769,044

Interest and sinking fund included in expenditure under Special Acts amounted to £943,883. Included under Governmental expenditure were:—

	£
Exchange on Remittances to London	145,036
Drought Relief to Settlers ..	46,593
Destruction of Locusts	9,779

Revenue for the three months ended the 30th September totalled £2,304,426, comprising:—

	£
Taxation	535,006
Territorial	108,028
Commonwealth Grants	262,109
Public Utilities	1,189,764
All other	209,519
	£2,304,426

The deficit for the quarter just ended was thus £464,618 compared with £178,988 for the corresponding period last year. The decline of £285,630 is accounted for by a number of factors. Territorial revenue decreased as a result of the remission of land rents. There was also a decrease in railway earnings. Last year there was a carry-over of wheat which brought freight to the railways, whereas this year it is found that there is no carry-over. It is anticipated, however, that with the greatly increased harvest that will be stripped during the coming season, railway revenue this year will register further improvement on last year's figures. Commonwealth grants decreased £56,000 compared with similar receipts last year. It will be recalled that last year we received a grant at the rate of £800,000 per annum for the first three months of the year. However, the grant was subsequently reduced to £500,000, and the over-payments received during the September quarter were adjusted during the following month. Actually, therefore, revenue during the three months ended 30th September, 1936, was overstated to the extent of £75,000. With regard to expenditure, interest shows an increase of £26,000 on the corresponding period of last

year. Additional expenditure was also incurred on drought relief and the destruction of locusts. Then, again, owing to the increase in the basic wage and the reclassification of teachers, both railways and departmental expenditure have risen above last year's levels. However, the incidence of all these factors on this year's finance was taken into consideration when the Budget was framed, and so far as can be gauged at this juncture, it now appears that the deficit of £129,000 originally budgeted for will not be modified to any extent at the close of the financial year. I move—

That the Bill be now read a second time.

On motion by Hon. H. Seddon, debate adjourned.

BILL — FREMANTLE MUNICIPAL TRAMWAYS AND ELECTRIC LIGHTING ACT AMENDMENT.

Second Reading.

Debate resumed from the 14th October.

HON. A. THOMSON (South-East) [4.48]: I am not offering any opposition to the Bill. If the hon. member who introduced the measure will submit his proposed amendment providing for a limitation of the power of the board to expend money on this superannuation scheme, I will support the Bill.

HON. G. FRASER (West—in reply) [4.49]: I have been amazed at the tone of the criticism levelled at the Bill. The very first remark made by the first speaker to follow me on the Bill was somewhat on these lines: "Before we permit the Fremantle Tramways Board to establish a superannuation fund, we should first put a limitation on the proposed expenditure of the board in that direction." And from that the hon. member proceeded to build up a case. But the foundation of that case, as revealed in the remark I have quoted, was entirely wrong, because this measure does not seek to permit the Fremantle Tramways Board to establish a superannuation fund. All that the Bill seeks to do is to define the board's power and permit the board to make a contribution to a superannuation fund already established, which is an entirely different thing. If the Bill were for the purpose of establishing a superannuation fund, one would know that the board would be liable to a considerable amount of expenditure; there would be certain obligations under such a scheme which the board would have to live up to. But the Bill does not seek to do that at all. As I explained when moving the second reading, this superannuation fund of the employees of the board has been in operation since 1931 and has been contributed to by the employees of the board alone. To-day they have about £3,300 in the fund. There have been certain draws made upon the fund during that period, but the credit account to-day is about £3,300.

Hon. L. Craig: You are not objecting to the proposed safeguard, are you?

Hon. G. FRASER: No, but whether the Bill passes or fails to pass, that fund will still go on. All that the Bill does is to extend the powers of the board, permitting them to make a contribution to the fund.

Hon. L. Craig: There is no objection to that.

Hon. G. FRASER: I am pleased to hear that. Just the same, judging from the tone of the debate, the Bill did not seem to meet with the approval I expected from hon. members. I hope that, after all, it will be acceptable to members. The amendment I have tabled will go as far as the board desire to go. They do not seek to pay more into the fund than the employees pay in; all that the board want to do is to contribute 1s. per week per unit taken by the employees.

Hon. L. Craig: That is, the present board.

Hon. G. FRASER: That phase of the question also entered into the discussion. I suppose some members are afraid that some of my friends will get on to that board.

Hon. L. Craig: It all depends upon who your friends may be.

Hon. G. FRASER: Some members appear to be a little afraid that persons of the same colour of politics as I am may get on to the board and extend the proposal in the Bill; but if members would read the constitution of the board and see how that board is elected, they would understand there is not much fear of my friends getting on to it. As Mr. Holmes interjected, he saw to that. Of the board of five members, two are elected by property owners, two are elected by occupiers of property whilst the Mayor of Fremantle makes the fifth member.

Hon. J. J. Holmes: Plural voting?

Hon. G. FRASER: Yes, plural voting.

Hon. J. J. Holmes: The owners are represented by the occupiers.

Hon. G. FRASER: No, it is as I have said, namely two members elected by the owners, and two elected by the occupiers together with the Mayor of Fremantle. So members of this Chamber need not be afraid that the majority of the board will ever consist of members of my political beliefs.

Hon. L. B. Bolton interjected.

Hon. G. FRASER: Still, that would have to be approved by members of this Chamber, and that is not likely. I have an amendment, from which it will be seen that I seek to allay any fears in the minds of hon. members. My amendment definitely limits the amount of the contribution by the board. At present it is only intended that the board should contribute 1s. per week per employee paying into the fund. There are at present 170 employees, but only 158 contributing to the fund. The proposal of the board is merely to contribute 1s. per week per employee member of the scheme. So, if the whole of the employees were to join the fund and take each a unit, it would mean an expenditure by the board of £8 10s. per week.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; Hon. G. Fraser in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 19 of the principal Act:

Hon. G. FRASER: I move an amendment—

That at the end of the clause the following proviso be added:—"Provided that the subscriptions or contributions of the board under the provisions of this paragraph shall not in any year ending the 31st August exceed the total sum collected by way of subscriptions from the board's employees."

Hon. J. J. HOLMES: This is certainly an improvement on the Bill. I had it in mind to fix the liability of the board by moving that the contribution of the board should not exceed a certain sum in any one year.

Hon. L. Craig: This fixes the amount of collections from the employees.

Hon. J. J. HOLMES: It appears to be a good proposition that the employees should take up many units.

Hon. L. Craig: This does not bind the board in any way.

Hon. J. J. HOLMES: But the board may put in what the employees put in. As a result of proper safeguards being put into the Act some years ago the tramways have become an asset to the city of Fremantle worth nearly a quarter of a million pounds.

Hon. L. B. BOLTON: I do not know that the amendment is sufficiently clear. What is meant by subscriptions? To what do they refer?

Hon. J. Nicholson: Subscriptions under the paragraph.

Hon. L. B. BOLTON: I suggest that something like that should be added to the amendment.

Hon. J. J. HOLMES: This is a short cut to a superannuation scheme. We were told that the employees were controlling the fund, and that £3,300 had been subscribed to it. It now appears that the board are going to collect subscriptions from the employees. No scheme has yet been evolved. The maximum amount to be collected should be defined.

Hon. C. F. BAXTER: I think the amendment is clear. It simply ties down the board to subscribing the same amount as is subscribed by the employees.

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

Clauses 3, 4, Title—agreed to.

Bill reported with an amendment.

BILL—WHALING.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.6] in moving the second reading said: This measure seeks to provide for the regulation and control of whaling in the territorial waters of Western Australia. The Bill has been brought forward at the request of the Commonwealth Government which, as a signatory of the International Whaling Convention of 1931, desires the States to legislate along the lines of its own Whaling Act in order that the Convention may be ratified. In Australian waters the operation of the Commonwealth Act is limited to territory outside the jurisdiction of the States.

Hon. J. Nicholson: Has a correct definition of "territorial waters" ever been arrived at?

The CHIEF SECRETARY: I think they refer to three miles from the coast.

Hon. J. Nicholson: But what about such islands as Rottnest?

The CHIEF SECRETARY: That is part of Western Australia, so that territorial waters would be within three miles of that island. I do not wish to start a debate on that point. To ensure the application of the provisions of the Geneva Convention throughout the Commonwealth, it is necessary for the States to enact complementary legislation. The Prime Minister has emphasised that he regards the matter as urgent. He points out that, as the convention has been signed on behalf of Australia, there is justification for misunderstanding by other parties as to the reason for her failure to ratify the agreement, more especially as those countries have passed the necessary legislation ratifying the Convention.

Hon. H. Seddon: Would Japan be bound by the Convention.

The CHIEF SECRETARY: No. Japan is not a signatory to the Convention, but it is anticipated that very shortly that country will be quite agreeable to the Convention that has been agreed to by other countries.

Hon. H. Seddon: When she has taken all the whales.

The CHIEF SECRETARY: The hon. member can form his own opinion. This legislation is necessary whether Japan agrees to the Convention or not.

Hon. L. Craig: All States are passing the same legislation.

The CHIEF SECRETARY: That is so. The Bill now before the House is drafted on the lines of the Commonwealth Act (which itself closely follows the Imperial Whaling Industry Act, 1934). However, I am advised by the Crown Solicitor that it contains nothing which either expressly or impliedly surrenders any State rights or powers to the Commonwealth. Its main proposals provide for—

(a) The prohibition of the killing of certain whales;
(b) The prevention of unlicensed whaling, and
(c) The minimisation of waste in the conduct of operations.

These, broadly speaking, were the main provisions of the International Convention signed in 1931 by accredited representatives of the various nations, including the United Kingdom, Canada, Australia, New Zealand, India, Norway, and the United States of America. For some years prior to the signing of that Convention, there had been a widespread apprehension lest the continued unrestricted killing of whales might so reduce the stock as to endanger the very existence of the whaling industry.

Hon. L. Craig: It is doing that now.

The CHIEF SECRETARY: There may be some truth in that. It was as a result of that fear that the Convention was held, and that eventually an agreement was arrived at. Japan is not a signatory to the Convention. I will give the House some figures showing the number of whales that are killed in a year. From a kill of 11,369 whales in 1919-20, the world catch had more than doubled to reach an annual total of 24,175 whales in 1926-27.

Hon. G. W. Miles: Have you any later figures?

The CHIEF SECRETARY: Yes. I am telling the House what led up to the conference which decided it was necessary to have restrictive legislation. It was felt by the authorities concerned that, in view of past experience in Arctic waters, an endeavour should be made to secure international co-operation to prevent over-exploitation of the industry. Following on a resolution passed by the League Assembly in 1927, the Economic Council of the League, in collaboration with the International Council for the Exploration of the Sea, studied for some years the problems incidental to this question. The recommendations of these bodies were subsequently considered by representatives of the principal nations interested in the industry in 1931, and from their deliberations emerged the Convention for the regulation of whaling. During the last two years interest has revived in whaling off our coast. In 1936 two whaling fleets, each comprising a factory ship and six whale chasers, operated in the ocean waters off the North-West. As the factory ships concerned were licensed by the Governments whose flags they flew, the fleets were, of course, legally entitled to kill outside the recognised territorial limits of the State. When the department was informed by the companies' representatives that it was again their intention to operate off our coast during the year 1937, it was decided to issue to them licenses under the Fisheries Act. This arrangement has proved of mutual benefit to all parties. The fleets have been enabled to operate from specified areas of coastal waters; business people in the State have profited by the sale of stores,

while it has been possible to ensure the protection of immature whales and female whales with calves. Details of the catches of the fleets during this season have recently been made available. The total quantity of oil obtained was 127,750 barrels, produced from 3,171 whales. Last year 3,093 whales were captured for a yield of 122,208 barrels, or over 20,000 tons, reckoning 6 barrels to the ton. To-day, with prices for whale oil at a more profitable level than for many years past, there is every reason to believe that our waters will be increasingly exploited. Therefore, quite apart from any other considerations, it will be generally recognised that it is desirable to make statutory provision for the control of the industry in this State. If the Bill becomes law, its operations will extend to the territorial limits of the State, to ships registered in Western Australia, and to all other ships over which the State may, from time to time, have jurisdiction. The Bill stipulates that it shall be unlawful to kill calves or other immature whales, or any female whale accompanied by its calf.

Hon. L. Craig: How do you know a female whale from a male whale?

The CHIEF SECRETARY: I do not know that I would be able to determine the sex of a whale, but apparently it is easy for those accustomed to whaling to do so. I had an opportunity recently of seeing some interesting photographs of the industry and I can understand that those accustomed to whaling operations would have no difficulty in determining the sex. Blue whales under 60 feet in length and fin whales under 50 feet in length will also be protected, while it is proposed to totally prohibit the killing of Right whales.

Hon. C. F. Baxter: What is a Right whale?

The CHIEF SECRETARY: There is a clear distinction between the various species.

Hon. E. H. Angelo: The definition appears in the Bill.

The CHIEF SECRETARY: I might hazard an opinion, but I think we can leave that to those who are actively engaged in the industry. Although the Bill does not fix a minimum length for Hump-back whales, which comprise nearly 100 per cent. of the catch taken in our waters, I am advised that it is intended to prescribe a limit of 35 feet in respect of this species under the regulations to the proposed Act. That was the length fixed at the international conference held last year. I am told also that only a small proportion of the whales captured this year by the combined fleets was below that minimum. These proposals, therefore, will not interfere with commercial whaling in our waters. In order to ensure against waste in the conduct of whaling operations, the Bill provides as one of the conditions governing the granting of licenses, that all flesh and bones shall be converted into fertilisers and meals. Modern factory ships are exceedingly well equipped in this regard. For example, the "Ulysses" which has been operating off our coast this season, is fitted with plant for the treatment of blubber flesh and bones, and with vessels such as these, waste is negligible. Another proposal also found in the legislation of other countries deals with the remuneration of crews. In the past, gunners aboard whale chasers—usually the masters—were mainly remunerated according to their kill. This practice frequently led to the killing of immature whales, or whales with young, or even to the destruction of more animals than the factories could treat. The Bill accordingly provides that crews shall not be paid solely by results. Moreover, it is stipulated that where their remuneration is dependent to any extent on results, it shall depend to that extent on certain factors, such as the yield of oil of the whales taken. Under the proposals of this measure, whaling operations will be conducted only by the holders of licenses issued by the Minister. There is also provision in the Bill for a penalty of £1,000 in respect of the entry into Western Australian waters of any whaling ship not holding a license under the proposed Act, or not authorised to engage in whaling under authority issued by the Government whose flag it flies. The Bill lays down the conditions which shall govern the issue of licenses. In the case of a license to kill, the annual fee payable will be £100 for the ship and £50 for each chaser, while the fee to engage in treating whales is fixed at £200. Provision is also made for the payment of royalties.

Hon. L. Craig: What was the license before?

The CHIEF SECRETARY: Until recently we had no provision of this kind. Previously whaling on our coast was carried on from land stations, but modern me-

thods have brought about quite a big change in the industry. For instance, there has been the introduction of the factory ship whereby the ship can be taken to the waters where the whales are. That has made a tremendous difference to the industry. Before that all whales had to be taken to the factory. Now the position is reversed, and as a result of the operation of factory ships we know that richer harvests have been reaped.

Hon. G. B. Wood: How would you arrest a whaler if it did not have a license?

The CHIEF SECRETARY: If the hon. member will wait a moment I will tell him what the provisions in the Bill are for policing the measure. On a previous occasion when I introduced a whaling Bill in this House it received rather rough handling. As a matter of fact it was ridiculed, and as a result that whaling Bill did not become law. That Bill was introduced in 1929, and it is a remarkable thing that since then almost every country in the world has adopted whaling legislation containing very similar if not exactly the same provisions as we are including in the Bill now before the House. So that instead of Western Australia having taken the lead with regard to legislation we are the last, or almost the last, to take action. License holders will be required to keep a statistical record of their operations. For the proper control of an industry such as whaling, it is essential that all relevant information be tabulated. During the present season, the necessary details are being furnished under the terms of the license. In order to ensure the policing of this measure, the Bill proposes to empower officers of the Department to remain on board any ship engaged in whaling. They will also be authorised to board any ship lying inside territorial waters believed to be a whaler. Those are the main proposals contemplated under the Bill. As I have just said, similar provisions are already embodied in the laws of the principal whaling countries, and although this House on a previous occasion apparently considered an Act to regulate whaling in this State unnecessary at that time, it will be realised that it is essential that Parliament should now enact this measure if the Commonwealth is to be authorised to ratify the International Convention. I hope members will agree that the time has arrived when we should have legislation to control the industry. It is important that Western Australia should fall into line with the other States of the Commonwealth, and also with the Commonwealth itself, particularly seeing that the industry means such a lot to us and to the Commonwealth also, and remembering, too, that the Commonwealth now has jurisdiction over very large areas of waters which previously it did not have, waters in the Antarctic where whales are numerous. It is necessary for us to pass this legislation so that we may be sure Australia will ratify the Convention. While it is a fact that Japan is at the present time engaged in the industry on a very big scale, and while that country is not a signatory to the Convention, it is hoped that that will be rectified in the future.

Hon. G. W. Miles: Do you know the aggregate number of whales obtained last year?

The CHIEF SECRETARY: I could not give the hon. member that information offhand but statistics can be supplied which might be of interest to the House. I did not think it was necessary, in introducing the Bill, to give those facts. I do not think I am called upon to say anything more in introducing the Bill. I commend the measure to hon. members and sincerely hope it will have their support. I move—

That the Bill be now read a second time.

On motion by Hon. E. H. Angelo, debate adjourned.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 13th October.

HON. J. NICHOLSON (Metropolitan) [5.32]: This is a Bill which has been promised for a very long time. Whether it fulfils the expectations of all members or not I would not like to venture to say. In some respects I believe it may fulfil the expectations of some of the municipal councils, but in other respects and in some very important respects, I fear that it is not in accord with the opinions and the views of the majority of the councils within this State. Many important matters are dealt with in the Bill and some of the amendments sought to be effected by a fair number of the

clauses relate to that subject which has been discussed in this House on previous occasions, namely, the question of plural voting. It is sought by the Bill to eliminate from the Act the privilege which is given and which is referred to generally as plural voting. The provision as to plural voting accords the right to a person who has property in each ward within a municipal district to vote for candidates for the office of councillor or mayor in respect of each of the districts in which he may hold property. I venture to say, despite the views that have been advanced to the contrary, that that is quite a sound and reasonable provision to retain. It is also justified by the fact that most of the municipal councils have been fortunate in weathering many difficulties and storms, and even the Perth City Council, in the midst of the great development that has taken place in connection with the city, is in a financial position as sound as, if not sounder than, that of almost any other capital city in the Commonwealth. One has only to look into the financial statements to discover that we should be in every way proud of what has been achieved by the Perth City Council. I have no doubt that hon. members who are interested in other municipal districts throughout their provinces will be able also to applaud the work of the councils in those different provinces. That being the case, and such good results having been attained by the method provided for under the existing Act, is the biggest argument that could be advanced for the retention of those clauses it is now sought to delete. I therefore intend to oppose the deletion of those clauses and the replacing of them with the clauses contained in the Bill. There is another matter which is of primary importance and that is the amendment sought to be made by Clauses 48 and 49 of the Bill whereby provision concerning the liability of the occupier or owner of land to pay rates is sought to be altered. Under Clause 48 it is provided that Section 407 of the Act will be repealed, and a new section is proposed to be substituted. I would remind hon. members of the provisions of Section 407, which reads as follows:—

(1) The amount of any rates made and levied under this Act shall be payable, in the first instance, by the occupier of the land rated.

(2) The amount of such rates may also, at the option of the council, be recovered from the owner of the land rated.

(3) Provided that, except in the case of Crown land, any amount of such rates paid by an occupier shall, in the absence of special agreement to the contrary, be afterwards recoverable by the occupier from the owner; and any receipt for rates so paid may be tendered to and shall be accepted by the owner in satisfaction, to the extent of the amount specified in the receipt, of any rent due to the owner.

I have had some experience in connection with these matters and I consider it is of great advantage not only to the municipal councils that have this power just now, but it will be found also of advantage to this and other Governments in future years to retain the power that is there and not make any alteration at all, because, as I have mentioned, through the very fact of the care which has been exercised, and the provisions relating to these financial matters and the means of recovery provided, the councils have all been able to make progress. If alterations are made now, those alterations will result in the beneficial position occupied by the councils being lost, and perhaps it may be necessary for some extra assistance to be sought from the Government. On the other hand, by leaving the machinery as it exists, the Government are probably being relieved from the possibility of applications being made to them in the future. That is the reasonable way to look at the matter, and I suggest that in the interests of everyone concerned it is a good plan to follow the old doctrine of allowing things that are are going well to remain as they are. I would call attention to the fact that by the provisions in the Bill before us it is proposed to throw the whole liability for payment of rates on the owner. It has sometimes been argued, and it seems quite a plausible argument, that it is a fair thing that the owner should be made liable for the rates, but there is another way of looking at the matter and that is the disadvantageous position in which it may place the tenant or occupier. If the law be altered, it would be necessary for an owner to make other conditions relative to the rent to be paid in order to resume his rights and position in the matter. It would also necessitate such amendments as may be required to deprive the occupier of the right he has at present to go on the roll. The right to be enrolled is a great privilege for an occupier; it confers a great advantage in many ways. If, however, we remove the liability of the occupier for the rates, then there must be a removal from the statute-book of the rights

that such liability carries. One cannot have rights without undertaking some obligation.

Hon. J. J. Holmes: How would this alteration affect existing lessees?

Hon. J. NICHOLSON: Their position would not be affected where an agreement has been made under which the tenant or lessee has covenanted to pay the rates.

Hon. J. J. Holmes: He would be liable to the owner, not to the municipality.

Hon. J. NICHOLSON: That is so. Where there is no agreement between landlord and tenant binding the tenant to pay the rates, the occupier is liable under the Act, with power to the council to have resort to the owner. If the tenant or occupier pays the rates, he has a set-off against his rent to the amount paid, and is protected to the fullest extent, as well as having the right to go on the roll. The many people occupying premises within municipalities should not be deprived of the right of enrolment, and I hope the House will recognise the wisdom of maintaining the provision in the Act.

Hon. G. Fraser: We want to progress, not to go backwards.

Hon. J. NICHOLSON: Under the existing Act, progress has been made, but there is a great risk—if I may again explain for the benefit of the hon. member—that if we alter the law, progress will cease and we will go back.

Hon. G. Fraser: This amendment merely seeks to place the debt where it always should have been, namely on the owner of the premises.

Hon. J. NICHOLSON: Evidently the hon. member has not followed my argument. I do not wish to reiterate what I have said, but I ask the hon. member to read my remarks later. The Bill seeks to remove the right of municipal councils to receive interest on rates in arrear for 12 months. Section 411 of the Act provides that when any rates have remained unpaid for a period of 12 months after becoming due, they shall bear simple interest at the rate of £5 per cent. per annum, recoverable in the same way as rates are recoverable under the Act. The arguments I have advanced for the retention of other provisions concerning which I have spoken apply with equal force to this proposed amendment. It is due to the wisdom of those who in earlier years passed these laws that municipal councils have been enabled to accomplish the work they have done. I therefore hope that the House will realise the desirability of continuing the policy that has satisfactorily operated for so long, because it is to the interests of those concerned in municipal government that means should be retained to permit of the enforcement of such remedies, and thus ensure the collection of the revenue essential for the development of municipal districts. The power to distrain, contained in Sections 413 and 414, is worthy of being continued for precisely similar reasons. The retention of that power will enable councils to recover rates that are in arrear and remain in arrear by a cheaper method than that proposed in the Bill. It is proposed that rates shall be recoverable only by means of action in a court. That would involve a somewhat longer and more expensive method of recovery.

Hon. G. Fraser: More expensive?

Hon. J. NICHOLSON: Very much more expensive. I have been informed by those in charge of the particular department of the Perth City Council that during the last 20 years only two properties have been sold under distress. This shows that there is no ground for alleging that the power has been abused. Had there been notorious instances of abuse of this power, I could have understood the argument for the amendment, but in 20 years in not more than two instances has the power of distress been exercised to the full extent. True, notices have been sent out to other owners, but no sale has been made. The utmost consideration has been given to everybody concerned so that the rates might be paid and people put to as little inconvenience as possible. Mr. Franklin would bear me out that it was the practice of the Perth City Council and, I believe, still is, to send out notices before levying distress. Thus the utmost consideration is given to everybody where rates are in arrear. Therefore there is no justification for removing this very wise provision from the Act. I have received a letter from the Registrar in Western Australia of the International Institute of Accountants.

Hon. H. S. W. Parker: Every member has received a copy of it.

Hon. J. NICHOLSON: I propose to read it—

I have the honour to approach you with regard to the Bill to amend the Municipal Corporations Act, 1906, now being considered by the Legislative Council of Western Australia. Accountants are naturally interested in the provisions of Section 58 of the Bill, and we

would like you to support an amendment as follows:—

Section 58: Add after the word "accountants," in the eighth line, the words "as named in the First Schedule to this Act."

It is suggested that the following should constitute the First Schedule, and comprise and include all established and existing Institutes of Accountants of Australia, viz.:—

The Association of Accountants of Australia (Incorporated).
The Institute of Chartered Accountants in Australia.
The International Institute of Accountants (Incorporated).
The Commonwealth Institute of Accountants (Incorporated).
The Federal Institute of Accountants (Incorporated).
The Institute of Accountants and Auditors of W.A. (Incorporated).

Reasons: The tendency in the Eastern States has been to leave this matter to Orders in Council, resulting in much controversy and professional jealousy. In some instances one institute only has been considered in the first place, and the Acts and Orders in Council had subsequently to be amended to avoid a monopolistic tendency. Had such amendments not been made, many qualified and deserving young men would have been excluded from the benefits of the Acts because of inability to pay a large premium to the favoured institute.

As this Institute has a large membership throughout Australia, irrespective of membership in the British Dominions and foreign countries, it is hoped that you will accept the suggestion in the spirit in which it is made, and feel sure that you will readily realise that the reasons are honest and sound.

I would like to know whether the Minister can give us any information on the subject of the letter.

Hon. G. Fraser: Since that letter was written, a further list has been submitted.

Hon. J. NICHOLSON: I merely mention the letter in the hope that the Minister may be able to throw some light on that aspect. Subject to what I have stated, I support the second reading of the Bill.

On motion by Hon. H. Seddon, debate adjourned.

BILL—MINING ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 14th October.

HON. H. SEDDON (North-East) [6.4]: Although the question of reservations has been discussed elsewhere on various occasions, the present is the first time it has been brought before this Chamber. Mr. Williams, in introducing the Bill, went thoroughly into the subject. In view of the serious regard given on the goldfields to the question of reservations, the hon. member is to be thanked for bringing the matter forward. Some people on the goldfields think there is absolutely no good at all in reservations; other people on the goldfields contend that without reservations it would be extremely difficult to get capital invested in Western Australian gold mines. A great deal has been said about the right of the Minister for Mines to grant reservations under that section of the Act which has been used for the purpose. I do not pretend to offer a legal opinion, but we heard in this Chamber legal opinions seeming to indicate that Ministers who have used the power have gone beyond what is contemplated in the original Act. My own view is that it would have been far better if reservations had been brought under the same conditions, as regards the method of application, the publicity associated with such application, and the dealing with it by the warden as exist in connection with holdings defined under the Mining Act, 1904. The time is long overdue for an adequate amendment of that Act. If the intention is to continue the granting of reservations as in the past, the subject could then receive the necessary public attention. It is on that account I support the suggestion to refer the Bill to a select committee. A select committee would certainly be able to acquire information from both the party supporting reservations and the party opposed to them.

Hon. G. W. Miles: Such an inquiry would take months.

Hon. H. SEDDON: The resultant information would be available for the Minister, and possibly recommendations from the select committee might assist in framing the necessary amendments. A great deal has been said about the effect on prospectors of granting reservations. We all recognise the value of the work done by prospectors in opening up the mineral wealth of Western Australia. I believe I express the feeling of the House when I say that this Chamber will be most unwilling to do anything that might inflict injustice on the prospector, and on the other hand will be quite prepared to take any steps necessary to safeguard his position.

The Chief Secretary: The genuine prospector.

Hon. H. SEDDON: I will deal with that aspect later. A great deal of the difficulty experienced by the prospector arises out of the fact that the areas of reservations are large and that the boundaries are not properly defined. That is where the genuine prospector meets his greatest trouble. In the case of open reservations—which I may mention have now been discontinued—the prospector was at liberty to go on them and continue prospecting. However, many prospectors objected to doing so, contending that they placed themselves at the mercy of the persons holding the reservation.

Hon. A. Thomson: What do you mean by "open reservations"?

Hon. H. SEDDON: An open reservation is a reservation upon which any person could prospect and take up a prospecting area or a lease, subject however to the condition that if he wished to dispose of such prospecting area or lease he must give the first refusal of it to the holder of the reservation. The prospector contends that if the holder of the reservation turns him down, then by a kind of understanding between investors he is practically debarred from disposing of his area or lease.

Hon. C. B. Williams: Do you agree with that?

Hon. H. SEDDON: From that aspect the prospector suffered injustice. There were other serious objections to reservations. In the case of a mining lease, pegs must be put in, and a trench must be cut indicating the boundaries, and the boundaries must be run. A survey of the lease is supposed to be made. Then any person, by going to the pegs and inspecting the trench, can ascertain roughly the boundaries of the lease and the directions in which they run; and the person has no difficulty in avoiding encroachment on an existing property. In connection with prospecting areas, all the information has to be posted up at the mining registrar's office and the application has to be advertised in the local Press. Thus any person affected has the opportunity of lodging an objection if he finds any encroachment on his holding. Those provisions, I consider, should apply also to reservations. Had they applied in the past, many of the objections raised against reservations would have been obviated. On the question of closed reservations, unless a person has a holding on it he is not allowed to enter upon or work upon a closed reservation. If a closed reservation is granted around an existing holding, the holder of the latter is not interfered with at all. It is only the newcomer who is prevented from entering upon a closed reservation. I must point out, however, that closed reservations are granted only for definite periods and that the holders of them are required to complete their work within such periods. In the past open reservations have been granted for a period of three years. Tenures have varied. Open reservations were introduced for the purpose of providing protection under certain conditions. I am speaking on behalf of the genuine prospector. I hold no brief, nor do I seek any consideration, for what is called the motor car prospector. In the old days, under the old conditions of transport, the prospector went out afoot, or with horse and cart, or with a camel to prospect country. If he made a find, he would carry on his work and was comparatively free from molestation until somebody found out where he was working. To-day there has only to be a rumour of a find and a fleet of motor cars starts out, so that before the man knows where he is he finds himself hemmed in all round.

Hon. J. Cornell: There is a case where wireless beat the motor car.

Hon. H. SEDDON: Yes. I think that case was at Mt. Monger. It was known that the reservation would be thrown open at an early date, but nobody knew exactly when. A prospector had arranged with his mate, who was in the district, to send a message to him over the wireless as soon as the notice throwing open the reservation was posted outside the warden's office. Immediately upon receipt of the wireless message, a motor car set off at top speed for Mt. Monger, with the result that the wideawake prospector took up a property, his application for it being granted in the usual way.

Hon. H. S. W. Parker: What happened to the property? Is it still being worked as a lease?

Hon. H. SEDDON: Hon. members, I submit, should give consideration to the question of granting reservations. Reservations represent a departure from hitherto-existing practice in regard to mining holdings.

Hon. C. B. Williams: You are not an authority on that, surely!

Hon. H. SEDDON: I am just offering an opinion.

Hon. C. B. Williams: That is all.

Hon. H. SEDDON: I give my opinion for what it is worth. It is an opinion formed as the result of considerable residence on the goldfields and a fairly close knowledge of one or two mining booms—to my cost. One is inclined to wonder why the department substituted this new method of granting reservations for the old method.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. H. SEDDON: I was saying that in my opinion one of the reasons for the adoption of a new type of mining holding was due to the activities of the speculative pegger. As an illustration, I would take the minds of hon. members back to the Bullfinch boom in 1912. At that time I was in Southern Cross, and I had the experience of seeing the country pegged for a distance of 120 miles from south to north, and in some cases the area taken up was six to eight leases wide. Each lease comprised 24 acres and was 20 chains long by 12 chains wide. Hon. members will realise the number of leases pegged in the area to which I have referred. As a matter of fact, if all those leases had been properly manned, as they should have been, they would have taken an army of nearly 4,000 men for that particular purpose. Of course, nothing of the kind was done. Those leases were pegged and held merely for speculative purposes, and the people who held them had no intention of mining the properties at all. They merely sat down waiting until someone would buy the properties. When the genuine prospector came on the scene from other parts of the State, he found the country locked up, and he had no chance of getting on the line of lode. Thus he was prevented from doing his legitimate work. The original discoverer of Bullfinch held leases that covered 140 acres. At that time that area was regarded as a large holding. In that 140 acres were found the whole of the gold-bearing occurrences on which the discovery had been based. As a matter of fact, there was very little gold-bearing ore discovered outside their four pegs. Similar instances happened at the time of the Hampton Plains boom in 1921. There again we had the spectacle of the country being pegged for miles, and the same thing occurred as at Bullfinch. The leaseholders sat down on their areas waiting for someone to buy them out. The position of the prospector to-day, under the old system of mining holdings, is invariably to find that when the news gets abroad that he has made a find, the country is pegged all around and he is limited to his original holding, unless he takes the precaution of pegging out leases in the names of his friends in order to provide himself with sufficient ground to enable him to secure a proposition that investors will look at. For many years complaints were made of these undesirable activities, and I am inclined to think that the decision to use the powers conferred by Section 296 of the Mining Act was arrived at in an attempt to overcome this evil, which was having a very marked restrictive effect on legitimate investment in mining operations in Western Australia. That brings me to the question of the advance that has taken place in mining practice. To a modern company, whether they take up and develop a new find or investigate an old property, a 24-acre lease is of very little use. There are very high costs associated with mining operations to-day, and the only way in which economy can be attained is by producing and treating large tonnages. In the first place, large tonnages mean that a lot of money has to be spent in opening up the property. There must be a large number of working faces and there must be ore reserves to work from. It is impossible for a person to secure large tonnages unless he is prepared to raise and treat low-grade ore. He cannot expect to secure large tonnages of high-grade ore. On the other hand if he is determined to carry on and treat only high-grade ore, it means that he will deplete the mine before long and bring it to an early end. All these operations are designed for the purpose of developing a property that will stand up to the capital expenditure; that in itself demands heavy capital outlay, and it involves large areas. You must ensure that the quantity of ore required shall be available. Then again you must be sure that the vagaries of the ore body will be covered in your own ground, so that you will not lose the lode when you get down to greater depths. An illustration of the costs involved exist in connection with the Wiluna and Big Bell mines. The figures were quoted by the Chief Secretary who pointed out that £650,000 had been spent at the Big Bell in opening up and equipping the property. The Wiluna company spent £1,500,000 on their property before they

started production. That expenditure was undertaken in order that they might be able to treat low-grade ore at an assured profit. An example of what may occur with an ore body exists at the Sons of Gwalia mine. The main shaft goes down on the underlay, and it underlies pretty well the reef itself. Yet at 4,000 feet, the bottom of the shaft is half-a-mile horizontally distant from the mouth of the shaft, and the chute from which they are treating the ore is three-quarters of a mile south of the main shaft. In other words, they go down half-a-mile east and work three-quarters of a mile south in order to get the ore that is carrying the mine to-day. That serves to illustrate the area of the ground that is absolutely necessary for a mine of that description, which is treating only 10,000 tons of ore per month, in order to make sure of retaining the ore body at depth.

Hon. C. B. Williams: And if a reservation had been granted there, they would have lost it as was the experience at Norseman.

Hon. H. SEDDON: In this instance the people took the precaution to peg out the necessary area and so safeguard themselves. There is no doubt that that is the position. Everyone knows that the revival in gold-mining has provided employment for a very large number of men, but that employment in turn has been contingent on the expenditure of a great amount of capital that has been invested in Western Australia, whether from the Eastern States or from overseas. The persons responsible to the investors for the expenditure of that money have to make certain that there is a reasonable chance of the return of that capital and also interest on the money invested. In any case, enormous expenditure is involved and, consequently, modern mining practice has tended more and more towards, and concentrated upon, preliminary work in order to determine just exactly what information can be obtained before the expensive work of shaft sinking, cross-cutting and opening up the ore body is embarked upon. Ordinary mining work is exceedingly expensive. Before this is undertaken, those concerned make use of scientific knowledge and experience, as far as possible, in preliminary investigation. The course adopted is that, first of all, an aerial survey is undertaken. That in itself is a costly business, and it is followed up by the field work of the geologists. Very frequently that is followed in turn by extensive diamond drilling. Then samples of the rock, not only that of the outcropping ore body, but of the country rock and associated rock are taken and submitted to chemical and microscopic examination. Cross sections of the rock are taken and polished, placed under the miscroscope and examined closely. As a result of this method of investigation, much information is made available, which enables the technical engineer to determine just exactly whether there is an ore body of satisfactory width and worth to warrant further investigation. All this very difficult preliminary work is essential before the definite work of shaft sinking is embarked upon. When hon. members realise that all this involves the employment of a team of highly technically trained men, they will appreciate the enormous expense involved in such preliminary investigation.

Hon. T. Moore: Who has done that?

Hon. H. SEDDON: I am referring to the Western Mining Corporation.

Hon. T. Moore: But where has that been done on a reservation?

Hon. H. SEDDON: I shall quote instances. There is the Great Fingal and there is also Norseman. Another point is the determination of the site for the main shaft. If it is sunk in the wrong place, obviously there will be the necessity for constantly increasing expenditure on the part of the company because the ore body may be found at depth to proceed further and further from the shaft, with the result that more and more dead work has to be faced. In order to undertake this preliminary work, the tendency has been to concentrate expenditure in the directions I have indicated, and by that means it is recognised that sound economy is achieved by saving heavy expenditure that would otherwise be incurred. For example, all the investigatory work to which I have referred takes place before a pick is put into the ground for ordinary mining operations. As a result, large sums of money spent on preliminary examination may disclose that the property is not suitable for large-scale operations, that the values may not bulk large enough to justify a company in going to huge expense in opening up the ore body, or that the ore body is too small to justify the provision of a large treatment plant.

On the other hand, the values may be such as to warrant the installation of a small plant, which could be more economically worked. I refer to these matters because I wish to point out that the future of gold mining in this State, if it is to be thoroughly successful, must depend on the expenditure of a large amount of capital. I am opposed to indefinite mining reservations both in regard to area and in regard to time. They should be strictly limited in both respects and more particularly in respect of time. After its preliminary investigation, the company should be required to take up the ordinary mining leases. I am of opinion that our Act should be amended to protect the mining prospector; instead of his being confined to a 24-acre lease there might be a larger holding made available to him and a certain time given to him in which to carry out his preliminary work before being called upon to take up his 24-acre lease. I do not agree with the granting of reservations to people simply to enable them to use them in making money by transfering them to somebody else. If the Bill passes in its present form, it will prohibit the granting of any reservations whatever, no matter for what purpose they may be required. Mr. Williams, during his second-reading speech made some very strong remarks about some mining companies and their reservations. Doubtless he thought he was justified in making those remarks, but I think he will agree that it is only fair that there should be a statement made, and documents produced, in answer to his remarks. Therefore I ask the House to grant me indulgence to give members certain information, first of all in regard to mining reservations generally and, secondly, in regard to those reservations the hon. member referred to in his speech. Also I have here a plan which will further emphasise the point I have made in regard to the cost of preliminary work. Let me first deal with open reservations. Such reservations were granted chiefly to the Western Mining Corporation, the reason being that that company wanted to carry out an aerial survey of the greenstone areas of the State. They hoped to obtain certain information which would be correlated and assembled in their own office. It was quite possible that there would be leakage, and some of the corporation's work thus get into the hands of other people. So the open reservations were granted to them to enable them to complete their aerial survey. Those reservations were granted for, I think, a period of three years, but before that period expired a letter was sent to the Minister for Mines covering the surrender of the reservations. That letter was dated the 7th February, 1936 and it read as follows:—

Western Mining Corporation, Limited.
7th February, 1936.

S. W. Munsie, Esq.,
Minister for Mines, Mines Department,
Perth, W.A.

Dear Mr. Munsie,

During the last three years Western Mining Corporation, Limited, has continued its general prospecting campaign over the State, before undertaking which the Government granted to the Corporation certain rights to secure to it any discoveries which it might make.

The first stage of the Corporation's activities is approaching completion, and it now feels that it is able to release all the open reserves held by the Corporation as well as cancelling the arrangement under which, in certain areas, the Government undertook to grant reserves to the Corporation upon the recommendation of the State Mining Engineer, and to refuse them to others unless agreed to by the Corporation.

The open reserves now released by the Corporation are as follows:—

Mines Department No.	W.M.C. Ref.	Locality.	Expiry Date.	Remarks.
719H	9	Nannine, Murchison Goldfield	31-5-36	Open Reserve.
726H	4	Londonderry, Coolgardie Goldfield	31-5-36	Open Reserve
727H	3	Norseman, Dundas Goldfield	31-5-36	Open Reserve.

We are aware that you and your Government have been subjected to criticism for granting us these rights. We believe we have always exercised these rights in the fairest possible manner, and it may interest you to know that this Corporation, directly and indirectly through its associated companies, has, as a result of your Government's action in granting them, been already responsible for the expenditure of over £1,000,000 in the state of Western Australia. Having completed our preliminary examination, and in accordance with our original undertaking to you, we are, therefore releasing them before their due date of expiration.

The Corporation intends to continue prospecting and development of various properties, and hopes still to be able in the near future to obtain closed reserves over areas which it intends to prospect intensely, as well as to obtain extensions of our existing closed reserves where prospecting has not yet disclosed sufficient ore to justify equipment.

Yours faithfully,
Western Mining Corporation, Limited.
G. Lindesay Clark,
Technical Managing Director.

I think that showed the bona fides of the corporation regarding those open reservations. Now the second document I have to read to the House is a newspaper report of a presentation made to the Minister for Mines. The presentation consisted of a bound volume containing copies of the photographs obtained in the course of the aerial survey. The whole of those photographs are now in the possession of the Mines Department. The work entailed in obtaining them cost £60,000. All these photographs, and the reports connected with them, were handed to the Mines Department free of charge and will be available for all time.

Hon. C. B. Williams: I suppose that was in lieu of the rent the company should have paid for those leases?

Hon. H. SEDDON: Yet £60,000 is a very large sum to expend on an aerial survey. That report appeared in the "West Australian" on Friday, 11th December, 1936, or 10 months after the letter I have read.

Hon. T. Moore: Were the aerial surveys successful, or did they fail?

Hon. H. SEDDON: The result of the survey gives the geologist an opportunity to concentrate investigation in a much better perspective than would be possible on the ground. That seems to be the great benefit they obtained as the result of their aerial survey.

Hon. J. Nicholson: Would the photographs and reports be of value to the department?

Hon. H. SEDDON: They will be of value and advantage to mining men throughout Western Australia, because they are going to be the foundation on which future work will be based. Their value will be brought home to the people of the State from time to time, and they will then appreciate the extent to which the State has benefited as the result of that aerial survey. The following is taken from the report appearing in the "West Australian":—

"The photographs cover an area of 10,000 square miles selected from the main producing portions of the goldfields of the State," said Mr. Clark, in presenting the albums to the Minister. "Obtaining of them necessitated no inconsiderable expense in the provision and equipment of two aeroplanes, together with field-survey equipment and a complete photographic section. The actual work was carried out under the direction and supervision of Wing-Commander F. C. V. Laws. The object of this work was the search for new mines, based on a better understanding of the geological structure of the State. The finding of new mines is becoming increasingly difficult all over the world. To-day, the easily found mines which outcrop visibly on the surface have, for the greater part, been worked, and in looking for new mines we are forced to consider either the extension of the old fields, or the discovery of new ones hidden beneath the surface-covering which, in this State conceals so large a portion of the goldfields."

Photograph's Unequalled Value.

"It is only in recent years that geologists have been able to be of much assistance in finding ore. This work is, in fact, a new science, which must grow of increasing importance throughout the world, as the known mineral deposits are exhausted and new ones have to be found. The basis of such work must almost certainly be a better understanding of the geology of mineralised districts. For such a purpose these photographs are of unequalled value, and I confidently believe that they form the best possible basis on which to begin such work. After having elucidated the geology, the work of ore-finding still remains a most difficult business, but with the growth of knowledge, will, I believe, become increasingly effective.

A third letter I have to read deals with the question of the Western Mining Corporation's work in regard to existing reservations and also mentions the outlook of gold mining generally. Addressed to me, the letter reads as follows:—

Mining Reservations.

The reserves held in the name of Western Mining Corporation, Limited, and/or its Associates at present are—

Murchison—

Great Fingal, Day Dawn—Reserve No. 784H, comprising 390 acres, expiring 28/2/38.

Western Gold, Reedy—Reserve No. 654H, comprising 1,215 acres, expiring 31/12/37.

Triton, Reedy—Reserve No. 768H, comprising 1,920 acres, expiring 31/12/37.

Norseman—

Northern Star, Norseman—Reserve No. 783H, comprising 330 acres, expiring 31/11/37.

Princess Royal, Norseman—Reserve No. 800H, comprising 657 acres, expiring 7/11/37.

(These are all closed reserves.)

Great Fingal:

At Great Fingal we have options over two holdings, embracing the Armstrong and Day Dawn Main Shafts. These leases are surrounded by the reserve. An air survey of the location was made, followed by a geological reconnaissance of the more promising features brought out in the air photos. This was followed by a geological reconnaissance of the more promising features brought out in the air photos.

Hon. C. B. Williams: For how many years have they had the reservations?

Hon. H. SEDDON: A considerable time.

Hon. C. B. Williams: That is as much as you will admit.

Hon. H. SEDDON: The statement continues—

This was followed by a complete investigation into the Great Fingal Mine, which had been worked practically to a standstill, and was lying derelict and water-filled. All available statistical information in London and Australia, together with plans and reports, was collected, and the record of the mine and its position at the time of the close-down accurately determined. On exhaustive calculations we estimated the cost of dewatering the mine at £50,000.

We then decided to investigate the other line of lode parallel to the Great Fingal, chiefly Smith's United and the Golden Crown. Eventually it was decided to diamond drill the latter; in all, five bores were put down, comprising 5,326 feet of drilling, which gave irregular but on the whole promising results. Owing to heavy water, amounting to 124,000 gallons make daily, with water-logged country to drain of its accumulation, the water problem is a difficult one, and will require the provision of a large sum of money for plant and equipment to tackle the dewatering and underground exploration of the area, estimated at about £400,000. For this reason, further diamond drilling is planned to warrant or otherwise the expenditure of so large a sum. We have already spent £10,580 in the work carried out, consisting of—

(a) An aerial photographic survey.
(b) A comprehensive geological study of the area, including the preparation of 150 geologic maps.
(c) The construction of a model of the mine, setting out in detail the position of the dyke in which the valuable ore bodies occur, and showing the underground workings.
(d) 9,000 lineal feet of trenching.
(e) Five diamond drill holes, totalling 5,326 feet of drilling.

Owing to the uncertainty regarding the price of gold and the critical international position, our directors considered the present time was not opportune for the raising of the finance to carry out the work necessary, and recommended by Dr. F. E. Keep, Consulting Engineer of London, who spent considerable time in the study of the Great Fingal area, planning the best method of attack for its re-opening. His conclusions were embodied in a comprehensive report placed before the London office. Our directors feel that we should await a more definite stabilisation of gold prices and of international conditions before attempting to raise on the London market the large amount of money required.

This is the position at Great Fingal, and explains why at the moment no work is being carried on there. All mining work on the land occupied by the reserve will be deep underground exploration, hampered by heavy water, and quite useless to prospectors. All alluvial and surface deposits have been fully exploited in the many years since the mine was first opened. If this opportunity for testing out the area at depth is passed over, it is safe to say it will not be attempted in many years.

All the work mentioned has been carried out on the reserve and its cancellation will mean the abandonment of the area.

Western Gold and Triton:

The Western Gold Mines reserve surrounds and protects the Rand leases—four 24-acre blocks—on which a good deal of diamond drilling and prospecting work has been done. A complete geophysical survey of the area comprised in this reserve was made and the chief points of interest arising out of that survey have been investigated, some by diamond drilling, others by underground prospecting and loaming. As a result of this work it has been decided to further test the leases in the vicinity of Reedy's Find by deeper diamond drilling.

There are a few general remarks:

Our experience at isolated centres where no reserves have been granted could be quoted as instances where pegging by speculators living in towns or cities was done in the names of people who have never been on the ground. The areas are not worked; they are merely held in the knowledge that the prospectors or a company which becomes interested in the locality will not apply for forfeiture and risk a misinterpretation of the circumstances of the case. They often cramp the original prospector of the field by pegging on his boundaries before he has an opportunity of determining the value, strike or dip of his find, with the result that he later discovers that he has pegged his area wrongly and these motor-car prospectors have secured the best areas in what should have been his reward for years of heavy toil and hard living in the bush. If the original discoverer were allowed to mark off a small reservation after he has pegged a lease covering the find, he would be protected until he had done sufficient work to indicate the strike and dip of his lode, which would enable him to select other areas or readjust his boundaries within the reservation and so give him the reward his industry entitles him to.

I will conclude by quoting the following extract:—

Western Mining Corporation, including all its various forms of prospecting, exploration and development, has spent £1,621,114 since its inception in Western Australia, which excludes all development on mines after they have reached the stage of production.

Hon. C. B. Williams: What gold have they produced?

Hon. H. SEDDON: The hon. member referred to the Norseman reservation. I will come to that. First let me submit for the consideration of the House a plan which will explain the statement I am going to make

later on. This plan sets out the position of the original Norseman gold mine. It also shows the country which was taken up as the Phoenix Mine at Norseman by the Western Mining Corporation. It shows the reservation to which Mr. Williams referred, and shows the position of the reservation relative to Norseman Gold Mines. There are two distinct lines of reef running through the country. The Mararoa reef is where the Butterfly shaft was sunk. The Norseman reef is considerably to the east of that. The holdings of the Norseman Gold Mines, which comprise some six leases contain the outcrop of the Norseman line which is close to their eastern boundary. Mining members will appreciate what that means. If this company had been at all concerned about the underlay of the Norseman reef at the time it took up its holdings, it would have protected itself by taking up the necessary ground so as to preserve its deeps. On the other hand, a large amount of investigation work has already been done by the Western Mining Corporation. Members will see from the plan that there have been marked out various occurrences, rock formations, lodes, dykes, etc. They will see the detailed work which has been carried out by the company, and the entirely surface geological investigations. I will leave that plan on the Table of the House. The statement I have to make on this subject is as follows:—

1. There are two lines of quartz lodes in the area covered by these reservations—

(a) Mararoa line, comprising the leases of the Norseman Gold Mines, N.L. (Butterfly leases), and those of the Central Norseman Gold Corporation, N.L. (Phoenix and old Mararoa leases)

(b) Norseman line, comprising Viking, Scotchmans, Mildura, Hardy Norseman, Sydney, Norseman Reward, and Royal Dane leases.

2. The old mines of Norseman had their critical point at 500 feet vertical depth; the occurrence of deeper ore was not then expected.

3. Norseman Gold Mines took up its area in 1931, holding two leases on the line of the outcrop of the Mararoa reef and two on the dip of the reef, to protect the deeps of the first-mentioned ground. Apparently at this time the Norseman line was not considered of any importance to that company. Their deep leases included the cap of the Norseman line, and the position of the old Scotchmans, Pride of Scotland, and Mildura leases, but they did not include the deeper ground on the east which was available and open to peg, and no work has been done by them on the Norseman line of lode. It is, therefore, obvious the company considered it was sufficiently protected on the Mararoa lode which was then its objective.

4. When Western Mining Corporation went to the district, its attention was first devoted to the old Mararoa area, then the Phoenix mine. Shortly afterwards its experts considered the deeper ground should be investigated. As the company had optioned the leases at the Viking end, and had purchased the Hardy lease of the Norseman line of lode, it had to protect its investigations to the north of the Viking, and therefore applied, quite openly, in 1934, for that reservation.

5. Prior to this, the Norseman Gold Mines had this end of the field all to themselves, but apparently were not interested in this land. In 1935, as a result of the geological study and diamond drilling investigations carried out, the Western Mining Corporation proved the existence of a lower ore body in the Phoenix leases which confirmed the theories of their geologists that there would be a repetition of the Mararoa ore body in the vertical extension of a flat pitching shoot to the north.

Hon. C. B. Williams: Will you repeat that part about the reservation being taken up in 1934? It is not in conformity with the facts.

Hon. H. SEDDON: That is what is said here.

Hon. C. B. Williams: It is wrong. I do not want to make any more mistakes on this matter.

Hon. H. SEDDON: I am reading this statement. The hon. member will have the right of reply. He can, if he likes, peruse these statements for himself. The statement continues—

6. Following this, the Norseman Gold Mines pegged and applied for leases on the reservations which had been granted to Western Mining Corporation on the Norseman line. This reservation also, coincidentally, covers the extreme deeps of the Butterfly Mine at about 2,500 feet, as both lines are practically parallel, the Butterfly reef dipping easterly under the cap of the Norseman line, but at greater depths than it had ever been expected the reef would live to as an economic proposition.

7. If the Norseman Gold Mines did not protect themselves when they had the opportunity, they only have themselves to blame.

8. The Western Mining Corporation conducted an extensive air survey of the auriferous areas of the State, including Norseman district. This was followed by a regional geological examination by a field staff of the more promising features shown in the air photos. For the purpose of protecting the results of such work, large open reservations were granted to the company. As soon as the air survey work was finished, and before the expiry date of the reserves, they were released by the company. Since the completion of the survey work, the company has presented to the Mines Department the whole of the results of the survey, comprising nine handsomely bound large

volumes of the air photographs taken and the technical reports. This has been described by the Minister and the Government Geologist as the most valuable contribution ever made to the departmental records.

Regarding Northern Star Reserve, situated to the north of the Central Norseman leases: Following the usual custom, the company optioned the holdings comprised in the area. The leases were examined, all accessible exposures investigated, statistics searched and reliable information from previous holders of the area obtained. It was then decided that the land was not worth to the company the prices fixed by the holders during a period of boom. Modifications of the terms and an extension of the options were sought and refused by the vendors, when the options were relinquished.

A further extension of the reserve was applied for to protect the company in the development work it was doing in its leases to the south, the explorations of which were approaching the ground comprised in the reserve and within 40 chains of which it was proposed to sink a new vertical shaft to a depth of 3,000 feet at an estimated cost of £19,000 to work both the northern extensions of the Mararoa and Norseman lines of lode, provided the exploration work then being carried out gave satisfactory results. The Minister granted this on condition that no further extensions would be applied for or granted, and the company would have to mark off any areas it required during the currency of the extension which expires on the 30th November next.

The vendors of the leases in this reserve were not embarrassed in any way during the option period with the corporation or by the granting of the reservation. One vendor was allowed to continue breaking out crushings during the currency of the option, the full proceeds of which were his own property, and this he continued to do so long as he had ore available, after which he was given work on the company's leases. The other vendor was an absentee holder and did not do any work on his lease which he had evidently taken up for speculative reasons as it contained the old abandoned workings of the Northern Star lease, which was water-filled and lying derelict. If the Norseman Gold Mines optioned them they did so during the currency of the reservation and well knowing it was in existence. The Minister was quite justified in renewing the reserve to the company on the representations made regarding its exploration and development work on its leases south of, and adjacent to, the reserve and the prospect of sinking a main vertical shaft in its vicinity as against releasing the reserve on the representations of the other company proposing to carry out certain exploratory work on these old formerly abandoned holdings which had been lying derelict.

If any company has fulfilled its obligations under which the reservations were granted then this company has done so completely. The eastern reserve, No. 739H, expired on 31st March, 1935, the whole area having previously been replaced by gold mining leases Nos. 1438/50 and 1458. This reserve is now held as gold mining leases and it is on those leases that it is proposed to sink the 3,000 ft. shaft.

Hon. C. B. Williams: The 3,000 ft. shaft at a cost of £19,000?

Hon. H. SEDDON: Yes. The company's preliminary work has been completed at heavy cost and the country has now been taken up as gold mining leases, and is being held as gold mining leases under the Act. Obviously their own country was held from 1931 to 1934 by the Norseman Gold Mines, and before the reservation was taken up. There seems to be a discrepancy in the dates, the latter year being either 1933 or 1934. In one statement it is given as 1934 and the other 1933.

Hon. C. B. Williams: It was taken up in 1933.

Hon. H. SEDDON: The fact remains that from 1931 to 1933 or 1934, whichever is correct, this country was open and the Norseman Company could have taken it up in the ordinary way. The company could have applied for a reservation and it was only after 1933 or 1934 that the Western Mining Corporation applied for the reservation, and it was after the application was granted that the Norseman Gold Mines applied for the two leases to secure more ground on the easterly lode which up to that time had been entirely neglected. I have drawn attention to the amount of detail surface work done on that area for a distance of some miles, and I have shown the amount of money that has been spent in geological development in order to obtain the information that has actually been secured. What has been done has involved not only surface field work, but a considerable amount of laboratory work both by the chemist and the petrologist is also necessary before the result of the investigations can be made available for the experts to determine whether it is practicable and wise to go on with further expenditure or not. In conclusion I should like to say that the Mining Act does require amendment. I consider the question of larger holdings should be provided for in the Act. There should also be machinery for the application and also dealing with the larger holdings through the Warden's Court, as is done at the present time in regard to prospecting areas.

Hon. T. Moore: What do you suggest?

Hon. H. SEDDON: According to the nature of the geological occurrences. The

geological features may cover a distance of three miles, and the width can only be determined by ascertaining the underlay of the lode. It is necessary that the company should have time to complete the preliminary investigations to permit of their carrying out the work, and then they should be required to take up 24-acre leases in compliance with the provisions of the Act. In the interests of the prospector and in the interests of employment in the industry, and the production of gold in the future, facilities are necessary for companies to freely investigate propositions submitted to them, and there should be sufficient time given to enable the investigations to be completed. This should constitute the only justification for granting reservations in the future. As far as the Norseman reserve is concerned, the position may be summarised thus:—

(1) Reserve No. 739H was granted to Western Mining Corporation towards the end of 1933 to cover portion of the Norseman line of lode as the corporation had optioned the Viking leases and purchased the Hardy Norseman lease situated on the Norseman reef.

(2) Norseman Gold Mines pegged the Hardy Norseman and two leases on the reservation (Nos. 1419 and 1420) in November, 1934, to cover the Mildura and Hardy leases. The former application was withdrawn as the land was already held as a lease and the two latter were recommended for refusal at the February sitting of the Warden's Court, Coolgardie, 1935.

(3) Reservation No. 739H expired on the 31st March, 1935, the whole area having previously been replaced by gold mining leases Nos. 1438/50 and 1458.

(4) Whilst the reservation was applied for in 1933, the Norseman Gold Mines did not pay dividends until 1935.

If the Act is to be amended, I suggest it should be amended to provide for reservations. If further information is required by the House, the Bill could be referred to a select committee and that committee could conduct the freest and most impartial inquiry into the question of reservations, and report the result of such investigations to the House. I would support such a proposal.

Hon. J. Cornell: I do not think it is necessary.

Hon. H. SEDDON: I regret to have taken up so much of the time of the House but I consider that in the circumstances my action was justifiable to enable me to place before members the facts with regard to reservations.

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

BILL—NURSES REGISTRATION ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [8.25] in moving the second reading said: This Bill, which seeks to amend the Nurses Registration Act, contains two important proposals. Provision is made for the registration of duly qualified nurses under three divisions, and for the prohibition of the wearing of the present form of trained nurse's cap by persons not authorised under this measure. Since the present Act became law fifteen years ago, there have been various developments in the nursing profession which render certain additional provisions for registration necessary in order to ensure the widest possible degree of reciprocity as between the Registration Board in this and the other States and Great Britain. At the present time, Section 3 of the principal Act merely provides for the registration of general trained nurses. These are nurses who have qualified for registration by doing three years' training at an approved training school, and who have passed the board's examination in theory and practice. As a result of the rapid growth of infant health activities in recent years, most of the States, together with Great Britain, provide to-day a definite register for the nurses who have completed this form of training. It is now considered expedient that our own Act should contain a similar provision, not only because it is desirable within the State to have such recognition, but in order that the board may be able to arrange reciprocity with other registration bodies in Australia and elsewhere. Apart from a division for generally trained nurses, the Bill also provides that there shall be a separate register for children's nurses. In certain States, and in England the registration authorities have refused to admit to the general register persons who have wholly trained in the children's hospital, and who have not had any adult nursing experience. For some time the regulations in this State have required that a nurse trained at the

children's hospital shall have certain additional experience. Now, however, in order to maintain reciprocity with the Eastern States, it is proposed to make provision for a separate register for children's nurses, while it is further provided that such a nurse on completing certain additional training, may transfer to the general division of the register. The Bill also stipulates that every registered nurse shall apply annually for re-registration. A nominal fee of 1s. will be charged for this service, but a nurse will not be struck off the register unless she fails to apply to the board for two consecutive years. This provision I am informed is necessary in order to prevent the register becoming overloaded with the names of persons who have left the State or who have ceased to practise.

Hon. H. S. W. Parker: They would be able to register again if they came back here?

The CHIEF SECRETARY: Yes; but for the time being if they do not apply for two consecutive years they will be struck off the register. Should they desire again to register and follow their profession there will be no difficulty in the way of their being registered, but they will then have to pay a little higher fee than when they re-register annually.

Hon. J. Nicholson: You would not require any extra certificate of qualification?

The CHIEF SECRETARY: No, it is a question of ensuring registration. One can imagine cases where nurses, after having been in the profession for some years, marry or leave the State for some reason or other, and are absent for a long period. Then for some reason or other they desire to resume their profession in this State. If they have not applied for re-registration for two consecutive years their names have been struck off the register. In those circumstances when a nurse applies there is no necessity for her to go through another examination. She merely has to prove that she is the person who previously was registered, and for a higher fee her application is granted and she again becomes a registered nurse. With regard to the proposal which seeks to prevent unauthorised persons wearing the nurse's cap, I think it will be generally admitted that is desirable to prevent the exploitation of what is an integral part of the trained nurse's uniform. In the eyes of the general public the wearing of such a cap is considered more or less the hallmark of the trained nurse. From time to time there have been complaints that there is a growing tendency for persons who have had no training whatever to wear a uniform, including the recognised form of nurse's cap. In those cases where the person concerned has had no training it is certainly misleading to those members of the public who have now come to accept the nurse's cap as being a sign that the nurse wearing it has been trained.

Hon. J. M. Macfarlane: Do not they wear a badge to show that they have been trained?

The CHIEF SECRETARY: Some do. I understand one or more badges can be worn indicating certain things.

Hon. W. J. Mann: They have another cap for probationers?

The CHIEF SECRETARY: Probationers can have a cap but they will not have the trained nurse's cap. I believe there is also one badge issued showing that the nurse is a member of a particular association, the A.T.N.A. The nursing profession as a whole has asked that this cap be protected, because of the opportunity afforded for its abuse. The Bill accordingly provides that no person other than registered nurses, or certificated mental nurses, or registered midwifery nurses, shall be entitled to wear the trained nurse's cap.

Hon. G. W. Miles: Where has abuse taken place in the use of the cap?

The CHIEF SECRETARY: I suppose it would be very hard to enumerate the whole of the places where abuse has occurred, but the hon. member will doubtless have knowledge of a number of places in the metropolitan area where the trained nurse's cap is worn and where he believes that persons wearing it are trained and yet they are not.

Hon. J. J. Holmes: There is nothing to prevent a matron from putting the cap on the housemaid and palming her off as a nurse.

The CHIEF SECRETARY: I would not be surprised to know that that is done.

Hon. J. J. Holmes: I do not say that it has been done, but there is nothing to prevent it.

The CHIEF SECRETARY: This is not a big measure, but it is an important one from the point of view of the trained nurses of this State, and I commend it to

the favourable consideration of the House. I move—

That the Bill be now read a second time.

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

BILL—AIR NAVIGATION.

Second Reading.

Debate resumed from the 14th October.

HON. A. THOMSON (South-East) [8.38]: I listened with interest to the Minister's remarks when introducing this measure the other evening, and I am not offering any objection to the passing of the Bill. It provides that the Commonwealth regulations dealing with air navigation shall apply here. The regulations as to the airworthiness of aircraft, and licensing, and traffic rules and regulations relating to aerodromes, are all very necessary regulations and are in the interests of passengers who travel by air and of those people who remain on the ground which they consider very much safer. The legislation is, in effect, a working agreement between the States and the Commonwealth so that uniform conditions will apply throughout Australia. We have to realise that the world is becoming very air-minded. The companies interested in this form of transport are spending large sums of money in providing efficient and up-to-date aeroplanes. It is quite possible for one to have breakfast in Perth and dinner in Melbourne on the same evening by means of the aeroplane. I believe it is within measurable distance of becoming an accomplished fact that one may leave Perth in the morning and breakfast the next morning in Brisbane. This indicates that in these days of modern fast air traffic it is essential that we should have uniformity of regulations, in view of the fact that a plane is in one part of the Commonwealth in the morning, and a long distance away in another State or perhaps two States away in the evening. I therefore raise no objection to the Bill. It is a wise provision. The State is safeguarded in its transport regulations. It will be able to promulgate regulations which will protect the railways if it is deemed advisable. I have pleasure in supporting the measure, believing it to be in the interests of the Commonwealth and of the State, and because it will do much to secure uniformity of regulations and will protect passengers and people generally.

Question put and passed; Bill read a second time.

In Committee.

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

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 13th October.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [8.45]: I am anxious to make progress with the business on the Notice Paper. Mr. Thomson, who introduced the Bill, is showing that he is quite consistent in his advocacy that there should be an alteration to the State Transport Co-ordination Act, which would make it much easier for certain people to do things that the Transport Board consider inadvisable in the best interests of the State. In support of his arguments the hon. member quoted the annual report of the Commissioner of Railways. I am afraid he put a somewhat wrong construction upon those remarks. The hon. member apparently failed to appreciate the difference between the unfair and irresponsible competition which the Commissioner of Railways referred to as having been eliminated, and the road services which have been permitted to remain in the economic service of the community. The Commissioner's remarks regarding unfair and irresponsible competition obviously referred to the conditions that existed previous to the coming into operation of the Act, when any truck owner who felt so inclined stepped in and took from the railways the higher-freighted traffic on which the Commissioner depended to make up his leeway on unremunerative commodities. The conditions under which those carriers operated need no stressing from me at this stage; nor can there be any regrets at their passing. Most members will agree that at the time the Act was passed there was a real necessity for something to be done to put an end to the conditions then existing. In place of the carriers then operating, road haulers now operate under permits from the

Transport Board and their operations are confined to spheres that, generally speaking, do not overlap those served by the railways. These latter are the services which the Commissioner referred to as having been co-ordinated in the economic service of the community, and members will agree that there is a vast difference between the two, a difference which apparently Mr. Thomson failed to appreciate.

Hon. A. Thomson: I suggest that the Minister read the Commissioner's report.

The CHIEF SECRETARY: I intend to do so. In quoting from the report the hon. member did not read the full text of the Commissioner's remarks. Had he done so, it would have been apparent that the deficiencies that the Commissioner sees in the Act after practical experience of its working are in verbiage rather than intent. He points out that producers are taking advantage of the exemption that gives them the right to convey their own produce to market to make special trips to the city for back-loading petrol and other requirements.

Hon. A. Thomson: Is that regarded as a crime?

The CHIEF SECRETARY. It might not be a crime, but it is a subterfuge, in many instances, to get behind the Act. The Commissioner might also have mentioned, had he seen fit to do so, that motor salesmen are urging this possibility—ability to cart their own domestic and farming requirements—on farmers to push the sales of trucks to the detriment of the country storekeeper, whose business is suffering through direct purchases from city houses and of course, to the railways, which lose the traffic.

Hon. L. B. Bolton: You are probably referring to utility trucks.

The CHIEF SECRETARY: I am referring to trucks generally. There should be no need to remind members of the extent to which producers are dependent on low railway freights, or of the danger, which cannot be disregarded, of those freights being undermined by the loss to the railways of higher-freighted traffic. I have some particulars that should convince members that care is necessary before agreeing to the Bill. Even with the poor harvest of last season and the protection afforded by the Act, more than 50 per cent. of the total tonnage carried by the railways was carried at less than 1½d. per ton per mile. Of this tonnage wheat, super, hay, straw and chaff represented over 28 per cent. and other grain traffic, including flour, 4.76 per cent. Notwithstanding the very material benefits received by the farming community from those low freights, the hon. member urged that the producer should have the right to convey his wool, as well as his wheat and other produce, in his own vehicle. Members will be aware of the circumstances in which wheat was included amongst the exemptions set out in the First Schedule to the Act. It was designed to enable a producer who had reason to come to the city with his truck to carry a few bags of wheat as ballast. It was not intended for a person to carry wheat to market for sale. The argument advanced was that to drive to town with an empty truck was not too comfortable, and that so long as a farmer could carry a few bags of wheat as ballast, it would be satisfactory.

Hon. L. Craig: Wheat which was to be exchanged for other goods.

The CHIEF SECRETARY: No objection was raised to that at the time, and wheat was included in the schedule. We were told that to travel to town in an empty truck would not be economical, but this sort of thing was not intended to develop into a regular practice.

Hon. L. B. Bolton: Could he do it only occasionally?

The CHIEF SECRETARY: He was not to make a business of it. There is no doubt that Parliament took a reasonable view of the position, but unfortunately experience has shown that the position is being exploited in a manner that was never intended. The hon. member would now give the producer the right to carry his wool also, thus depriving the railways—notwithstanding the service received from them—of another line of traffic. Does the hon. member realise that for every ton of wool carried over the railways for the year ended the 30th June last, the Commissioner carried over 40 tons of wheat, super, chaff, grain and similar traffic at rates that averaged less than 1d. per ton per mile?

Hon. L. Craig: You said less than 1½d. just now.

The CHIEF SECRETARY: I quoted certain figures at less than 1½d., but here I am quoting other figures averaging less than 1d. per ton per mile. The average receipts from all classes of goods and livestock are very low, having averaged last year 1.76d. per

ton per mile. Had the wheat, super, chaff and grain paid this average rate, the railway earnings would have been increased from £513,960 to £955,635, an increase of £441,675, which would have turned the deficit of £166,610 on the year's working into a profit of £275,065. I venture the opinion that nobody can run a truck at anything like that cost. Surely there can be no hardship or injustice in requiring a producer who has 40 tons of goods carried over the railways at less than 1d. per ton per mile to give his ton of wool to the railways. After all, the rail freight on wool is not a high one. Last year's receipts from it averaged only 3¼d. per ton per mile, and if the farmer were to take careful count of his own costs, he would find that he could hardly do it for less.

Hon. J. M. Macfarlane: It is the speed of the truck as well as the saving in handling that counts.

The CHIEF SECRETARY: But other factors have also to be considered. In recognition of the protection afforded by the Transport Act, rail freights were eased during 1934-35 to the extent of over £100,000, and the reductions were made mainly in foodstuffs and everyday requirements of the producers. Every year the producers are receiving the benefit of reduced rates brought about solely as the result of the Act being put into operation. The exemption clauses of the Act already give reasonable scope to the producer for the marketing of his products and for securing the necessities for producing them, and any further inroads into railway revenue must, in the interests of the State and of producers in particular, be strenuously opposed. It cannot be expected that we could carry on indefinitely under the conditions that were existing. To the producers the railways are a real benefit. But for the railways and for the cheap freights that have been operating for many years, quite a large number of producers would have been unable to carry on. Certainly they could not have got their supplies transported for anything like the rate for which they were carried over the railways.

Hon. L. B. Bolton: Then how could the State have carried on?

The CHIEF SECRETARY: The State could not have carried on but for the railways. We must have some regard for the railways. If the hon. member is desirous of giving all persons the right to do just as they please with regard to the carting of their produce, the position naturally will get much worse, and that very rapidly, under such conditions. Again, that state of affairs must necessarily react upon the interests of the producers.

Hon. A. Thomson: The farmer should have the right to cart his own wool in his own vehicle. That is not asking too much.

The CHIEF SECRETARY: It is asking too much when the farmer asks the railways to carry his wheat, his super, and all other things of that kind at rates which are not payable. The Bill contains another amendment designed to increase the radius in which carriers may operate without license from 15 to 30 miles. The existing provision of the Act is already being exploited in a manner which was not contemplated when the exemption was framed. Section 33 of the Act provides that no license shall be necessary in respect to any commercial goods vehicle which—(a) operates solely in the area within a radius of fifteen miles from the General Post Office in Forrest-place, Perth; or (b) operates solely within a radius of fifteen miles from the place of business of the owner. I would like to point out that a "15-mile radius" from a centre means 15 miles on either side of that centre, which permits of haulage over a full distance of 30 miles. This aspect has already been availed of by road transport operators in the conveyance of bricks, firewood, log timber, road metal and similar heavy goods, which are being carted alongside the railway line for continuous distances of up to 30 miles. The Transport Board are powerless to prevent such cartage. Places of business, actually no more than a name, have been established at strategic points, usually about 15 miles from Perth; and motor trucks operating from these purely technical bases are conveying for 30 miles or more—the radius is an air line one—traffic which can conveniently and economically be handled by the railways. The hon. member has obviously misread the report of the Commissioner when he claims that the department has recognised that bricks, firewood and other materials of the same nature should be transported by carriers. The paragraph from which he quoted reads:—

> As is only to be expected in any evolutionary measure of the kind, operation of the Act has revealed certain deficiencies in its machinery, and there is good reason to believe that some of the exemption clauses are being ex-

ploited in a manner foreign to their real intention. Noticeable in this latter respect is the provision which exempts from licensing goods vehicles operating within a 15-mile radius of the owner's place of business. By establishing "places of business" at strategic points, road haulers, operating under an exemption which was obviously designed to exclude radial terminal services from the scope of the Act, are in active and constant competition with the railways for continuous distances up to 30 miles, for the brick, firewood, log timber, stone and similar heavy traffic requirements of the metropolitan area. Many of the objectionable features of the period preceding the passage of the Act are evident in the operations of these carters, whose self-imposed industrial conditions fall much short of accepted standards . . . .

There is certainly no admission in that statement that the railways cannot handle the business or that road transport is able to deal with it more efficiently. On the contrary, the Commissioner, I am advised, has repeatedly urged that the railways can and should have this traffic; but the Transport Board have been in some cases unable, and in others unwilling, to interfere. In regard to bricks, hon. members will realise that it is only in recent years that bricks have been carried over any great distance by road. Until a year or two ago the whole output of State bricks was conveyed from Byford by rail, and buildings constructed of them show no signs of any damage having been caused by such carriage. Even now the railways are carrying about 6,000,000 pressed bricks annually, and it is mostly unlicensed carriers, namely those who are operating within the 15 miles radius provision, that they have to compete against. The effect of the amendment would be to permit road carriers to operate without any control by the Transport Board for distances up to 60 miles, air line. This in many cases means up to 70 miles road distance, and would enable a carrier, with business premises strategically placed, to cart between Perth and such places as York, Northam, Toodyay, Pinjarra and Dwellingup. In framing the Act the House considered that a 15-mile radius afforded ample scope for the operations of local carriers, and experience of its working indicates that that radius should not be increased. The cartage conditions which exist in the area within 30 miles of Perth, and in which road carriers operate under the 15-mile radius provision, are not such as should be encouraged, and in many cases are as bad, I believe, as those which existed before the Act came into operation. Despite the working of excessive hours, carriers operating in this area are earning considerably less than a reasonable living wage; and the widening of the scope of their operations, apart from the inroads it must make on railway revenue, is not in the interests of the community. Undoubtedly the effect of the amendment moved by the hon. member would be very destructive of the definite purpose of the Transport Act, a purpose recognised as very necessary by a large majority of all members of Parliament, irrespective of party affiliations. Notwithstanding the fact that Section 33 of the Act provides exemption within a radius of 15 miles from the G.P.O., Perth, or 15 miles from the place of business of the owner of a commercial goods vehicle, the Transport Board have granted many licenses for the transport of goods beyond that limit and, in such instances, nominal fees only have been charged for the licenses so issued. Now I come to the hon. member's proposal regarding appeals. Clause 3 of the Bill proposes to amend Section 37 of the Act by giving to the owner of a commercial goods vehicle who is aggrieved by any decision of the Board, the right to appeal to the Resident Magistrate in whose magisterial district is situate, or principally situate, the area or route which would be served by the service or the proposed service. In this connection it is necessary to turn to Section 5 of the Act, which provides for the constitution of the Board and qualifications of members. That section states, inter alia—

> The board shall consist of three members, one of whom shall be a Government official, one representing rural industries, and one city interests . . . . . The members of the board shall be persons who in the Governor's opinion are capable of assessing the financial and economic effect on the State as a whole of any transport policy.

Hon. members know the circumstances which led to the enactment of legislation for Transport Regulation in this and the other States, and they will realise that Section 5 of the Western Australian Act embodies the fundamental responsibility placed on the members of the Transport Board. The Premiers' Conference recognised at an early stage of the financial crisis that descended on Australia, that recovery in State Budgets could not be secured without a marked

restoration of soundness in the balance sheets of the railway systems of Australia, and that the very large accumulation of deficits in the accounts of these systems could not be reduced without a general policy of control of transport. Consequently our Transport Act is the outcome of recommendations of the Premiers' Conference in this particular direction of financial recovery. So large an amount of loan capital is involved in the railways, and our budgetary position is so dependent on the healthy condition of railway finance, that no Government or party, of whatever complexion of political belief, can afford to encourage any breach of the policy now being built up by the Transport Board in the administration of the Act governing its operations, or support amendments that may weaken its powers. Section 10 requires the board to make investigations and inquiries into transport matters, and in particular to give consideration to the question of transport generally, in the light of service to the community and the needs of the State for economic development. These sections clearly indicate that the members of the board must be persons who have special knowledge concerning transport matters. Every application lodged with the board is very fully investigated before a decision is reached, and it is largely as a result of the information gained in that direction that the members of the board have acquired the special knowledge called for under the Act. I do not suggest that every member of the board was an expert in these matters when first appointed, but as a result of subsequent experience and activities, each member has become an expert. They have built up a policy that they believe to be in the best interests of the State and we should be very careful not to do anything that would have a tendency to undermine that policy. It is doubtful if any magistrate in this State has studied the world-wide problem of transport by rail, road or air to such an extent as to render himself capable of assessing the financial and economic effect on the State as a whole, of any transport policy.

Hon. A. Thomson: He might know local conditions.

The CHIEF SECRETARY: Of course. We all know local conditions in our own districts and perhaps each feels at times that some particular aspect of the board's policy is detrimental to his particular district. We arrive at that conclusion without perhaps taking into consideration the fact that what we complain about is part and parcel of a policy that has general application. In those circumstances it is essential that we should be careful not to do something for one district that might have a detrimental effect on other districts. We can quite easily realise that in the district to which Mr. Thomson may refer, everyone associated with the locality from the magistrate downwards may feel that it would be better for them if they could be provided with something different from what operates in other parts of the State.

Hon. A. Thomson: Surely the magistrate would give his decision on the evidence placed before him.

The CHIEF SECRETARY: Quite so, but at the same time it is questionable whether a magistrate, whose primary duty is the interpretation of the law, should be required to state an opinion on matters that are based on a special knowledge of the circumstances that surround all forms of transport. If the clause were agreed to, and the board had decided that a license should not be issued, a magistrate could order the board to reverse that decision. In other words, the board would be compelled to do what, in its considered opinion, was wrong; thus the authority conferred on the board by Parliament might really be undermined. Notwithstanding the fact that the board after due investigation and consideration of all the facts had arrived at a particular decision in the interests of everyone concerned, one man—a magistrate—hearing only evidence affecting the particular district from which the application was made could say to the board, "Notwithstanding all your investigation, on the evidence supplied to me in this particular case I am going to find that the application should be granted and you must reverse your decision." It must be remembered that, by reason of its experience, the board is in a position to formulate a policy of State-wide import, and to give a magistrate the power to upset any decision made might very seriously interfere with a policy which has been framed from a co-ordinating point of view. A decision given by a magistrate would concern only the particular case presented to him, but its effect might not be confined to that instance. Even one wrong decision might have the effect of upsetting the whole of a very detailed and comprehensive transport

policy and place the board in a very invidious position in regard to other applications, which might have been refused.

Hon. A. Thomson: The people at Claremont would have liked an opportunity to support an appeal against a decision of the Transport Board.

The CHIEF SECRETARY: The hon. member referred to that point and I think it safe to say that in 99 instances out of a hundred when a local man had been refused a license, the road board would be quite prepared to support his application for an appeal to a magistrate. The applicant would be prepared, naturally, to say that, from his point of view, his application, if granted, would be of benefit to the people of that particular area. I can hardly imagine any road board refusing to support a local man in such an application. The Bill goes further and proposes to give a road board the right to utilise funds for the purpose of making an appeal. When he moved the second reading of the Bill, Mr. Thomson referred to the withdrawal of the stationmaster at Williams. I am advised that that action was decided upon purely for economical reasons. The business done at the station did not warrant the retention of the officer, but in deference to the request of the Williams Road Board and their efforts to increase railway business by influencing as much traffic as it could to be railed, it was decided to retain the stationmaster for six months longer. Had the original intention been adhered to, Williams would not have been in any different position from other railway stations which, owing to falling off in business, have had to be reduced to the status of unattended sidings. Much has been made of the shorter distance from Williams to Perth by road, but whilst the district had its road service, it is a fact that only in respect of goods in the two highest classes of railway rates were the road carriers' charges cheaper than by rail. Notwithstanding the fact that the distance by rail was much further than by road, the people of the district were not handicapped with regard to charges except in connection with those two highest classes of railway rates. The lower class goods were all carried by the railways on which the producers of Williams are as much dependent as are producers in any other part of the State. Experience of the operations of the Act to date is such that any amendments should be in the nature of tightening up rather than of relaxing its provisions, and I hope the House will agree with me that the Bill should be rejected. At various times members have stated that the Transport Board have done their work in a way that met with the approval of the people generally and more particularly has that been said since the appointment of the present chairman. I am assured that the board give every consideration to each application presented and have built up a policy, benefits from which we are just now commencing to reap. It is necessary and highly essential that we shall not undermine the authority of the board. If we are to permit the authority of the board to be undermined as is proposed in the Bill, it will be merely a question of time before the board will be of no use whatever. In view of the fact that the board was established in the first place in order to co-ordinate transport matters within the State and in order to make the position, from the railway point of view, much sounder, thereby enabling the Commissioner to carry the lower priced goods to and from the farming community at rates that have been in operation for years past, we would make a serious mistake if we agreed to do anything that would make the task of the Commissioner of Railways harder than it is at present. I oppose the second reading of the Bill, which I regard as highly dangerous.

HON. J. J. HOLMES (North) [9.29]: One thing I do admire about Mr. Thomson is his persistency. While I may admire his persistency in bringing a Bill of this description forward each session, I have stuck to the Government on previous occasions, or rather to the Railway Department, and I propose to do so on this occasion. I shall vote against the Bill. But for the fact that this House, with the other branch of the Legislature, embarked upon a policy of agricultural political railways that everyone knew could never pay, the necessity for the State Transport Co-ordination Act would never have arisen. I do not wish to go into details, but to-day a question was answered as to the amount of money expended on a railway from Denmark northwards. As far as I can gather the amount expended on that end of the railway was nearly £200,000. Now there is a proposal to pull up that railway. If some members of the House had that railway up their way that

extension would never have been made and so the expenditure would not have been incurred.

Hon. G. W. Miles: They want to keep the railway now.

Hon. J. J. HOLMES: Trusting to memory, the original proposal was to build a railway from Pemberton to Denmark. We were told that it was magnificent country that would be served by the railway, and Sir Hal Colebatch assured us that there were plenty of people ready to come from London to embark upon the settlement of that area. Then it was proposed to limit the construction of the railway from Pemberton a little distance east, and from Denmark a little distance west, but the trouble was that the people down there wanted the whole railway or no railway at all. It was made perfectly clear that if we embarked upon the big project it would be many years before money was available for the building of any other railway. So it was decided to build a line 20 miles eastward from Pemberton, because Pemberton had a port in Bunbury that would serve for export, and that the line should be built 20 miles westward from Denmark, which had Albany available as a port. So we first fix the extension at 20 miles from either end. We had a special session on this subject, and we brought up the Engineer in Chief and he said that it would be unwise to fix the extension at 20 miles and so ultimately we compromised and made it a bit more at either end in order to suit the Railway Department. Now we are faced with the proposal that one end of this railway be pulled up; that after having laid the railway at such a cost means should now be found to pull up the line. Then there came the question of the ranges. It was to be 30 miles, and then it was to be extended to 50 miles. But if it is a disadvantage to a man to be 31 miles away, a greater disadvantage to the man 32 miles away, and a still greater disadvantage to the man 34 miles away, it will mean that in the end we shall bring all the traffic back to the road and leave the railways idle. Then there is the question of magistrates and the decisions they would give and the distance over which a man should be allowed to cart wheat in his area or wool in his area—where would we get to if the magistrate at Geraldton decided that such and such a thing would be permitted, whereas the man at Albany decided that something else should be permitted and the man at Bunbury decided that it should not be permitted at all? The policy of building political railways has landed the department where it is to-day, and I will not be a party to depriving it of any of its revenues. Consequently I will vote against the Bill.

On motion by Hon. E. H. H Hall, debate adjourned.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT (No. 1).

Second Reading.

Debate resumed from the 13th October.

HON. G. FRASER (West—in reply) [9.36]: Only one member has addressed himself to the debate on this Bill, so I think I can accept the old saying that silence gives consent.

Hon. H. S. W. Parker: You are not going to spoil it, surely?

Hon. G. FRASER: No, except to say that I would prefer the Bill as I introduced it, but nevertheless I will accept the amendment Mr. Parker proposes to move and which appears on the Notice Paper.

Question put and passed.

Bill read a second time.

In Committee.

Hon. V. Hamersley in the Chair; Hon. G. Fraser in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 10 of the principal Act:

Hon. H. S. W. PARKER: The clause is no longer necessary. By arrangement it has been agreed that this clause should be struck out.

Hon. G. FRASER: I refresh the hon. member's memory. The clause originally proposed for striking out was that dealing with the premiums.

Hon. H. S. W. Parker: Yes, so this clause goes out.

Clause put and negatived.

Clause 3—Repeal of Section 13 of the principal Act:

Hon. H. S. W. PARKER: I move an amendment—

That the following words be added at the end of the clause:—"and the following section substituted:—

13. (1.) No articled clerk shall during the term of his articles hold any office or engage

in any employment other than the employment of a bona fide articled clerk to the practitioner to whom he is for the time being articled or his partner, if any, in the business practice and employment of a practitioner.

(2.) This section shall not apply to any articled clerk who before he enters upon or engages in any office or employment has obtained—

(a) the written consent of the practitioner to whom he is for the time being articled; and

(b) an order of a judge of the Supreme Court sanctioning the holding by him of the office or his engagement in the employment.

(3.) An order made under subsection (2) of this section may impose on the applicant such terms and conditions with regard to the office or employment as the judge thinks fit, and where any terms or conditions are so imposed and the applicant accepts or engages in the office or employment he shall, before being admitted as a practitioner, prove to the satisfaction of the Board by affidavit or otherwise that he has duly observed and fulfilled those terms and conditions.

(4.) An articled clerk who has omitted to make an application for an order under section (2) of this section before entering upon or engaging in an office or employment may at any time during the remainder of the term of his articles, or within one year after the expiration thereof, make to a judge of the Supreme Court an application for an order relieving him from any disability under subsection (1) of this section; and, if he proves by affidavit from the practitioner to whom he was bound, or other satisfactory evidence, that his holding of the office or engagement in the employment was with the consent of the practitioner and has not interfered with due service under his articles, the judge hearing the application may grant such relief and, as a condition thereof, may make such order as he thinks fit with respect to the applicant's service for the remainder (or any part of the remainder) of the term of his articles subsequent to his entering upon the office or engaging in the employment.

(5.) Not less than fourteen days before making an application for an order under this section the applicant shall give written notice of his intention to the Board stating his name and residence, and the name and place of business of the practitioner to whom he is or was articled and the nature of the office or employment, and the time which it is expected to occupy or has occupied, and the Board shall be given notice of and shall be entitled to be heard upon the hearing of any such application.

This amendment is an almost identical copy of the English Act. The original sponsor of the Bill expressed his readiness to accept this amendment, and so I commend it to members.

Hon. L. B. BOLTON: This amendment would prevent an articled clerk from being employed in any other capacity whatever. I do not like it.

Hon. G. FRASER: In that regard certain things can be done by application to a judge of the Supreme Court.

Hon. J. NICHOLSON: The amendment is reasonable. The Legal Practitioners Act provides that articled clerks shall bona fide serve their articles for the purpose of becoming qualified in a profession that demands attention. It is essential that when there is an articled clerk desirous of taking up some other occupation, the question of his doing so should be determined by some competent authority. The amendment will be a safeguard not only to the pupil but to the profession and general public.

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

Clause 4—Amendment of Section 14 of the principal Act:

Hon. J. NICHOLSON: It is proposed that a man who comes to Western Australia and applies for admission to the profession shall only be entitled to be admitted provided he can produce evidence that he has served his articles with a practitioner here, or a practitioner in England or Ireland, for two years. The admission of barristers from England and Ireland has been a recognised right since the earliest times. In this State the two branches of the profession are amalgamated, so that members become known as legal practitioners. In some States there is a distinction between the barrister and the solicitor. I do not know that we would be doing right if we passed this clause. It might affect qualified men from gaining admission to the profession in other countries. We should encourage reciprocity between parts of the Dominion wherever possible. I should like to see this clause deleted.

Hon. G. FRASER: If I agreed to delete this clause, our local men would be placed at a disadvantage. All it does is to place the barrister from overseas on the same plane as the man who studies and is called to the Bar in Western Australia. This applies only to the barrister, who is not necessarily trained as a solicitor.

Hon. H. S. W. PARKER: Certain people have a flair for bringing down Bills dealing with certain subjects. This measure is a typical example of how dangerous a thing a little knowledge can be. A barrister in England cannot serve in articles. It is impossible

that a barrister there should have served for two years in articles to a solicitor.

Hon. J. J. Holmes: Then why put in those words?

Hon. H. S. W. PARKER: If we do not pass this we shall be getting the Bill year after year. Let us get rid of it. It is a good thing that young men should be sent to England, where they get the best possible tuition in law, and it would be hard if we shut them out when they returned to this State. Already there are men waiting to be admitted to the profession. The clause should, therefore, not apply to persons who have been admitted to the profession in England prior to December, 1938. The effect of the clause will be to prevent any practitioner in Western Australia practising in certain other States of the Commonwealth.

Hon. J. Nicholson: The clause ought to be struck out.

Hon. H. S. W. PARKER: I am sick and tired of this continual hammering at the Legal Practitioners Act. One day the sponsor will wake up, when he sees the effect it will have. Then perhaps we shall get some peace. I shall ask the Committee to agree to the clause, but only with my amendment. I move an amendment—

That after "and" in line 3 the following words be inserted:—"Any such barristers so admitted after the thirty-first day of December, 1938."

Hon. G. FRASER: The hon. member started off by saying that the clause was harmless and meant nothing, and then he declared it was going to interfere with men elsewhere. Either it is going to do good or harm.

Hon. J. Nicholson: It will do harm to the man who qualifies here.

Hon. G. FRASER: I do not know how that can occur.

Hon. J. Nicholson: It would be better to report progress, and then you could think it over.

Hon. G. FRASER: It seems to me that something is certainly required, and the clause is what is really needed.

Hon. J. Nicholson: In twenty years I have not known of more than four men from England or Ireland to be admitted here under that provision.

Hon. H. S. W. Parker: Why not include Scotland?

Hon. G. FRASER: I understand it is possible for a man to be admitted in England purely as a barrister, and to come here and practise as a barrister and solicitor. Yet a person called to the Bar here must have the necessary qualifications before he can be admitted as a barrister and solicitor. The object of the Bill is to place everyone on the same footing.

Hon. J. Nicholson: I can quote two good instances. The late Mr. E. A. Harney, from the Irish Bar, and also Mr. Keenan, from the Irish Bar.

Hon. H. S. W. Parker: And Mr. Nicholson, from the Scotch Bar.

Hon. J. J. HOLMES: The hon. member would be wise to report progress. What I gather from Mr. Parker is that we should pass the Bill so as to please members in another place. He tells us that it does not mean anything, but that we can pass it all the same. At the same time, he tells us that it will prevent men in this country practising in another State, because there will be no reciprocity. If we are going to penalise young men in this State so as to please members of another place, then until I get the atmosphere clear, I shall vote against the clause.

Hon. H. S. W. Parker: In some States there is no reciprocity; in others, there is.

Hon. G. FRASER: The Bill as it stands is, I understand, acceptable to the Law Society of the State. Anyway, we can at this stage report progress.

Progress reported.

House adjourned at 11.5 p.m.