

visory Board to report. I am pleased to know that when the Minister for Works visited the district he was greatly impressed. Speaking at Boyup Brook he said he was astonished to find such fertile country. He told the people that it was the policy of the Government not to make half-promises, but that when they put a railway on their programme, they intended to build it according to the Advisory Board's report. I know I am boosting the district somewhat, but I could not miss the opportunity to say a few words in favour of an undertaking that will make for the welfare of this State and of Australia generally.

**MR. E. B. JOHNSTON** (Williams-Narrogin) [10.49]: I desire to say a few words in support of the construction of a railway from Boyup Brook to Cranbrook, a proposal that has already received approval from all sides of the House. I hope that the Government's action in introducing this Bill, with which we all agree, indicates that they intend to begin an era of active railway construction throughout the State. The Government have acted wisely in introducing this measure as recommended by the Railway Advisory Board some months ago. So long as the Government adhere, as this Government always have, to the routes which that independent tribunal recognised as the best routes, they will be on safe and wise ground. It is pleasing for the member for Nelson (Mr. J. H. Smith) and others, who have advocated this line for so many years, to see the consummation of their hopes. Quite 20 years ago a railway in this direction was forecasted. Before that, it was desired by the late Lord Forrest when Premier, but nothing has been done in a practical way to bring to fruition the wishes of the settlers there, until the Government brought down this measure.

Mr. A. Wansbrough: It was definitely promised.

Mr. E. B. JOHNSTON: Yes. This line will serve a number of old settlers in the district. It is pleasing to know that at last the iron horse is coming along. This railway will form another connecting link between the Great Southern and the Great Western districts. The land along the Great Southern may be said to comprise the best part of the State, and the more the Government can open up these lands east and west, the better it will be for the State. The member for Nelson has referred to the large amount

of timber in the district, as well as to the old settlers there. Undoubtedly there is room also for many thousands of other people to be settled along the route of the line, and in the district to be served by it. The land is exceedingly fertile and well watered. I know it well. It is eminently suited for close settlement. I believe there will be room there for homes for thousands of people. In giving my approval to this railway, I hope the Government will not be satisfied merely with the authorisation to construct it, but will build it as quickly as possible.

The Minister for Lands: We do build the railways we get authorised.

Mr. E. B. JOHNSTON: I know that. I am not finding any fault. I am approving the action of the Government in bringing down this Bill, and expressing the hope that the line will be built quickly.

Question put and passed.

Bill read a second time.

*In Committee.*

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

*House adjourned at 10.55 p.m.*

## Legislative Council,

*Wednesday, 24th November, 1926.*

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

**BILL—ALBANY HARBOUR BOARD.**

Read a third time, and transmitted to the Assembly.

**BILL—ROADS CLOSURE.**

*Third Reading.*

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central) [4.35]: I move—

That the Bill be now read a third time.

**HON. SIR WILLIAM LATHELAN** (Metropolitan-Suburban) [4.36]: I was not present on the evening when this Bill was dealt with, and I wish to express my appreciation of the Chief Secretary's action in affording members ample opportunity to view the localities affected by the Bill. I visited the scenes of both the closures applying to the City of Perth. In my opinion, it is well that in connection with all road closures members should have full knowledge of what is being done. Strange though it may appear, before Victoria Park was taken over by the City of Perth, except as regards one small area no reserve had been created in that municipality. In one of the roads to be closed the Perth City Council have purchased about 50 allotments with a view to creating a reserve for the people. There are no houses in the locality at present, but it is all mapped out and the streets are formed. By the closing of a street under this Bill, two lots of about three acres each, making in all  $6\frac{1}{4}$  acres, will be rendered available for a reserve. The other closure to which I desire to refer affects a very old part of East Perth. On one side the City Council have had a small reserve for a great number of years, but have been unable to do anything with it because on the other side of the street there has been some low-lying ground. This has now been filled up. The road, which is of no use, having been closed, there is an opportunity of creating a very fine reserve for the people in that district. My reason for rising is to express my appreciation of the full opportunities afforded to members by the Chief Secretary for viewing the localities with which the Bill deals.

Question put and passed.

Bill read a third time, and returned to the Assembly with an amendment.

**BILL—STATE INSURANCE.**

Report of Committee adopted.

**BILL—ROAD DISTRICTS ACT AMENDMENT.**

*Second Reading.*

Debate resumed from the previous sitting.

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central—in reply) [4.39]: Mr. Cornell, in the course of his speech, objected to the new provision that a general election shall be held once in three years. The present Act provides that one-third of the members shall go out of office each year. Mr. Cornell says there has been no mandate for a change. The only way in which a mandate can come is per medium of the local authorities, and the last Road Boards Conference had a special discussion on the point and approved of the proposal. There does not appear to be much in the argument that the present system provides for better continuity of service. The same argument might be applied to elections for the Legislative Assembly. It must be borne in mind that as regards the Assembly, many sitting members are invariably returned. If there were such a thing as a clean sweep at a district council election, there would no doubt be some justification for it. The next point on which opposition is offered is the clause dealing with gratuities to officers or employees. That is Clause 27, which amends Section 129 of the Act. The position now is that on the resignation or death of an officer, or on the cessation or abolition of the office of an officer, the board may, with the approval of the Minister, grant a gratuity not exceeding one month's salary for each year of service. At the request of the Road Boards Association the Bill provides for the insertion of the word "employee" in place of "officer." In many cases boards have believed themselves to be under an obligation to grant a gratuity of one month's salary for each year of service when the secretary or other officer was resigning in order to accept a better position elsewhere. The Government consider that in such a case the officer should get nothing by way of gratuity unless he has served for at least ten years, and, similarly, that if a board should abolish an office, the officer who thereby loses his position should not expect to receive a gratuity except for long and faithful service. This obtains under the Public Service Act.

Hon. J. Cornell: The safeguarding is always in the hands of the Minister. Why not let the existing section stand?

The CHIEF SECRETARY: In the past, gratuities have been granted to road board officers resigning in order to accept a position with a higher salary elsewhere. With the amendment as proposed, a road board may grant a gratuity to an officer who has served for less than ten years in special cases, say if he is retired on account of physical or mental incapacity; or the gratuity may be paid to his relatives if he dies. Apart from those considerations, the Bill does not permit of the payment of gratuities.

Hon. J. Cornell: There ought not to be any gratuities. The officers ought to be paid sufficient wages.

The CHIEF SECRETARY: Mr. Cornell dealt clearly with Clause 32 of the Bill as amended in another place. The clause refers to powers for the opening of new roads and the diversion of old ones. His remarks cover the reasons which have actuated the clause. There have been frequent instances of the kind quoted by Mr. Cornell, and it is necessary that there should be some power to override the local authority; otherwise appreciable hardships would arise in the future, as has been the case in the past. The words "or a ward of the district in which the road is situated" are essential in order to give full effect to the clause, as it is feared that a ward may be out-voted by persons having no direct interest whatever in the question under consideration. Mr. Cornell pointed out that as the law now stands, the successor of an original selector is granted the same privileges for any unexpired portion of the term in regard to exemption from rating as the person who first took up the block; and the hon. member drew attention to the fact that the Bill seeks to abolish that privilege unless the Under Secretary for Lands otherwise directs. Let me explain. The existing Act provides that land taken up under conditional purchase shall be exempt for a period of two years. Land taken up under the group settlement scheme is exempt for a period of five years. Many road boards have complained that owing to the existing conditions a block may be exempt for two years and then become forfeited to the Agricultural Bank, whereby it reverts to the Crown, and that then, upon being re-selected, the block is exempt for a further period of two years. And so the process goes on, to the disadvantage of the local authority.

Hon. A. Burrill: The Agricultural Bank pays no rates to the road board?

The CHIEF SECRETARY: No. In this regard the Agricultural Bank is in a different position from any other bank; because if an advance is made by an ordinary bank, and they foreclose and dispose of the property, the new owner immediately becomes liable for rates. Clause 48 meets this situation by providing that, after the expiry of two years, if the land reverts to the Crown and is again selected it shall become liable to be rated, unless the Under Secretary of Lands certifies that it is not sufficiently improved.

Hon. J. Cornell: If that is the intention, I have no objection.

The CHIEF SECRETARY: That is the intention. It is a reasonable precaution, and is taken with the approval of the recent Road Boards Conference. Mr. Harris objects to Clause 8 because it provides that a board may be abolished if its revenue does not reach £500 per annum during two consecutive years; it is now £300 per annum. It is true that 13 road boards failed to collect £500 last year and also in the year before, but it does not necessarily follow that, if the Act is amended as proposed, any of them will be abolished. In the past boards have failed to collect £300 per annum, and when their cases have been considered the first thoughts have been the welfare of the ratepayers; the ratio of administration to the revenue; the future prospects of the district; and the manner in which the district is governed by the board. All these circumstances are taken into consideration. We do not want to abolish any board that is discharging its duties satisfactorily.

Hon. J. Cornell: If you were to abolish, say, the Norseman Road Board, you would have to take over a territory almost as large as Victoria.

The CHIEF SECRETARY: If a board can show that the revenue it receives is sufficient to enable the board to give reasonable attention to roads and bridges, etc., without calling upon the Government for special assistance, and provided further that the ratepayers are satisfied, the Governor would certainly not abolish the road district. The sum of £300 was fixed under pre-war conditions; £500 to-day is worth much more than £300 was in pre-war days. The Road Board Conference did not object to this provision. Mr. Harris also says the Bill makes no provision for re-constituting a board that has been amalgamated with another Board. Section 8, Subsection 2 of the Act makes full provision for doing so by

**Order-in-Council.** Mr. Harris also objects to elections taking place only once in three years. The Road Board Conference almost unanimously favoured this. Moreover the question can be further discussed in Committee. He objects also to Clause 56, amending Section 243, which provides that in the event of the Minister deciding that a board shall adopt the valuations fixed by the Taxation Department there shall be no appeal. It would be rather absurd if the Minister ordered the board to adopt the valuations of the Taxation Department and then gave to that board, which had previously failed to adopt fair valuations, the right to sit as a board to review the valuations of the Taxation Department. Nor does the Minister consider that a local court is in a position to review the valuations of the Taxation Department. It is necessary that some such provision as that should be made, as many boards deliberately under-value their lands in order to escape taxation. On the other hand many boards themselves have made fair valuations, and quite a number of them voluntarily adopt the valuations of the Taxation Department. Mr. Hamersley objects to provision being made that would enable road boards to carry on such services as ferries and transport. Section 227 (c) already gives power to boards to borrow money for the purchase and establishment of ferries, wharves and jetties, etc., provided of course the people approve of any proposal for borrowing money for such purposes. The Melville Road Board has in fact subsidised the Fremantle Tramway Board for a tramway service, although they have no legal authority to do so. That is one of the reasons why we ask for wider powers. Mr. Hamersley also objects to boards being given power to, as he puts it, run hospitals. Section 160, Subsection 20 of the existing Act, already gives power to a board to subsidise any district nursing system or hospital, or any duly qualified medical practitioner. We now seek to give proper authority to boards to build or acquire a hospital. As a matter of fact, in anticipation of this legislation the Katanning Road Board have undertaken to pay interest and sinking fund on one half the cost of their new hospital, and other local authorities are willing to follow the same course.

Hon. A. Burvill: Have municipal councils this power?

The CHIEF SECRETARY: No, not so far as I know. Generally it can be said, with two exceptions, namely, one ratepayer one vote, and the provision in regard to fencing, that no exception has been taken to the proposed legislation by the recent Conference of Road Boards.

Hon. J. J. Holmes: Did the Road Board Conference agree to the one ratepayer, one vote proposal?

The CHIEF SECRETARY: No. I stated that definitely when moving the second reading; I gave a list of the principles of which the conference approved, and of the principles of which conference disapproved. Mr. Burvill thinks the building of workers' homes is not one of the functions of road boards. The Bill merely gives to the road boards power to build such homes for their own employees, if they think fit. No general desire has ever been expressed that workers' homes generally should be built by road boards; however, many road boards have been anxious to build homes for their secretaries, but at present have not the power to do so. If the power is granted, I do not think it will be exercised for any other purpose. At any rate, if buildings are erected, they must be for the employees of the local authority. Mr. Stewart, in a comprehensive speech, raised numerous objections, but I think we can deal with them much more effectively in Committee. I shall be very glad if members will place their amendments, if any, on the Notice Paper, so that they may be scrutinised and examined in order that I may be supplied by the department with information that will enable me to give a clear exposition to the Committee.

Question put and passed.

Bill read a second time.

#### **BILL—LEGAL PRACTITIONERS ACT AMENDMENT.**

Received from the Assembly and, on motion by Hon. J. Nicholson, read a first time.

#### **BILLS (3)—FIRST READING.**

- 1, Royal Agricultural Society.
- 2, Ejanding Northwards Railway.
- 3, Boyup Brook-Cranbrook Railway.

Received from the Assembly.

# **BILL—SHEARERS' ACCOMMODATION ACT AMENDMENT.**

*In Committee.*

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

Clause 1—agreed to.

Clause 2—Amendment of Section 2:

Hon. G. W. MILES: I move an amendment—

That all the words after "amended by" be struck out, and the following inserted in lieu:—"the deletion of all words following the words 'number of,' and the substitution of the words 'sheep shorn or to be shorn during the current or approaching shearing season, does not exceed 6,000.'"

The CHIEF SECRETARY: The amendment will alter the basis on which the Act is applied to shearing sheds, from the number of shearers employed, to the number of sheep to be shorn. A similar principle was contained in the Bill when it was introduced, but the term "employer" was amended by adding the words "at which more than 1,000 sheep are shorn during the shearing season." The proposal was exhaustively debated and members representing pastoral constituencies agreed that the number of persons to be accommodated was a better basis than the number of sheep to be shorn. That is the common sense view to take of the question and it should not matter how many sheep are shorn, or how many men it takes to shear them, if the number of men was so low that there could be no overcrowding in one room. It is unlikely that the settler, with comparatively few sheep, would employ six or more shearers, even including the shed hands as the interpretation indicates. If less than six are employed the Act will not apply. I hope Mr. Miles will not press the amendment.

Hon. Sir EDWARD WITTENOOM: I hope members will view the amendment favourably. When the Chief Secretary introduced the Bill he said that one of the reasons why inspectors rarely visited shearing sheds was that unless they went there at shearing time they could not tell whether there were two, four, or six shearers employed, and for that reason as well as others, inspections were rarely carried out. The Act reads, "This Act shall not apply to buildings provided for the accommodation of shearers in cases where the total number of shearers employed is less than eight."

The Bill provides for less than six. If we look at the interpretation of "shearer" in the Act, we find that it reads—

"Shearer" means any person employed in or about any shearing shed or on any work connected therewith, but does not include . . .

When we talk of a shed of six shearers, it practically means a shed of two and if the Committee intend to retain this, it is obvious that we must amend the definition of "shearer," because when we talk about limiting the shearers and we include shed hands, we will know where we are. Let us have it either shearers or shed hands. The amendment will do away with all that trouble. We can leave the definition of "shearer" as it is, and agree to the amendment. In that way the position will become perfectly clear.

Hon. J. J. HOLMES: I support the amendment. If I had been here when the second reading was moved I should have voted against it. No one has asked for the Bill. The Act was passed in 1912 and I don't think there has ever been a prosecution.

The Honorary Minister: And a good reason why.

Hon. J. J. HOLMES: The industry seems to be going on fairly well, and it seems to me that when anything goes along satisfactorily, it becomes someone's duty to introduce amendments to legislation for the purpose of harassing and annoying people. If you have a four-stand shed to-day, it means the employment of 13 men, only four of whom are shearing. It is not the shearers that we have trouble with. The shearers are engaged on piecework, and they work very hard and earn what they get, but it is the nine hangers-on who harass not only the pastoralist, but the shearers as well.

Hon. E. H. Gray: Do you include the cook amongst the hangers-on?

Hon. J. J. HOLMES: Yes.

Hon. E. H. Gray: Then he is a hanger-on too?

Hon. J. J. HOLMES: Owing to the loading of the shearing shed with an unnecessary number of rouseabouts, we must have a definition of "shearer," or we must define the number of sheep to be shorn. I consider that to define the number of sheep to be shorn is a step in the right direction.

Hon. E. H. Gray: Anyhow, why should they not have decent accommodation?

Hon. J. J. HOLMES: Of course they have decent accommodation; nobody wants

anything but decent accommodation for the shearers. Let me give an instance of what occurred last year during shearing. There was a very hot day like to-day, and the owner of the shed removed the iron from the side of the building, in order to improve the condition of things. On the same night there was a storm and the owner had to put the side back again. When shearers go on the premises they simply take charge and get everything they want. Here is another illustration: The Act provides that the buildings shall be properly built and ventilated. The men go further and insist on being supplied with candles and lamps so that they may play two-up and gamble all night and the owners have to give them what they want! It is no use arguing the point. The shearers themselves earn whatever they make, but the industry is penalised by the others who go along with the shearers. If the Bill is passed without some definition of what "shearer" is—at present it includes everybody—or the number of sheep to be shorn, another difficulty will be added to those already imposed on the people who are developing this country.

The CHIEF SECRETARY: The remarks of Mr. Holmes may be misunderstood. No one permanently employed on a station is brought within the scope of the definition of a shearer. His suggestion that four shearers must have a retinue of nine hangers-on presents a new phase. The cook is not included, but only those who come to the station as shearers or shed hands.

Hon. J. J. HOLMES: Let me make the position clear. There are four shearers. With each of the shearers comes a rouseabout, who has to pick up the wool that the shearer cuts off the sheep. Then there is the penner-up, who puts the sheep in the pens.

The Honorary Minister: But he would be on the job.

Hon. J. J. HOLMES: He is not on the job. A station man could not be put on to do anything in connection with the shearing, for the moment he was put on there the station owner would have to make a unionist of him. Once the station hand becomes a unionist, he is of no further use to anyone. Then there is the presser, the expert and the cook. Only four men out of the crowd do the real work.

Hon. E. H. Harris: Are there always nine hangers-on, as you term them, to every four men who are doing the actual shearing?

Hon. J. J. HOLMES: Not necessarily. If there are eight shearers, there will be eight rouseabouts. When you get beyond a certain number of shearers the number of extra hands goes up automatically, such as an additional presser and an offsider to the cook, and so on. Nine hangers-on on the basis of four shearers would be a fair average. There is more trouble between the shearers and the rouseabouts than there is between the shearers and the employers.

The Honorary Minister: You did not mention the employers or the overseers when you referred to the hangers-on.

Hon. J. J. HOLMES: If there were no station owners, these men would not be drawing big wages, but would be walking the streets without employment. Every time we penalise a back-block industry that is being developed under adverse conditions, without picture shows and such like amusements, it will be reflected upon the city, and additional men here will be put out of employment. We must have a proper definition of a shearer or else specify the number of sheep to be shorn. I think the latter course would be preferable.

Hon. G. W. MILES: The Committee should understand that this will not affect the big station holders, for they have the accommodation already. The small men, such as those who are starting operations in the north-eastern goldfields districts, are those that will be penalised. They will be taxed and will have to provide all the special accommodation for shearers who will be there for two weeks' work only. The Honorary Minister referred to overseers. In most instances the owner and the overseer have to live in bough sheds while they are opening up stations, yet they are to be asked to provide all the things mentioned in the Bill for the shearers and others working in connection with their operations! The present Act provides all that is necessary, and there have been no prosecutions to date. Instead of doing everything possible to assist those who are starting a new industry in different parts of the State, we are asked to agree to harass them. The money that will be necessary to provide extra accommodation and so on, could be better spent in opening up the country. I have lived in a bough shed for five or six years on end, and some of my happiest days were spent under those conditions. On the other hand, the shearer wants big money, better accommodation and

more air space than the factory hand who has to work eight hours or so in the city.

The HONORARY MINISTER: Mr. Miles has not had a monopoly of living in bough sheds. Perhaps some of the happiest days of most of us have been spent in bough sheds. It has to be remembered that the shearers to-day have to work at top speed. Perhaps I have been in more shearing sheds throughout the State than any other member in the House, including those representing the northern parts of the State. There is no shed from Mullewa to the Kimberleys that I have not been in; I know the conditions that obtain in them. It is not intended to deal harshly with the small men. It is generally recognised that the sooner the shearers are off a station, the better it is for the owner. The fact remains that some of the station owners have been side-stepping their obligations, and they should be made to conform to the law. There are a few sheds that I could mention that are positively disgraceful, yet we cannot deal with them under the existing law. I know the position of the station properties in the Eastern Goldfields area, and I know the stock that is being sent to those properties. The owners there need fear nothing because of the passing of this legislation. Every assistance will be given to them. Mr. Holmes drew the long bow about the hangers-on. No one knows better than he what the position really is. I know his property in the Kimberleys.

Hon. G. W. Miles: There are no sheep there.

The HONORARY MINISTER: But one never knows when sheep will be sent up there. Mr. Holmes talked about the retinue of hangers-on that go with the shearers. He also expressed his disapproval because men were asked to take out union tickets. Mr. Holmes should remember that they are not people who come to the sheds with the shearers, but are already on the station.

Hon. J. J. Holmes: On a point of order. I did not say what the Honorary Minister is attempting to attribute to me. I said these men do not represent members of the station staff at all, but are men who come with the shearers. I also said that we could not put one of the station staff into the shearing shed without making a unionist of him, and if that were done, the man concerned would be of no further use.

The HONORARY MINISTER: Mr Holmes is merely side-stepping the point.

Hon. J. J. Holmes: I am not side-stepping it at all.

The HONORARY MINISTER: Of course you are.

Hon. J. J. Holmes: On a point of order, I was not side-stepping anything at all. I was merely repeating what I said at the outset, and I object to the use of the term "side-stepping" in connection with my remarks.

Hon. E. H. Gray: At any rate, you said something that was not true.

Hon. J. J. Holmes: I did not.

The CHAIRMAN: Order! I ask Mr. Gray to withdraw his remark.

Hon. E. H. Gray: Mr. Holmes said that once a man took out a ticket—

The CHAIRMAN: Order! I ask the hon. member to resume his seat. When Mr. Holmes was speaking, the hon. member interjected that something he had said was not true. I ask that that remark be withdrawn.

Hon. E. H. Gray: Well, he did say something that was untrue, but I withdraw.

The CHAIRMAN: Order! I ask the hon. member to withdraw the remark without any qualification.

Hon. E. H. Gray: I withdraw.

The HONORARY MINISTER: I do not wish to prolong the discussion. I understand something about this business, particularly from the industrial side, and I know the position that exists in various sheds throughout the State. I thought it was wrong to allow the argument to proceed any further without raising a protest. Mr. Holmes, in his characteristic way, indulged in gibes regarding the lighting of the sheds. In view of my experience, I know that lighting is necessary, but not for the purposes of playing two-up. These men are too tired and too wool-hungry to play two-up during the night, while they are on the job. They are generally too anxious to get back.

Hon. J. J. Holmes: The shearers may be tired, but the others are not.

The HONORARY MINISTER: Mr. Holmes was wrong in his remark about the hangers-on. He has to fix his agreements and he would not sign up for four shearers and about 17 hangers-on. I would like him to produce his agreements to substantiate his arguments. I can produce copies and shall do so if necessary.

Hon. C. F. BAXTER: It does not matter what the agreements provide; it is the definition of "shearer" that does matter. As it

stands, it includes men working in or about the shearing shed, and that might be taken to include the men who do the branding and yarding.

Hon. Sir EDWARD WITTENOOM: The question is who is to be excluded from the operation of the measure and under what conditions? The Act stipulates eight shearers and it is now proposed to reduce the number to six. The unfortunate part is that shearers and shed hands have become so mixed up that the term "shearer" really does not mean what it implies. I favour the proposal to limit the number of sheep to 6,000, because that would make the position clear. We do not want the measure to apply to small men who are shearing only 3,000 or 4,000 sheep. Shearing on the farms is undertaken by farmers' sons and other men who travel home on motor bikes at night, and what is the use of insisting upon accommodation being provided in those instances?

Hon. W. H. KITSON: I hope the amendment will not be accepted. The only satisfactory method is to stipulate the number of employees, just as we do under the Factories and Shops Act. I should be sorry if the views expressed by Mr. Holmes regarding the men employed in shearing sheds were shared by the squatters generally. There are few workers deserving of greater consideration than are the men who engage in shearing.

Hon. J. J. Holmes: I made an exception in the case of shearers.

Hon. W. H. KITSON: Why not give equal consideration to the cook, the shed hand and the presser, men who work under conditions similar to those of the shearer? Although such men might be on one station for only a fortnight, they are living on stations for several months in the year, and is it not fair that reasonable conditions should be prescribed for them? I have worked on stations under conditions that I would ask no man to submit to, and it is necessary that something should be done. If the limit of 6,000 sheep were adopted, there are many stations shearing fewer than that number that would be subject to no restriction and would be able to impose any conditions regarding living quarters.

Hon. Sir Edward Wittenoom: How long would the shearers put up with bad conditions?

Hon. W. H. KITSON: They have put up with them for years. If we want men to undertake this work in the back country, we

should ensure decent living quarters, lighting and similar conveniences. Whether there be 12 men employed or only two, they are entitled to decent treatment. I am sorry that any statement should have been made about hangers-on. If it were not for the shed hands and the other men referred to the squatters would not be in the position they occupy to-day. The shearers have waited patiently for years for an improvement of living conditions and should no longer be denied it.

Hon. V. HAMERSLEY: It might be implied from Mr. Kitson's remarks that this measure will operate only in the far north. It will apply to places where men lose very little time in getting from their homes to the shed. Such men travel rapidly nowadays in motor lorries, motor cars and motor cycles. Most of them have motor cars. Men now included as shearers at one time were not classified as such, with the result that the men who work the shearing machines find themselves over-ruled in their organisation by the large number of rouseabouts admitted to their membership. Such men are in a majority on every shearing board and, whenever a wet day comes, they are the men that cause trouble. It does not matter how much time is lost; they have to be paid, because they are on a high weekly wage granted under an award of the court. The shearer can earn money only when the sheep are dry, he being on contract work. The shed hands and the rouseabouts and those whom Mr. Holmes described as hangers-on cause more trouble than do the good shearers.

The Honorary Minister: Quote an instance of the rouseabouts having made the sheep wet.

Hon. V. HAMERSLEY: There have been some extraordinary instances.

The Honorary Minister: Quote one.

Hon. V. HAMERSLEY: There are many such instances. In the North few wet days are experienced, but in the South-West where wet days may be frequent, the cost of shearing has mounted up considerably. A large number of farmers in the newer districts are putting sheep on their holdings, and they have not the capital to provide the accommodation stipulated in this Bill. They have the greatest difficulty to get a start owing to the cost of sheep, wire, machinery and sheds. Apparently some members desire to penalise an industry that is on the wane. I say on the wane, because I am convinced that pastoralists are not going to make undue profits in the future. I expect that

the price of wool will recede year by year. Many men in the newer districts, having embarked on the sheep industry, sell their sheep in the wool and lose the profit they otherwise would reap, because they cannot afford to construct the buildings necessary to put through their shearing. The price of timber and iron is beyond all reason. The amendment would safeguard the interests of the small men who, when starting, require some consideration. If the accommodation provided is not sufficient, the men will refuse to do the shearing. It is unreasonable to expect the small men to put up all these buildings. If this is insisted upon, the industry will be greatly hampered.

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

Ayes	..	..	..	14
Noes	..	..	..	8
				—
Majority for	..	..	..	6
				—

#### AYES.

Hon. A. Burvill	Hon. G. W. Miles
Hon. J. Ewing	Hon. J. Nicholson
Hon. V. Hamersley	Hon. E. Rose
Hon. J. J. Holmes	Hon. H. Stewart
Hon. G. A. Kempton	Hon. Sir E. Wittenoom
Hon. Sir W. Lathlain	Hon. H. J. Yelland
Hon. W. J. Mann	Hon. C. F. Baxter
	(Teller.)

#### NOES.

Hon. J. R. Brown	Hon. E. H. Harris
Hon. J. E. Dodd	Hon. J. W. Hickey
Hon. J. M. Drew	Hon. H. Seddon
Hon. E. H. Gray	Hon. W. H. Kitson
	(Teller.)

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

#### Clause 3—Amendment of Section 3:

Hon. G. W. MILES: I move an amendment—

That after the word "overseer," in line four, the following words be inserted:—"and the insertion of the words 'at which the number of sheep, shorn or to be shorn during the current or approaching shearing season, is more than six thousand' after the word 'shearing-shed' where it first occurs."

The Chief Secretary: This is merely a consequential amendment.

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

#### Clause 4—Amendment of Section 6:

Hon. G. W. MILES: I move an amendment—

That paragraph (2) be struck out.

This refers to the space that is allowed to shearers for their sleeping accommodation.

The CHIEF SECRETARY: I trust this amendment will not be carried. The paragraph is designed to give the shearers adequate air space for their sleeping accommodation. I do not know how it came to be provided that they should have only 360 cubic feet of air space, for this is contrary to modern science. More air space is provided for the prisoners in the Fremantle Gaol than Mr. Miles proposes to allow the shearers.

Hon. Sir EDWARD WITTENOOM: The Act says that not less than 360 cubic feet of air space shall be allowed for each individual. That has been the law since 1912, and we have been told that there have been no convictions and no complaints. That there have been no complaints is proved by the fact that the inspectors have launched no prosecutions.

Hon. J. J. HOLMES: In part of the State where the Act will apply, the shearers sleep in the open air, notwithstanding the accommodation that is provided for them. If rain does happen to fall once in the season, it would not be doing the shearers an injury to ask them to sleep in a room which provided for 360 cubic feet of air space for each individual.

Hon. V. HAMERSLEY: My experience of shearers is that they do not want much air. They will even close the windows and doors to keep the air out.

The Honorary Minister: Where?

Hon. V. HAMERSLEY: I know this of my own knowledge. They have even blocked up the air spaces, and kept the fire going in the grate. They do their best to shut out the air. Why make such a foolish regulation for air space in rooms used for a fortnight or three weeks in the year? The regulation is rightly applicable to factories, but not as here proposed.

Hon. G. W. MILES: Our existing Act provides for 360 cubic feet of air space. The New South Wales Act provides for 240 cubic feet. Our Factories and Shops Act requires 350 feet, and this applies to rooms in which people work all day all the year round. The Bill suggests 480 cubic feet for a room occupied only for a fortnight or three weeks during the year. Most of the stations in the North have excellent accommodation for shearers. At Murgoo Station, I may remark, there is an annual race meet-

ing, and the visiting ladies then occupy the shearers' quarters.

Hon. E. H. Gray: This subelause would not affect such a station.

Hon. G. W. Miles: Special accommodation is to be provided for shearers on small holdings, whereas visitors to stations are content to occupy sheep pens. There is no reason for altering the existing provision.

The HONORARY MINISTER: There are many stations on a par with Murgoo, as described by Mr. Miles.

Hon. G. W. Miles: The majority are.

The HONORARY MINISTER: The Bill is not aimed at such stations. It is aimed at the few stations which are not on the level of those described. The accommodation which is used in connection with a picnic race meeting should not be adduced in the consideration of such a measure as this. We have to legislate not for the good employers, but for the few who do not carry out their obligations.

Hon. G. W. Miles: Will you name some of them?

The HONORARY MINISTER: I can name some. Sir Edward Wittenoom stated that there have been no prosecutions under the parent Act during the last 14 years, but there have been complaints during that period, some of them relating to stations in Sir Edward's own district. I sent an inspector there, but the department found themselves helpless in the matter. I hope there will be no prosecutions under this Bill, but prosecutions will take place if those station owners who so far have not lived up to their obligations fail to do so in the future. Not many years ago shearers had to work with niggers and gins, but that position has been altered as the result of conferences and understandings.

Hon. J. J. Holmes: Without any amendment of the Act.

The HONORARY MINISTER: With increased prosperity to the station owners, there has been no considerable increase in the earnings of the shearers. The space suggested in the subelause is not as great as that allowed to inmates of the Fremantle Prison.

Hon. V. HAMERSLEY: The Honorary Minister referred to gins, who did the picking-up for the shearers.

The CHAIRMAN: That is hardly relevant to the question of air space.

Hon. V. HAMERSLEY: I wish to point out that the men were not working hard, and that the gins were doing the picking-up. Under those conditions the station was employing men in accordance with an award, and yet those men were not required on the job. The men employed the gins to do the picking-up. The existing definition of "shearer" included those men. The accommodation for them had to be provided by the station, and it represented unnecessary expense.

Hon. E. H. GRAY: A wonderful feature of the argument put up by some members is that if they were building sheds themselves, they would provide larger accommodation than that demanded by the Bill. Mr. Hamersley, who always bolsters up contentions of this nature, is known to be one of the best employers in his district. Mr. Holmes would not have the courage to go into his own quarters and make statements of the kind he has made here to-day, nor would he venture to make them before a North-Western audience. The Bill is intended to deal with a small minority of employers.

The CHAIRMAN: The question before the Chair is the air space.

Hon. E. H. GRAY: People living in small, confined places must be designated as people who pig. The references which have been made to the Factories and Shops Act are probably based on some amendment made by this Chamber. Various members seem prepared to give prisoners more air space than they will give to shearers.

*Sitting suspended from 6.15 to 7.30 p.m.*

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

Ayes	..	..	..	..	13
Noes	..	..	..	..	5

Majority for .. 8

#### AYES.

Hon. A. Burvill	Hon. J. Nicholson
Hon. V. Hamersley	Hon. E. Rose
Hon. E. H. Harris	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. G. A. Kempton	Hon. Sir E. Wittenoom
Hon. Sir W. Lathlain	Hon. J. Ewing
Hon. G. W. Miles	(Teller.)

#### NOES.

Hon. J. R. Brown	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. E. H. Gray
Hon. J. W. Hickey	(Teller.)

Amendment thus passed.

Hon. G. W. MILES: I move an amendment—

That in Subclause (3) all words after "food," in line two, be struck out.

There is no objection to the provision for storage of food, but on a station very often the bedroom adjoins the dining room, as indeed frequently happens in private houses.

The CHIEF SECRETARY: The sub-clause is in perfect harmony with the provision in the existing Act, which prescribes that no room used for sleeping shall be used for the cooking or serving of food. It would be objectionable to have bedrooms adjoining the dining room, or the kitchen, inasmuch as they would be permeated by the odours of cooking.

Hon. J. Nicholson: There is scarcely a private house in which bedrooms do not adjoin the dining room, or even the kitchen.

Hon. J. J. HOLMES: It happens in our houses that bedrooms adjoin the dining room. Apparently what is intended is that the kitchen shall be separate from the main building. But shearers like hot meals, and if the meals are to be cooked in a building separate from the main building, and if the meals are then to be carried from that building across the yard, not only will the shearers get cold meals but, when it is raining, the meals will be wet also. The Chief Secretary suggests it is objectionable to have cooking going on in the same building where men are sleeping. But the cooking goes on, not when the men are sleeping in the rooms, but when they are away working in the shearing shed. There can be no reason why it should be prescribed that the kitchen shall be separate from the main building, except perhaps to harass the employer.

Hon. Sir EDWARD WITTENOOM: The Minister put the matter clearly when he said the clause is practically what is in the Act. That being so, let us leave it as it is in the Act, namely, that no room used for sleeping shall be used for the cooking or the serving of meals. My experience is that, as a rule, there are three rooms associated with meals: first, there is the kitchen, with the dining room adjoining, and next to the kitchen, on another side, is the cook's room, whilst the sleeping apartments are further off. Only in rare cases would it occur that the cooking was done anywhere near the sleeping rooms.

The CHIEF SECRETARY: I did not say what Sir Edward Wittenoom apparently thinks I said. What I said was that the

sub-clause was in harmony with the section of the Act. But the section does not go far enough. Under the Act no room used for sleeping shall be used for the cooking or serving of meals. Now we go a step further and say that, unless permitted by regulations, sleeping rooms must not adjoin rooms used for cooking. Mr. Holmes would have us believe that the sub-clause means a separate kitchen. However, that is not so.

Hon. J. J. Holmes: What would you put next to the kitchen—the drawing room?

The CHIEF SECRETARY: It would not be necessary to have the kitchen away from the main building.

Hon. E. H. HARRIS: I should like the Minister to tell us why it is desired to insert the words "or for the storage of food." Mr. Miles does not object to that. It is provided in the Act that no sleeping-room shall be used for the cooking or serving of meals. Nothing is there said about the storage of food. However, we know that in a sleeping room next to a room where foodstuffs, especially vegetables, are stored, one would get the hum of them.

The CHAIRMAN: Will the hon. member explain what is meant by "hum"?

Hon. E. H. HARRIS: If you, Sir, were shut up where some vegetables, not particularly fresh, were stored, you would understand what is meant by "hum." It is going a long way to meet the difficulties of men working there, to add the words "for the storage of food"; but when we say that food shall not be cooked in a room adjacent to a sleeping room, it must be remembered that the cooking is done when the men are away shearing.

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

Ayes	..	..	..	..	13
Noes	..	..	..	..	5

Majority for .. .. 8

#### AYES.

Hon. A. Burvill	Hon. G. W. Miles
Hon. V. Hamersley	Hon. J. Nicholson
Hon. E. H. Harris	Hon. E. Rose
Hon. J. J. Holmes	Hon. H. A. Stephenson
Hon. G. A. Kempton	Hon. Sir E. Wittenoom
Hon. Sir W. Lathlain	Hon. H. Stewart
Hon. W. J. Mann	(Teller.)

#### NOES.

Hon. J. M. Drew	Hon. W. H. Kitson
Hon. E. H. Gray	Hon. J. R. Brown
Hon. J. W. Hickey	(Teller.)

Amendment thus passed.

Hon. G. W. MILES: I move an amendment—

That in Subclause (4), paragraph (ix), all the words after "light," in line two, be struck out, and "and ventilation" inserted in lieu.

If the amendment is agreed to, the paragraph will read "Each sleeping, kitchen, and dining room shall be supplied with sufficient light and ventilation." The paragraph seems to me to be an attempt to override the decision of the Commonwealth Arbitration Court. The A.W.U., by means of the paragraph, are endeavouring to gain something that they were not successful in getting into the agreement.

The Chief Secretary: Where did you get that from?

Hon. G. W. MILES: From an authority whom the Minister, I do not think, will contradict.

The CHIEF SECRETARY: If the amendment is carried it will mean that the employer may not supply shearers with effective lighting, and neither will he be responsible for the cleaning, fumigating or disinfecting the premises occupied by the shearers, at least once a year. The Bill provides for sufficient lighting, "including artificial illumination." That was intended to mean kerosene lamps. If that provision is deleted, the light provided may be merely one candle.

Hon. G. W. Miles: No, sufficient lighting must be provided.

The CHIEF SECRETARY: What for? Reading? With that provision deleted, the clause will not go far enough. Then Mr. Miles proposes to strike out the reference to cleaning, fumigating, and disinfecting the accommodation once a year. A building may become infested with vermin between the time the shearers use it and when they occupy it in the succeeding year. Why not leave the provision in? I do not understand the object Mr. Miles has in view.

Hon. G. W. MILES: It is unnecessary to include the provisions referred to because the Arbitration Court award sets out that the employers must provide good and sufficient living accommodation and lighting. The award refers to lamps, and there is no mention of candles. It also provides for the premises being kept in a clean and satisfactory condition in accordance with Acts that are applicable. It also sets out

what the employees are to do in keeping the premises clean, as well as making provision for a sufficient quantity of disinfectants to be made available by the employers. What more is required?

Hon. J. J. HOLMES: It appears to me that the clause in the Bill is designed to get behind the award of the Arbitration Court. If the amendment be agreed to, it will mean that the buildings will have to be provided with sufficient light and ventilation.

Hon. E. H. Gray: And it does not matter about them being kept clean!

Hon. J. J. HOLMES: No matter what condition the premises may be in, the employer may declare that the building was disinfected six months previously. What will happen then? From what I know of the shearers, they will see that the place is clean before they will occupy it. If the shearers clear out and evade their responsibility for cleaning it up, and on their return next year the place is not in a satisfactory condition, they will not start work until it is cleaned up for them.

The CHAIRMAN: I would direct the attention of the Committee to the form in which the amendment has been placed before the Chair. This sort of thing has occurred previously, and although I have allowed it, I would point out that some day such a practice will have a boomerang effect. The amendment is to strike out all words after "lighting" in the second line with a view to inserting other words. Although the amendment to insert the other words has not been moved, it has been indicated that the two words proposed to be inserted are two that will be struck out. Standing Order 250 is explicit. It sets out—

A motion contradictory of a previous decision of the Committee shall not be entertained in the same Committee.

The proposed amendment that will be moved subsequent to the one now before the Chair is distinctly contradictory. While the procedure that I have allowed so far may represent an easy method of doing the business, it may have a boomerang effect at some future time. I suggest that Mr. Miles move his amendment in two parts. The first amendment will be to strike out the words "including artificial illumination" after "light" in line 2 of paragraph (ix), and when that is disposed of to move that all the words after "ventilation" in line 3 be struck out.

Hon. G. W. MILES: I will accept the suggestion. I move an amendment—

That after "light," in line two of paragraph (9) of Subclause (4), the words "including artificial illumination" be struck out.

I would point out that we received a notification from the Government that the Parliamentary Draftsman, Dr. Stow, would assist us in drafting amendments that we might desire to move. I took the precaution of going to Dr. Stow with my amendments, and the form in which I presented my amendment was that suggested by him.

The CHAIRMAN: It is the easy way, but not the proper way.

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

Ayes	..	..	..	15
Noes	..	..	..	5

Majority for .. 10

#### AYES.

Hon. A. Burvill	Hon. J. Nicholson
Hon. V. Hamersley	Hon. G. Potter
Hon. E. H. Harris	Hon. E. Rose
Hon. J. J. Holmes	Hon. H. A. Stephenson
Hon. G. A. Kempton	Hon. H. Stewart
Hon. Sir W. Lathlain	Hon. Sir E. Wittenoom
Hon. W. J. Mann	Hon. H. Seddon
Hon. G. W. Miles	(Teller.)

#### NOES.

Hon. J. R. Brown	Hon. J. W. Hickey
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. E. H. Gray	(Teller.)

Amendment thus passed.

Hon. G. W. MILES: I move an amendment—

That in paragraph (ix) of Subclause (4), after "ventilation," the words "and shall be cleaned and fumigated or disinfected at least once in each year" be struck out.

The HONORARY MINISTER: I am surprised at the amendment, particularly as Mr. Miles is conversant with the conditions in shearing sheds. He proposes to abolish the provision in force to-day for the observance of hygienic conditions. Is there any objection to having shearing sheds cleaned and disinfected once a year?

Hon. G. W. Miles: The pastoralists clean them up before the shearers arrive without being required by Act of Parliament to do so.

The HONORARY MINISTER: Many squatters might do so, but probably niggers and gins have occupied the quarters since.

Hon. Sir Edward Wittenoom: What about the award?

The HONORARY MINISTER: The hon. member knows how much that has been observed.

Hon. J. J. Holmes: Squatters have to observe the award.

The HONORARY MINISTER: All we ask is that the sheds be cleaned and disinfected once a year. I do not know what has prompted Mr. Miles to move for the deletion of those words. I doubt whether his action would be endorsed by a majority of the squatters. I stand for the observance of proper hygienic conditions, and I would not object to insisting upon the shearers maintaining quarters in a cleanly condition while they occupy them and leaving them as clean as they found them.

Hon. G. W. MILES: The pastoralists have given the shearers a fair deal and there have been no complaints. They do not ask that it be made compulsory for the shearers to keep the quarters clean; they are satisfied with the agreement made in the court. The shearers tried to get this provision inserted in their award, but the court would not agree and now they have come to Parliament to get it embodied in the Act. If we had a little more administration of existing laws and a little less new legislation, it would be better for all. People throughout the State are being harassed by legislation of this description. The Timber Industry Regulation Bill is another measure of the same kind. Sooner or later pastoralists will be asked to provide double beds so that shearers may take their wives and families with them for a holiday. The existing Act contains adequate provision to ensure the cleanliness of quarters.

The Honorary Minister: Then what is your objection to including these words?

Hon. G. W. MILES: They are unnecessary.

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

Ayes	..	..	..	16
Noes	..	..	..	6

Majority for .. 10

#### AYES.

Hon. A. Burvill	Hon. J. Nicholson
Hon. J. Ewing	Hon. G. Potter
Hon. V. Hamersley	Hon. E. Rose
Hon. J. J. Holmes	Hon. H. A. Stephenson
Hon. G. A. Kempton	Hon. H. Stewart
Hon. Sir W. Lathlain	Hon. Sir E. Wittenoom
Hon. W. J. Mann	Hon. H. J. Yelland
Hon. G. W. Miles	Hon. E. H. Harris
	(Teller.)

## NOES.

Hon. J. R. Brown

Hon. J. W. Hickey

Hon. J. M. Drew

Hon. W. H. Kitson

Hon. E. H. Gray

Hon. H. Seddon

(Teller.)

Amendment thus passed.

Hon. G. W. MILES: I move an amendment—

That in paragraph (xiii) of Subclause (6), the following words be struck out:—"and dining room. Proper and sufficient drainage shall be constructed to the satisfaction of the inspector."

The CHIEF SECRETARY: The hon. member desires to strike out provision for drainage from the kitchen and bathroom. Surely some provision should be made in that direction. In the interests of health, there is need for the drainage of waste liquids from the kitchen and bathroom.

Hon. G. W. MILES: The first portion of paragraph xiii. requires a fly-proof safe of suitable dimensions for each kitchen and dining room. In most places there is a fly-proof safe in the kitchen, the food is kept there, and it is not necessary to have another one in the dining room. The bathroom is generally some distance from the sleeping quarters and drainage is provided. The Act contains sufficient provision to meet all those requirements. I cannot understand why such amendments have been proposed by the Government. I should like to know who will be the inspectors and how many will be appointed. Under this and other measures, we are asked to give the Government power to appoint inspectors, and they are used as political agents and organisers for the A.W.U.

Hon. E. H. Gray: In the North?

The Honorary Minister: Name one.

Hon. G. W. MILES: I can name one.

The Honorary Minister: Name him.

Hon. G. W. MILES: In the Gascoyne district, Mr. Willesee.

Hon. J. J. Holmes: A defeated candidate at the last general elections.

Hon. G. W. MILES: He has been appointed stock inspector, and he knew very little about the business. He had to learn the business after he was appointed.

Hon. E. H. Gray: Nonsense!

Hon. G. W. MILES: And he is the organiser for the A.W.U. to-day.

The CHAIRMAN: Order! I remind the Committee that the question is that of providing a fly-proof safe for the dining-room

and proper drainage constructed to the satisfaction of the inspector.

Hon. G. W. MILES: I am referring to inspectors. Who will they be?

The Honorary Minister: I know the gentleman in question, and must ask for a withdrawal of Mr. Miles' remarks. The hon. member said that Mr. Willesee while holding the position of a Government Stock Inspector was also an organiser for the A.W.U.

The CHAIRMAN: I cannot insist upon Mr. Miles withdrawing such an assertion, and cannot see that it is any reflection upon Mr. Willesee or anyone else.

The Honorary Minister: It is a reflection upon the Government.

Hon. G. W. MILES: Can the Honorary Minister deny the statement?

The Honorary Minister: The hon. member should withdraw it.

Hon. G. W. MILES: There is nothing for me to withdraw, and I am glad I made the statement.

The CHAIRMAN: The Honorary Minister can reply to the statement later.

Hon. W. G. MILES: The Northam "Times," published on the 2nd April of this year, makes the following statement:—

Australian Labour Party; Western Australian Branch; Legislative Assembly selection ballot for Roebourne Gascoyne, Pilbara, Kimberley Seats. Nominations are invited from financial members of the Australian Labour Party to contest the above seats at the general election for the Legislative Assembly to be held in 1927. It is necessary that nomination forms be signed by 10 financial members of the A.L.P. and by the candidate, same to be in the hands of the General Secretary not later than 5 p.m. on June 1st.

Hon. E. H. Gray: What is wrong with that?

Hon. G. W. MILES: It confirms what I have said. It goes on to say—

Further particulars and nomination forms may be procured from W. R. Willesee or H. Price, Carnarvon. E. H. Barker, General Secretary, Trades Hall, Perth.

Further, I find that on the 29th of October, 1926, the following appeared in the "Worker":—

Mr. J. Tankard, a defeated candidate for the Gascoyne selection ballot, is showing the right spirit by throwing himself heart and soul behind the selected man, Mr. Willesee. The work that has been put in hand is that of seeing that Labour supporters are on the roll. It is not too early for other electorates to give attention to the same job.

I repeat that the Government have allowed one of their stock inspectors to use his time as an organiser for the A.W.U. It is a standing disgrace for any Government that an official should be allowed to do this at the expense of the taxpayers. I object to and protest against anything of that kind.

The Honorary Minister: Where has he been?

Hon. G. W. MILES: To organise for the A.W.U. in the Gascoyne district.

The Honorary Minister: Whom has he organised?

Hon. G. W. MILES: He has organised for the A.W.U., and is trying to make the seat safe for himself at the next elections at the expense of the taxpayers. This sort of thing will happen in the case of other Government inspectors if the practice is allowed to continue.

The HONORARY MINISTER: If we discuss all these matters I don't know where we shall end.

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

The HONORARY MINISTER: Mr. Miles' statement is incorrect, and he knows it. He was led away on the subject. He knows quite well that Mr. Willesee knows more about stock than he (Mr. Miles) does.

Hon. G. W. Miles: He knew very little about sheep when he received the appointment.

The HONORARY MINISTER: As a result of his knowledge he was appointed to a certain position. He has been able to fulfil his work, and the squatters in the district know it. There is no justification for Mr. Miles' reflections. As for Mr. Willesee's connection with the A.W.U., he has always been a member of that organisation, which happens to be the one to control the workers in that district. What gave rise to Mr. Miles' remarks is the fact that Mr. Willesee happens to be the selected candidate for the Gascoyne district. Of course, if the gentleman in question had happened to be a good Nationalist everything would have been all right. Mr. Miles' outburst was unfortunate, for he shows himself to have been biased in his remarks. Since 1911 there have been no inspections of pastoral stations. I do not know of any inspectors who could be accused of being political agents. Perhaps Mr. Miles would accuse the police, or the inspectors of aborigines.

Hon. G. W. Miles: No.

The HONORARY MINISTER: Would he accuse the school inspectors or other Government inspectors on the North coast?

Hon. G. W. Miles: You asked for the name and you got it.

The HONORARY MINISTER: The hon. member has spoken at random, and has made accusations he cannot substantiate. There are no inspectors in the North-West who could act as agent for the A.W.U.

The CHAIRMAN: Any further remarks that are made might be directed towards other inspectors.

Hon. E. H. GRAY: There are no other inspectors who could be called into question. Things have come to a pretty pass when a member can accuse a Government inspector of this sort of thing. The hon. member suggests that people who belong to the Labour Party are not eligible for Government positions.

Hon. G. W. Miles: Not to organise the A.W.U. at the expense of the taxpayers.

Hon. E. H. GRAY: The provisions set out in the clause are reasonable. Food should not be kept in a hot kitchen all day.

Hon. G. W. MILES: In the North there is a cooler or fly-proof safe on the verandahs of the shearers' quarters.

Hon. W. H. Kitson: Where are there any verandahs to be found up there?

Hon. G. W. MILES: There is usually a verandah attached to the shearers' mess, and that is where the food is generally kept.

Amendment put and passed.

Hon. G. W. MILES: I move an amendment—

That in Subclause (6), paragraph (xiv), the word "workers" be struck out, and "shearers" be inserted in lieu.

Amendment put and passed.

Hon. G. W. MILES: I move a further amendment—

That in paragraph (xiv) the words "12 months" be struck out and "two years" be inserted in lieu.

The CHIEF SECRETARY: This deals with the case in which a fire may occur, and the accommodation provided for shearers may be destroyed. The question arises as to the length of time that should be provided for the re-erection of the premises. Mr. Miles wants two years, but the Bill sets out one year. Some reason for the amendment should be advanced.

Hon. G. W. MILES: The main reason for the amendment is that in the case of stations that are a good way out it takes a long time to order the material, to have the material landed on the station, and to make the necessary provision for the work to be carried out.

Hon. Sir EDWARD WITTENOOM: I think 12 months would be sufficient because the inspectors, if they are really good men as the Minister says they are, will always allow a little latitude where necessary, and not insist on impossibilities.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clauses 5, 6—agreed to.

Clause 7—Amendment of Section 12; Notice to comply with Act:

Hon. G. W. MILES: I hope the Committee will not agree to this clause. Section 12 of the principal Act should be retained so far as service of notice is concerned. I have the following opinion from Dr. Stow:—

Regarding Clause 7 and the proposal to insert the words giving power to serve notices by post, this is quite unnecessary as it is already provided for in Section 31 of the Interpretation Act, 1918 (No. 30 of 1918).

The CHIEF SECRETARY: This is a vital clause. The section in question has given trouble from the very commencement. I have here a report from the Chief Inspector of Factories which was submitted to Mr. Dodd when Honorary Minister in the Scaddan Government.

Hon. J. J. Holmes: How long ago is that?

The CHIEF SECRETARY: That was in 1915.

Hon. J. J. Holmes: We have heard nothing of the trouble since.

The CHIEF SECRETARY: That is because no Government has taken action since then, the position being impossible. Moreover, the war intervened. The report of Mr. A. C. Bradshaw, Chief Inspector of Factories, is dated the 7th January, 1915, and reads—

With reference to the administration of the Shearers' Accommodation Act, 1912, I have to report, for the information of the Hon. Mr. Dodd, having on the 6th inst. interviewed the Solicitor General, Mr. Sayer, and as a result beg to state that in my opinion the Act at its stands is unworkable, and the enforcement of its provisions at a reasonable cost to the department practically impossible, for the

undermentioned reasons:—(1) Before the provisions of the Act can be applied to any shearing shed, the inspector must have evidence that eight or more shearers are employed. (2) Upon being satisfied that the Act applies, the inspector must ascertain by inspection in what respects the Act has not been complied with; he must then notify the employer in writing directing him, within a time mentioned in the notice, to comply with the requirements. The notice must be served personally, or be left at the employer's residence. This notice is not an order, and the employer is not compelled to obey it. (3) On the expiration of the time mentioned in the notice, a second inspection must be made to ascertain whether the notice has been complied with. (4) If the employer fails to comply with the terms of the notice in the time stated, the inspector must then apply to two justices to make an order on the employer to comply with such requirements, under Section 13. The justices may order the employer to comply with the requirements and may specify what things shall be done, and the time within which the order shall be carried out, or they may dismiss the complaint, and no order for costs shall be made against an employer unless he has failed for an unreasonable time to comply with a notice. "Unreasonable" is not defined, and it is at the discretion of the justices to say what is an unreasonable length of time. Should the justices make an order, a third inspection must be made on the expiry of such order, to ascertain whether it has been complied with, and, if not, the inspector must then prosecute the employer a second time for non-compliance with the order of the court, and on conviction a penalty not exceeding £10 may then be imposed. It will be seen from the foregoing that the cost both in money and the time of inspectors to secure the enforcement of the Act will be very great indeed, and I would suggest that the question of amending the Act in such manner as to make it workable receive consideration.

That was the position in 1915, and that is the position to-day. During the whole of those intervening years the administration of the section by the Chief Inspector of Factories has been unworkable. It must be unworkable unless the Government go to immense expense in providing inspectors. Thus the Act has not been enforced. The great majority of station owners have met the wishes of the Chief Inspector in every way, and the present position is utterly unfair to those who have put up satisfactory buildings while other owners have snapped their fingers at the Chief Inspector.

Hon. J. J. HOLMES: Section 12 of the principal Act speaks of the inspector "after making an inspection" having reason to believe that any of the requirements of the Act have not been complied with, and says he shall then take action. The amendment proposes that action shall be taken when an inspector "has reason to believe"; that is,

where somebody has told the inspector something. It may be the report of a dismissed employee who has been chased off the station. The amendment would allow an inspector to harass an outback pioneer because the inspector "has reason to believe." Before a prosecution is initiated, some responsible person should have made an inspection. The section is reasonable, but the amendment proceeds on hearsay evidence, obtained possibly from a disgruntled employee. I hope the clause will be struck out.

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

Ayes	..	..	..	..	5
Noes	..	..	..	..	16
					—
Majority against	..	..	..	..	11
					—

## AYES.

Hon. J. R. Brown	Hon. J. W. Hickey
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. E. H. Gray	(Teller.)

## NOES.

Hon. A. Burvill	Hon. G. W. Miles
Hon. J. Ewing	Hon. J. Nicholson
Hon. V. Hamersley	Hon. G. Potter
Hon. E. H. Harris	Hon. E. Rose
Hon. J. J. Holmes	Hon. H. A. Stephenson
Hon. G. A. Kempton	Hon. H. Stewart
Hon. Sir W. Lathlain	Hon. Sir E. Wittenoom
Hon. W. J. Mann	Hon. H. J. Yelland
(Teller.)	

Clause thus negatived.

Clause 8—Amendment of Section 13:

Hon. G. W. MILES: I move an amendment—

That all the words of the clause after "hereby," in line one, be struck out, and the following inserted in lieu:—"amended by the deletion of the words 'two justices' and the insertion in lieu thereof of the words 'police or resident magistrate.'"

I do not think the Minister will offer any objection to this amendment. It has been said that the amendment constitutes a kind of reflection on pastoralists, but they would prefer any case against them to be heard by independent men without any interest in the pastoral industry.

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

Clause 9—Amendment of Section 14:

Hon. G. W. MILES: I hope the Committee will not agree to this clause, which proposes to increase the penalty from £5 to £50. The existing penalty is quite sufficient,

for no man would wilfully commit a breach of the Act.

The CHIEF SECRETARY: I could well understand the hon. member's attitude as to the penalty if he had left Clause 7 as it was printed. But he amended that clause, restoring all the costly circumlocution that, under the principal Act, was necessary to effect the prosecution of an offender.

Hon. G. W. Miles: You would have had to send out inspectors, even if the clause had remained as printed.

The CHIEF SECRETARY: The hon. member has made the provision precisely what it was before, and in consequence a prosecution will entail all the round-about process that had to be followed previously. In view of that, it is necessary that the penalty should be severe.

Hon. Sir Edward Wittenoom: What sort of offence would it be to incur a penalty of £50?

The CHIEF SECRETARY: Some serious offence in defiance of the inspector, as, for instance, if the station owner obstructed the officer and deliberately refused to carry out the provisions of the Act. Of course, for a merely technical offence only a nominal penalty would be imposed.

Hon. Sir EDWARD WITTENOOM: Judging by Section 14 of the Act, it is only rarely that this penalty of £50 would be imposed. The Minister is wrong in fearing that Clause 7 in its operation is going to be so troublesome. In its troublesome aspect there is scarcely any difference between the clause and the section in the Act. There have been very few offences against the Act. So I do not think there will be any of the difficulties feared by the Minister, and consequently it would scarcely be wise to make this penalty £50.

Hon. G. W. MILES: Section 15 of the Act provides that an offender, on summary conviction, shall be liable to a penalty not exceeding £5. The next clause, Clause 10, proposes to delete Section 16 of the Act, but under a further amendment I propose to leave the penalty for obstructing an inspector at £20.

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

Ayes	..	..	..	..	5
Noes	..	..	..	..	16
					—
Majority against	..	..	..	..	11
					—

## AYES.

Hon. J. R. Brown  
Hon. J. M. Drew  
Hon. J. W. Hickey

Hon. W. H. Kitson  
Hon. E. H. Gray  
(Teller.)

## NOES.

Hon. A. Burvill  
Hon. J. Ewing  
Hon. V. Hamersley  
Hon. E. H. Harris  
Hon. J. J. Holmes  
Hon. G. A. Kempton  
Hon. Sir W. Lathlain  
Hon. W. J. Mann

Hon. G. W. Miles  
Hon. G. Potter  
Hon. E. Ross  
Hon. H. A. Stephenson  
Hon. H. Stewart  
Hon. Sir E. Wittenoom  
Hon. H. J. Yelland  
Hon. J. Nicholson  
(Teller.)

# **BILL—TIMBER INDUSTRY REGULATION.**

## *Second Reading.*

Debate resumed from the previous day.

**HON. J. NICHOLSON** (Metropolitan) [9.20]: The title states that the object of the Bill is to provide for the inspection and regulation of the timber industry. The first question members will ask themselves is, what does the timber industry consist of?

Hon. J. R. Brown: There is no need for such a question.

Hon. J. NICHOLSON: I hope the hon. member is right; probably he will answer the question to his own satisfaction. It is true there is a definition of the words "timber industry." It sets out "Timber industry" means and includes all operations of felling, hewing, sawing, splitting, cutting, removing and treating timber on timber holdings." In the matter of practice, we find that to-day, differing from previous years, the industry consists mainly of saw-milling operations. True, in former years there was considerable business done in connection with hewing.

Hon. A. Burvill: There is still.

Hon. J. NICHOLSON: I would like to differ from the hon. member. As compared with former years, the business of hewing is comparatively infinitesimal, and forms a very small part of the business known as the timber industry. There is a large number of sawmills scattered throughout the country, and if we look at the matter in its true perspective, we will find that the main part of the timber industry is that portion of it which we know as sawmilling. If that is correct the position is that the Bill which is designed to provide for the inspection and regulation of the timber industry, is a Bill mainly designed to provide for the inspection and regulation of sawmills. In connection with sawmills there is a process known as the felling or falling of timber. Fallers are engaged in that branch of the industry and they are more or less free agents. They are required for the purpose of felling trees in the bush, which provide the saw-mill with the necessary logs for saw-milling operations, and the more one looks at the Bill the more is he seized with this fact that at the present time the timber industry is already well provided with

Clause thus negatived.

Clause 10—Repeal of Section 16:

Hon. G. W. MILES: I hope the Committee will negative this clause. If that happens, Section 16 of the Act will remain. That section prescribes that any person obstructing an inspector shall be liable, on summary conviction, to a penalty not exceeding £20. If the Committee retain that section of the Act by striking out the clause, I will move the insertion of a new clause providing that all cases be taken before a police or resident magistrate.

The CHAIRMAN: If the Committee decide to strike out Clause 10 they will thus delete the identical words that it is proposed to be moved as a new clause. That is in contravention of our Standing Orders. The hon. member could get over the difficulty by amending Clause 10 to the extent of striking out the words "Section 16 of the principal Act is hereby repealed" and by inserting other words covering the proposed new clause. He would thus achieve his object without contravening the Standing Orders.

Hon. G. W. MILES: Very well, Sir, I move an amendment—

That the first three lines of the clause be struck out with a view to inserting other words.

Amendment put and passed.

Hon. G. W. MILES: I move a further amendment—

That the following words be inserted in lieu of the words struck out:—"A new section is hereby inserted in the principal Act, after Section 16 thereof, to stand as new Section 16a, as follows:"

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

Title—agreed to.

Bill reported with amendments.

inspectors in all the various branches connected with the industry.

Hon. A. Burvill: Can you name any of them?

Hon. J. NICHOLSON: I will mention two or three. They have already been referred to by Sir William Lathlain. There is the Inspection of Machinery Act which has a section that amply provides for all the protection necessary.

Hon. A. Burvill: It is deficient.

Hon. J. NICHOLSON: I should like the hon. member to indicate in what way it is deficient. May I refer him also to the Factories Act which is sufficiently wide and contains provisions of a drastic character indeed in respect of factories. Every sawmill is a factory within the meaning of the Factories Act. Then again, in matters dealing with health we have the Health Act which applies with equal force to the sawmills, just as it does to other industries. Again, we have the Industrial Arbitration Act, as well as the provision of awards. We have also the Forests Act, and the Workers' Compensation Act. The Bill before us contains certain provisions with regard to accidents which may prove fatal, and practically re-enacts provisions already in the Coroners' Act. It is duplicating what is already provided for in that Act. So that instead of the Bill achieving what was intended, the consolidation of various statutes, we find that there is an absolute omission, no reference at all, in any of its provisions, to consolidation. Every company or person or firm carrying on operations in the timber industry is compelled to comply with the various Acts.

The Honorary Minister: And do they?

Hon. J. NICHOLSON: Yes, they do.

Hon. A. Burvill: You have never been in a sawmill.

Hon. J. NICHOLSON: Probably I know more about sawmills than does the hon. member, and perhaps more than he is ever likely to know. A statement made by the Honorary Minister was that the Bill was modest and non-controversial. I ask any member to peruse the Bill and show me in what way it can be characterised as either modest or non-controversial. Further, the Minister, I am sure, will admit now that he indulged in a little extravagant language when he alleged that the owners had side-stepped their obligations, and had flouted the law. I deny that absolutely.

The Honorary Minister: I repeat it.

Hon. J. NICHOLSON: Then I trust the Honorary Minister will take my denial a second time. I maintain that the owners engaged in the industry have at all times practised the utmost care in using necessary safeguards which, in reason, they regard as being essential in connection with the industry—safeguards that may have been necessary in connection with the industry, safeguards beneficial not only to the industry but to themselves and to the employees. There has been no desire on the part of the owners to either side-step their obligations or to flout the law, as has been maintained. I hope that that position will be recognised. If anything of the kind suggested by the Minister has been done, I hope he will inquire from the inspectors responsible why the owners have failed to carry out their duties. The law is on the statute-book at the present time, and now it is proposed to repeat in so many words many of the sections that are already printed within the folds of our statutes. Why is it necessary to re-enact all these duplications? It is all absolutely unnecessary, and it shows at the same time that in place of being a Bill to consolidate, it is a Bill to multiply. Various other statements made by the Honorary Minister presupposed the fact that the industry gets no protection at present. I have already shown, and will demonstrate more fully later on, that by the various Acts I have referred to the timber industry is already more than fully protected. It has also been suggested that the timber industry might be compared with the mining industry. I cannot see in what way that comparison can be made. The timber industry is conducted wholly on the surface of the ground, whereas the mining industry is conducted below the surface of the ground, and has dangers associated with it that do not confront those engaged in sawmilling.

Hon. A. Burvill: How do you account for the fact that there are more accidents in connection with sawmilling?

Hon. J. NICHOLSON: I shall deal with that question shortly. In common with the Honorary Minister, Mr. Burvill suggested that this is a consolidating Bill. I cannot see one clause that indicates consolidation, but rather multiplication.

Hon. A. Burvill: The Bill provides protection for the workers and surely you agree with that!

Hon. J. NICHOLSON: In the course of his speech last night, Mr. Burvill related

certain facts associated with the industry with which he was engaged 25 or 26 years ago. If the conditions he narrated existed then, they do not exist to-day.

Hon. A. Burvill: What about the statistics?

Hon. J. NICHOLSON: I do not care one iota what Mr. Burvill may say regarding his quotations or his statistics, for I regard them as quite wrong and misleading. At considerable length he quoted statistics, and so did the Honorary Minister. Their object was to show that a certain number of accidents occurred in the industry. No one could deny that. There are certain hazards and risks in every industry; if there were no risks, obviously there would be no accidents. Wherever machinery is used, whether for sawmilling or the manufacture of the most simple class of goods imaginable, there is always some risk. Even in the working of city lifts, or in walking about the streets, there are risks. To suggest that because there are a certain number of accidents in the timber industry—

Hon. A. Burvill: Accidents representing 25 per cent.!

Hon. J. NICHOLSON: I will show Mr. Burvill that there have not been 25 per cent. of accidents. To suggest that a certain number of accidents in the timber industry justifies the introduction of such a Bill is an attitude that passes my comprehension. In his references to statistics, Mr. Burvill quoted certain information supplied by the Timber Workers' Union. I do not dispute what that union recorded; I have not even examined the information. For the purpose of the argument, we will accept the figures as correct. The statistics quoted to the House were those supplied in connection with the accident fund. Let us consider that fund alone. The membership of the fund during the first year, as quoted by both the Honorary Minister and Mr. Burvill, showed that it was much greater during that period than in subsequent years. The membership gradually diminished. In 1921 the membership of the fund totalled 1,635 and the number of accidents recorded was 423. In 1922 the membership of the fund diminished to 1,177, in 1923 to 978, and in 1924 to 951. The number of accidents also diminished. It must be remembered that it is a voluntary fund.

The Honorary Minister: There is an explanation for the diminished membership.

Hon. J. NICHOLSON: Members of the union were not required to join the accident fund unless they chose to do so. It is a strange commentary indeed to find that the members of the union discovered that the accident fund was not as beneficial as they originally thought. There are over 7,000 men engaged in the industry and yet only 1,635 men originally joined the accident fund, and to-day the membership is less than 900.

The Honorary Minister: There are a lot of people who are not members of lodges or are not even insured.

Hon. J. NICHOLSON: Mr. Burvill made his calculation of the percentage of accidents, not on the number of men engaged in the industry, but on the number of men who joined the accident fund. There were, it was stated, 423 accidents. Can the Honorary Minister supply a list of those accidents showing whether they caused fatalities and whether they were of a minor or a serious description? I will tell him straight away that the large majority of those accidents were of a very minor character. If a man hit a finger with a hammer when he was nailing up a board, that would be included in the list of accidents. If a man cut his finger when tying up a rope or had a finger cut when putting a log through the mill, each would represent an accident and would go to swell the number of accidents recorded by the union. In 1924 there were 951 members of the accident fund, and during that period there were 178 accidents, including every class of accident under the sun. They included accidents of the most minor character as well as of the most serious description. I do not deny there are serious accidents in the timber industry as there are in any other industry. The laws in force at present are sufficient to protect the workers as far as is humanly possible against such accidents. If we consider that there are 7,000 men engaged in the industry and say that there are an average of 200 accidents each year—that would be about the average, according to the figures we have before us—we find that the number of accidents works out at less than three per cent. In some years, on this basis, it is less than two per cent.

Hon. A. Burvill: In 1925, an amount of £14,628 was paid out on account of accidents, irrespective of the union's funds!

Hon. J. NICHOLSON: I would like to examine in detail what accidents were referred to. It is not sufficient to take a large sum like that when claims of the description I have indicated are referred to. There are claims and claims. It would depend what the amounts represent and that could be discovered only by minute examination of every claim. The hon. member, in quoting those figures, misleads the House and conveys the impression that the industry is more hazardous than mining and in fact more hazardous than any other industry. That I deny. There is on the statute-book every possible provision designed as far as is humanly possible to protect the workers in their occupations. I propose to refer briefly to some of the provisions of the Bill to show the methods to be adopted in regulating the industry. This is alleged to be a consolidating measure and this is how it is going to regulate the industry. I presume it is the method that the Government propose to introduce to regulate every other industry. If we pass this Bill we shall certainly establish a precedent, and the House would be entitled to say, "If it is good enough to pass a Bill of this description for the timber industry, it is a fit and proper thing to pass similar legislation for every other industry." This is how the Government propose to regulate the timber industry. Under Clause 3 the Minister may appoint fit and proper persons to be inspectors in the timber industry. Mr. Miles told us to-night what had been done by inspectors away up north. I do not know whether it is intended to appoint inspectors for a similar purpose here.

The Honorary Minister: He told you what was entirely wrong.

Hon. J. NICHOLSON: I am not going to suggest otherwise, but I was certainly surprised when I heard his remarks.

The Honorary Minister: There are no inspectors up there.

Hon. J. NICHOLSON: Then I shall say nothing about it. I simply heard his statement and was surprised at it.

The Honorary Minister: The only inspectors in the North are inspectors of police and aborigines.

Hon. J. NICHOLSON: This Bill contains no reference to all the other Acts relating to the timber industry. There is no suggestion in the Bill that the provisions of the Inspection of Machinery Act, the Factories and

Shops Act, the Health Act, the Industrial Arbitration Act, the Workers' Compensation Act, the Coroners Act, the Forests Act, and all the other Acts, will not apply. When a measure is introduced to regulate a particular industry and take the place of several other statutes, it is usual to insert a consolidating provision. If an actual consolidating provision is not inserted to extinguish the force of all the other Acts, the industry will be subject not only to the existing Acts but also to the new measure. We find from the Bill that the persons to be appointed inspectors will be under the control and supervision of a controlling officer. I do not know what the controlling officer is going to do, but last night something was said about an officer who had nothing to do but to dot i's and cross t's. I have tried to discover what the duties of the controlling officer will be, and I confess that I have been unable to find anything at all to engage his attention.

Hon. Sir William Lathlain: He is to be a sort of brigadier-general.

Hon. J. NICHOLSON: Perhaps so.

Hon. E. Stewart: Have you yet fathomed who he will be?

Hon. J. NICHOLSON: I have tried to do so. An officer of such high standing should be a man invested with very great powers.

Hon. E. Stewart: Do you think he is going to be a forestry man or an industrial expert?

Hon. J. NICHOLSON: I have searched the Bill to ascertain the powers to be vested in him. If members refer to Clauses 13 and 14, they will find reference to the controlling officer. To begin with, Clause 4 makes his appointment secure. Clause 13 provides that the manager shall give notice in writing to the district inspector and to the controlling officer whenever an accident occurs on a timber holding that causes loss of life of any person, or incapacitates any person from work for more than 24 hours. A very simple accident might incapacitate a man for more than 24 hours, an accident such as a knock on the head or a cut finger. I have seen a man incapacitated for several days through a cut finger, but he was not seriously injured. While he was unable to handle logs or to do any work of that description, he was able to move about. Under Clause 15 a mill might be held up unless consent of an industrial magistrate was obtained to permit the mill operations to proceed. I ask the Honorary Minister who is to pay for all the loss of time.

The Honorary Minister: How much will it cost?

Hon. J. NICHOLSON: It might cost a very large sum, because it would depend where the industrial magistrate was stationed and how far he might have to travel. It might take him 24 hours to reach some centres, and it might be inconvenient for him to go at the time.

Hon. H. Stewart: What about inserting "police" magistrate instead of "industrial" magistrate?

Hon. J. NICHOLSON: I do not see why an industrial magistrate should be required. In Clause 14 another reference is made to the controlling officer. Outside of the two references I have mentioned, there is very little for the controlling officer to do. Apparently his duties will be confined to controlling, but what he is going to control, I do not know. He will have a very easy billet indeed, and what remuneration he is going to receive for such duties, I do not know. The Honorary Minister does not spare himself where work is concerned, and I am sure he must envy the controlling officer the lightness of his duties. In addition to the controlling officer, three classes of inspectors are to be appointed, namely, district inspectors, special inspectors, and workmen's inspectors. It is difficult to discover precisely what the duties of those numerous inspectors will be. No limit whatever is placed upon the number of inspectors who may be appointed. For example, there may be half a dozen or a dozen district inspectors.

Hon. H. Stewart: Would the Government appoint more than were necessary?

Hon. J. NICHOLSON: Perhaps not. There may be an equal number of special inspectors, and there may be an equal number of workmen's inspectors. There is nothing to indicate what limitations are to be placed upon those appointments. There is some reference to the duties of inspectors. In Clause 5, paragraph (a), we are told in the first place that the district inspectors shall have the full power of inspectors under this measure. Now we have to find out what are the full powers of inspectors. In Clause 9 there is some reference to them. Clause 8 sets out that the powers of inspectors are to make examination and inquiry to ascertain whether the provisions of the Act are complied with; to enter, inspect and examine any timber holding at all times, with such assistants as may be reasonably necessary, but so as not unnecessarily to impede or obstruct the working of the industry.

Hon. W. H. Kitson: That is reasonable.

Hon. J. NICHOLSON: It is reasonable; I am going to show that similar powers are given under other Acts. Other powers of the inspectors are to examine into and make inquiry respecting the state and condition of any timber holding, sawmill, workshop building structure, yard, bush landing, or mill landing, and of all matters or things connected with or relating to the safety or well being of the persons employed therein in connection with the industry; to examine into and make inquiries respecting the condition of the mill, mill gearing, machinery, plant and appliances, tram and train lines, and rolling stock. For the purpose of such examination or inquiry, the inspectors may require the attendance of any official or employee, and such official or employee shall attend accordingly. I ask members to consider that provision. Under it the officials of a mill, who may be required to carry on the mill operations, might be required to attend before an inspector at some remote place. There is no indication where the place might be. The inspector has nothing to do but to inspect. In the early part of Clause 8 we are told that his duty is to enter and inspect to see that the requirements of the Act are complied with. Instead of his going to the spot and examining things for himself, he might feel inclined to say, "I shall compel those people to come to me in Perth." Mill officials might thus be compelled to travel a long distance.

Hon. A. Burvill: Are not you drawing a long bow?

Hon. J. NICHOLSON: I am drawing precisely the bow that is indicated in this Bill. If the hon. member would read the Bill and understand it, he would perceive that all his eulogies of last night were very much misplaced.

Hon. W. H. Kitson: I question that.

Hon. J. NICHOLSON: Under the Bill an inspector could require the attendance of mill officials. The Bill does not say where their attendance may be required, but impliedly their attendance could be demanded in Perth.

The Honorary Minister: How long would an inspector last if he did that?

Hon. J. NICHOLSON: An inspector could demand attendance as I have explained, notwithstanding that his duties are to enter a property, inspect and do all the things I have enumerated.

The Honorary Minister: He would have some regard for his own job.

Hon. J. NICHOLSON: The powers sought to be conferred upon inspectors are of a most extraordinary character. It goes on to deal with the authority of the controlling officer to initiate and take prosecutions against persons offending against the provisions of the Act, to obtain a written statement from witnesses and to appear at inquiries held respecting accidents and at inquests; to call and examine witnesses, and to exercise generally such other powers as are in his discretion necessary to carry the Act into effect. The workmen's inspectors may exercise the powers of a district inspector as prescribed. Although apparently these are all the duties of the inspectors, there is nothing set out to show what are the duties of the controlling officer. Apparently he sits in his office chair, and has nothing to do. In Clause 12 there is an extraordinary provision which seems to render the appointment of inspectors absolutely useless. This clause sets out that every manager of a mill shall enforce the observance of all the provisions of the Act, and the regulations on the timber holdings under his charge. As I understand that the inspectors are to be appointed for the purpose of seeing that the Act is complied with, and that inspectors under the various other Acts to which I have referred are appointed for the purpose of seeing that the requirements of those Acts are also carried out, I cannot see why the duty should be placed upon the manager to see that these things are carried out. The manager would thus usurp the duties of the inspector. If the manager failed to carry out his duty, he would be liable to all sorts of serious penalties, but the inspector himself would go scot-free. If the manager is to be responsible for seeing that all the provisions of the Act are carried out, this House will place upon him an absolutely impossible duty. If Mr. Burvill knew as much about sawmills as he alleges he would realise that the passing of this Bill would render the duties of a manager an absolute farce and impossibility. The manager would have imposed upon him duties of such a character that it would demand his attendance at the mill the whole time the mill was in operation. Furthermore, he could never be absent from the mill, because that is where the danger would be. He would require to be travelling over and inspecting railway lines, as well as being in the bush, all at the same time. He would

need to be like the Great Creator, omnipresent.

The Honorary Minister: Why?

Hon. J. NICHOLSON: The Honorary Minister will find his reply in Clause 12. He is imposing an impossible task upon mill managers when he asks them to enforce the observance of all the provisions of the Act.

The Honorary Minister: Why?

Hon. J. NICHOLSON: He will find the answer in the clause I have mentioned. The manager could not be in all these places at once to see that the provisions of the Act were carried out. He would be liable to a penalty every minute of the day. He could never escape from them. It would be the height of absurdity for the House to pass such legislation. These are merely a few observations on some of the clauses. I could refer to others, but do not feel justified in unduly detaining members. I do, however, wish to compare some of the clauses with certain Acts. In the Inspection of Machinery Act certain provisions deal with obligations cast upon owners and managers of sawmills. I would refer particularly to Sections 10 to 13 of that Act. Section 10 says—

Every inspector shall keep minutes of all his proceedings, and shall from time to time report the same to the Chief Inspector, with such particulars and information as the Chief Inspectors requires.

The various district, special, and workmen's inspectors are not required to report to the controlling officer. The owners and managers of the sawmills are subject to the Act I have mentioned. It contains strict requirements as to what should be done with regard to machinery and the protection afforded.

Hon. A. Burvill: How many times a year do these inspectors visit a mill?

Hon. J. NICHOLSON: Let the hon. member ask that question of the Government.

Hon. A. Burvill: Once.

Hon. J. NICHOLSON: Apparently the hon. member knows all about it. Is that the way our Acts are carried out? If so, the sooner the hon. member takes up the position of Chief Inspector of Machinery the better. If the Act is not administered, it is the duty of the Minister to see that it is carried out.

Hon. H. Stewart: The Shearers' Accommodation Act has never been administered.

Hon. J. NICHOLSON: I do not know what has been done in that respect. Section 11 of the Act says—

An inspector may enter into or upon any building or premises where any machinery is placed or erected, or is in use, or working, or is kept, and may inspect or examine such machinery and the appliances connected therewith or belonging thereto, to ascertain whether the provisions of this Act have been complied with.

In that section we have everything that is contained in some seven subclauses of the Bill. The inspector is given the fullest power. The section continues—

Such entry may be made at any time in the day time, whether such machinery is in operation or not, or at night time if such machinery is in operation.

Section 12 says—

In making such inspection the inspector may call to his aid any person he may think competent to assist therein, and may require the owner of the machinery to explain the working thereof, and may examine him as to the compliance with this Act in any particular.

Section 13 says—

Any person who (a) wilfully impedes an inspector in the execution of his duty, or (b) being the owner of machinery refuses, when required by an inspector to explain the working thereof, or to give such information as aforesaid, shall be liable to a penalty not exceeding £20.

Section 16 says—

Every person who becomes the owner of any machinery subject to the provisions of this Act shall, within one month thereafter, send to the inspector of the district where the same is, or in which it is intended to use, keep, or work the same, a notice in writing in the form of the Third Schedule, stating the name of such owner, the place where such machinery is erected, kept or intended to be used, the kind of machinery and the motive power. (2) All suppliers of electrical current for power purposes for working machinery subject to this Act shall forward written notification to the Chief Inspector of any new connections made during each quarter, such notifications to be at the office of the Chief Inspector on last day of March, June, September and December each year.

Section 17 is an important one. It says—

Any part of any machinery.

That is what this Bill is claimed to be designed to control—

deemed by an inspector to be dangerous, and so certified by him, shall be sufficiently guarded, renewed, or repaired as directed by him; and while the machinery is in motion the guards shall not be removed.

There are frequent occurrences in the mills of cases in which the guards have been re-

moved from machinery by those who are working it.

Hon. E. H. Harris: What would be the object of that?

Hon. J. NICHOLSON: They were removed by the men, because they thought the machinery could be worked more easily without them.

The Honorary Minister: Under whose instructions?

Hon. J. NICHOLSON: Not under the instructions of the manager, because he would not dare to give them. The men do this without the knowledge of the manager. No manager of a mill could exercise sufficient influence to prevent these things being done, otherwise he would frequently be liable to prosecution for a breach of the peace.

Hon. A. Burvill: You are proving that inspectors are needed.

Hon. J. NICHOLSON: If the hon. member would read the Act I have quoted and the Shops and Factories Act, he would find there provision for the appointment of all the inspectors required. I wish he had a clearer grip of the Bill, and would compare it with the Acts in force. I am sorry he does not grasp it. Section 17 also provides for lifts and winding machinery. Section 18 deals with notice of machinery requiring to be guarded. Section 19 deals with defective machinery, and what is to be done there.

The Honorary Minister: You are referring to the Inspection of Machinery Act?

Hon. J. NICHOLSON: Yes. I am glad the Honorary Minister remembers that we have such an Act on the statute-book. Even as regards notices of accident—I refer to Clause 13, under which notice of accident must be given to the controlling officer—there are similar provisions in the Inspection of Machinery Act and in the Factories and Shops Act. Section 50 of the former Act provides—

Where loss of life or serious bodily injury to any person by reason of the explosion of a boiler, or by reason of an accident caused by machinery, occurs in any building or premises where there is a boiler or machinery of any kind (whether subject to the provisions of this Act or not), the owner of the boiler or machinery shall, within 24 hours thereafter, send notice to the inspector, at his office or usual place of residence specifying the cause of the accident and the name and residence of the person or persons killed or injured.

The corresponding section of the Factories and Shops Act is almost identical in wording

with Clause 13 of the Bill. The section reads as follows—

The occupier of a factory—

“Factory” includes a sawmill—

—shall send written notice to the nearest inspector when an accident occurs therein which is caused otherwise than by a boiler or machinery subject to the Inspection of Machinery Act 1904 and which—(a) causes loss of life to an employee; or (b) incapacitates an employee for work for more than 24 hours. Such notice shall—(a) in case of death be sent forthwith thereafter; and (b) in case of such incapacity be sent immediately after the expiration of such 24 hours . . . .

A penalty for failure to report is provided. A host of other provisions might be quoted. As regards accidents, the Honorary Minister referred to certain reports furnished by the Chief Inspector of Machinery. According to those reports, in one year there were no fatal accidents, and in the other year reported on there were two. I have read the provisions of existing Acts relating to accidents, and if anyone has failed in his duty to report, very well, the Acts provide penalties. I have no hesitation in saying that if there were any fatal accidents—

The Honorary Minister: The Bill will provide penalties for failure to report.

Hon. J. NICHOLSON: The Honorary Minister is under a misapprehension. The Acts provide penalties in words almost identical with those used in the Bill.

The Honorary Minister: Then people have sidestepped their obligation to report accidents.

Hon. J. NICHOLSON: No; the Honorary Minister is not correct. If anyone has sidestepped an obligation, the inspectors are at fault. The duty rests on the inspectors to see that the Acts are administered. The mere placing of another Act on the statute-book will not effect the change which apparently the Honorary Minister desires. The only way in which he can make his legislation effective is by seeing that the provisions of the Acts are duly enforced through the proper channel.

The Honorary Minister: That would be a more costly method of administration.

Hon. J. NICHOLSON: As there are similar provisions in existing Acts, it seems an utter waste of paper and an absolute waste of time to bring forward a Bill of this nature, particularly when one bears in mind that not a single one of the other States has legislation similar to this Bill. Each of the other States relies on provi-

sions contained in Acts similar to those we already have on the statute-book—the Factories and Shops Act, the Inspection of Machinery Act, and the Health Act.

The Honorary Minister: Administration under those conditions would require an army of inspectors.

Hon. J. NICHOLSON: Under the existing law the Honorary Minister can appoint the full number of inspectors he desires. There is no need for him to ask power under such a Bill as this to appoint more inspectors. The object of the Bill is simply to appoint a multiplicity of inspectors. Ample power already exists to appoint all the inspectors needed, and the House is not justified in granting any further power to appoint more inspectors. There is no limitation on the number of inspectors who may be appointed under existing Acts. I for one shall certainly vote against the second reading of the Bill.

The Honorary Minister: Half-a-dozen inspectors will be needed under this Bill.

Hon. J. NICHOLSON: There is no need to add one more inspector than can be appointed under Acts on the statute-book. I desire to refer to the provisions giving power to make regulations. Those provisions are of such an extraordinary nature that one can hardly believe they have been proposed. I shall not read them all; but one of them, Subclause 4 of Clause 22, provides that regulations may be made—

Dealing with the sanitary conditions of timber holdings, including the removal of stagnant water, the provision of pure water for drinking . . . .

Hon. E. H. Gray: Do not you think that is necessary?

Hon. J. NICHOLSON: It is not necessary, because the provisions of the Health Act apply.

Hon. E. H. Gray: Timber holdings are too far away from the health authorities.

Hon. J. NICHOLSON: There is a local board of health in every place where saw-mills operate. If there are not sufficient inspectors appointed by the local boards, all that is necessary is to get the Central Board of Health to appoint a sufficient number. This subclause would mean appointing another lot of inspectors. The Bill does not include health inspectors among those mentioned in Clause 5. If health inspectors were included there, they could deal with the various matters referred to in Subclause 4 of Clause 22. I

wish to point out to the Honorary Minister and Mr. Gray that the Health Act makes ample provision in that respect. In point of fact, a similar provision is also to be found in the Factories and Shops Act. Thus the provision is duplicated already; and this clause may mean a quadruplication, because very likely the provision is contained in some other Act besides the Factories and Shops Act and the Health Act. In addition, the Bill provides that bush lines shall be cleared of all dangerous trees for a prescribed width, and that the lines shall be patrolled. The first thing that occurs to me in this connection is that there has been a strange omission made in the Road Districts Act Amendment Bill. Do not the Government propose to include in that Bill a provision compelling every road board to clear the trees off the roads so as to make it safe to travel along the roads?

Hon. E. H. Gray: The boards have that power now.

Hon. J. NICHOLSON: Yes, but they cannot exercise it, and no more could such a power be exercised if it were included in this Bill. It is impracticable. If the hon. member interjecting knew anything about operations in sawmills and in the bush, he would know that such a provision is worse than impracticable. A bush line is of a most temporary character; it may be down for a few weeks, or for a few months at the outside.

Hon. E. H. Gray: It would be in dangerous places.

Hon. J. NICHOLSON: Anything may be dangerous. A danger threatened us to-night when the thunder and lightning came. There is danger in crossing the street. Why should not we have overhead bridges in order to guard against all the dangers now incurred when crossing a street? Are we to pass legislation which is absolutely absurd? This is part of the absurdity. One has to take ordinary risks in walking along the street. If the hon. member wants to protect himself from those dangers, he should ask for overhead pathways, so that we could walk free from the risk of being run over by motor cars.

Hon. W. H. Kitson: Do you suggest that the risks in the timber industry are ordinary risks?

Hon. J. NICHOLSON: Yes. Risks are incurred every time one travels along a country road, which is not more than 10ft.

wide, if so much. In the South-West one travels along proclaimed roads 10ft. wide, with trees growing on them, and the wheels of the car probably grazing the bark of the trees. Does the hon. member contend that there is greater danger in travelling on a bush line, which is put down for a week or two, than on one of these permanent roads which are being used every day by travellers? One has to take risks on country roads just as one has to take risks in the streets of the towns. Let us not have such an absurdity as this. Then the Bill makes provision for regulations to govern the housing and accommodation of workers. That matter is already provided under awards of the Arbitration Court. Those awards contain restrictions and provisions as to housing. The Bill proposes penalties of a most extraordinary character. Clause 25 reads—

Any person who contravenes or does not comply with any of the provisions of this Act or any regulation made thereunder shall be deemed guilty of an offence against this Act and shall be liable to a penalty not exceeding, if he is an owner, agent, or manager, £50, and if he is any other person, £10 for each offence.

So that the owner, agent, or manager—the same man might occupy the three positions—may find themselves, or himself, with three fines of £50 each against them, or him.

Hon. E. H. Gray: The owner, agent, or manager is in a position of authority and responsibility.

Hon. J. NICHOLSON: Under the Bill the manager is required to see that the whole of the provisions of this measure are carried out. He is to displace, and unsupersede, the duties of, the inspector. He is to see that all these things are done, and he is to be fined £50, or perhaps three times £50, whilst the man who may deliberately remove a guard on machinery will be fined only a humble £10. Which is the greater sinner? The proposal is unjust. I do not think it necessary to say much more. I have pointed out sufficient to show that there is no justification for the introduction of the Bill. Hon. members who have spoken in support of it have, I think, been led away by a misunderstanding. The position in the timber industry is not the same as that in the mining industry. As regards the timber industry, protection is already provided by the various Acts to which I have referred. There is no need to add further statutes, which can only have the effect of exacting

penalties, thus obviously providing revenue—I do not know whether that is the idea—for the Government and creating a multitude of inspectors already authorised under other Acts. We would find the duties and powers of inspectors under this Bill conflicting with and overlapping the duties and powers of inspectors under the other Acts. If, for example, there happened to be two inspectors, appointed under separate Acts, visiting the mill on successive days, each might order the manager to do certain things. Under the separate Acts he would be liable to penalties provided, simply because he found it impossible to carry out the instructions given him, one order overlapping the other. It would mean practically that, the industry would be brought to a standstill.

Hon. E. H. Gray: That might happen if the Act were administered by lawyers.

Hon. J. NICHOLSON: I have stated the position as it actually is. Since there is nothing to justify the Bill, I move an amendment—

That “now” be struck out, and “this day six months” be added.

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

*House adjourned at 10.35 p.m.*

## Legislative Assembly,

*Wednesday, 24th November, 1926.*

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

### QUESTION—ALBANY ROAD, DIS-REPAIR.

Mr. E. B. JOHNSTON asked the Minister for Works: 1, Are the Government aware that the main road from Albany through Williams to Armadale is in an appalling condition of disrepair, comprising a succession of holes, bumps, and ditches, which in many places are almost impassable? 2, When do the Main Roads Board propose to commence the reconstruction of this important highway? 3, Will the Government in the meantime have this road repaired and made fit to carry the present traffic?

The MINISTER FOR WORKS replied: 1, The Government are aware that re-conditioning of the Albany road is necessary. 2, The Main Roads Board are now preparing for an early commencement of necessary work. 3, The responsibility of maintenance rests with the local authorities until such time as the road is declared a main road.

### QUESTION—ELECTORAL FORM.

Hon. Sir JAMES MITCHELL (without notice) asked the Minister for Justice: Will he lay upon the Table of the House the file that led to the issuing of the form headed, “Protection of enrolment of person whose occupation is of a nomadic nature?”

The MINISTER FOR JUSTICE replied: I have no objection to laying the file on the Table to-morrow.

### BILLS (4)—FIRST READING.

#### 1, Dried Fruits.

Introduced by the Minister for Railways (for the Minister for Agriculture).

#### 2, Government Railways Act Amendment.

#### 3, Police Act Amendment.

Introduced by the Minister for Railways.

#### 4, Mt. Barker-Manjimup Railway.

Introduced by the Minister for Works.

### BILLS (3)—THIRD READING.

#### 1, Legal Practitioners' Act Amendment.

#### 2, Ejanding Northwards Railway.

#### 3, Boyup Brook-Cranbrook Railway.

Transmitted to the Council.