Objection to Ruling.

Hon. A. Lovekin: I object to the Chairman's ruling, because it is contrary to the Constitution Act.

The Chairman having reported the objection to the House,

The Deputy President: In the ordinary circumstances the course to be pursued is for the Chairman to report to the President. The President is not here, so perhaps it may suit the hon. member if I report to the President at the earliest opportunity.

Hon. A. Lovekin: I suggest we now postpone the matter until next Tuesday.

Hon. J. Ewing: You, Sir, have the matter in your own hands. However, I suggest that we adjourn the consideration of the objection.

Hon. J. Cornell: I suggest that the Deputy President give his ruling, whereupon Mr. Lovekin can move that it be disagreed with, and we can adjourn the discussion until the next sitting.

The Deputy President: I should prefer to leave it for the decision of the President. It would be better if we had a motion to postpone consideration of Mr. Lovekin's objection.

The Colonial Secretary: I move—

That consideration of Mr. Lovekin's objection be postponed till the next sitting of the House.

Motion put and passed.

Committee resumed.

Progress reported.

House adjourned at 10.5 p.m.

Legislative Council,

Tuesday, 9th December, 1924.

The PRESIDENT took the Chair at 3.30 p.m., and read prayers.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Objection to Chairman's Ruling.

Order of the Day read for the consideration of the objection to the ruling of the Chairman of Committees.

Hon. A. LOVEKIN (Metropolitan) [3.3]: Before the Chairman of Committees reports to you, Sir, I desire, after having further considered the matter, to ask leave of the Council to withdraw the objection I raised on Friday night to the Chairman's ruling. At this stage of the session time is too precious to enter into a discussion that would take a considerable time, even if the point were a good one, but I am satisfied that as to some portion of the amendment, the objection I took was not tenable. Therefore I think I ought to withdraw the objection and save the time of the House.

Leave granted; objection withdrawn.

BILL—CLOSER SETTLEMENT.

Report of Committee adopted.

BILL—PEARLING ACT AMENDMENT.

In Committee, etc.

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

BILL—FORESTS ACT AMENDMENT.

Second Reading.

Debate resumed from the 5th December.

Hon. J. EWING (South-West) [3.8]: I should not have spoken but for the speech delivered by Mr. Cornell last week, in which he emphasised matters of great importance. In doing so he has done valuable service to the State. The forests policy is better to-day than it has been for many years past, and we all desire that it should be continued. We must do all we can to conserve our forests and regenerate them. In Mr. Lane-Poole we had an excellent officer, and in Mr. Kessell, his successor, we have a Conservator who is doing good work for the State. No doubt he is greatly interested in his work and desires to do what is right. In the carrying out of the forests policy the Lands Department has some say. A disagreement exists between the two departments and has extended over a number of years. The ex-Premier laid down the policy that good forest country should be conserved, but that agricultural land not carrying good forest should be made available for settlement. Nothing has been done to proclaim State forests, and that is where the shoe pinches. We are confronted with a difficult position, because the Minister for Lands desires all land he can get for the

purposes of settlement. Especially does he desire land in close proximity to railways and already provided with schools and other facilities, because the establishment of group settlements in such centres would mean the saving of considerable expenditure. I have in mind particularly the Greenbushes area. I am not here to say whether the timber on that area is sufficiently good to warrant its reservation. Neither do I know precisely the quality of the land. I know the Minister for Lands is determined to settle in that locality people already on their way to the State. In that I am with him heart and soul, because I believe the people of Greenbushes, who waited upon me 10 months ago and requested the establishment of a group there, were men in whom one could place confidence. They said the land was suitable for settlement and the Surveyor General and some of his officers have expressed a similar opinion. The only question remaining to be determined is whether it would be better to reserve the area for forest purposes. The time has arrived when the question should be settled. If we had a proper classification of all these lands, we would know the loadage of timber they were carrying and could decide whether they should be reserved for forests or made available for settlement. We are told that in some instances the classification is not complete, so that we do not know exactly what agricultural land exists in the areas that the Conservator wishes to have proclaimed as State forests. The Forests Act was passed in 1919, and surely there has been time to complete the classification and reach a decision. I have seen the forestry officers and the Lands Department officers at work, and I think they should have been in a position to decide ere this for just which purpose the land is the more suited. It seems it is only necessary for the Minister for Lands and the Minister for Forests to consider the matter and reach a decision. It would be of great advantage to have a group settlement at Greenbushes, where the conditions are ideal, provided the land is more suitable for agricultural development than for forestry. I have read the report of the Conservator of Forests covering the work of the department during the past year, and a perusal of it would repay every member. The Conservator says he has 2,000,000 acres of karri and jarrah forest which he wishes to have reserved for all time. I hope that will be done.

Hon. H. Stewart: Did not the Lefroy Government introduce the Forests Bill?

Hon. J. EWING: I was referring to the attitude of the late Government in regard to forest and agricultural land.

Hon. H. Stewart: It was that which caused Mr. Lane-Poole to retire.

Hon. J. EWING: I want the present Government not to take for agricultural purposes land that should remain under forests, and not to interfere unduly with our forest country. They should take all the land that can be used for agricultural settlement to the advantage of the State. In his speech Mr. Cornell discussed the sandalwood question. The Bill before us has to do with the royalty on sandalwood. Mr. Cornell was correct in many of his remarks. Last session Mr. Lovekin moved for the rejection of the regulations, and was supported by Mr. Gray in a 2½ hours speech, and by other members. Many members condemned the Government for what they had done with respect to the regulations. To-day, although there are fewer pullers engaged in the industry, those who are left are in a better position than those previously employed in it. The whole question appears to have been settled in a splendid manner. Four different companies are now working well, and are carrying out the regulations to the letter. The result has been to stabilise the industry, whereas previously it was more or less at sixes and sevens.

Hon. J. R. Brown: You should go into the back country before you say it is settled.

Hon. J. EWING: I am satisfied from the report of the Conservator and the statements of the Premier that the industry is now in a stable condition. From November to June of last year it returned to the State £44,000, and this year the Premier contemplates getting a revenue of £55,000. This is money that was not previously available from the industry.

Hon. H. A. Stephenson: It ought to have been.

Hon. J. EWING: The people in China and the merchants here have made a wonderful amount of money out of the industry. This should have been stopped five years ago. The matter was taken in hand by the late Government, who did what they considered to be in the best interests of the State.

Hon. C. F. Baxter: So it was.

Hon. J. EWING: The men engaged in the bush now have continuity of work, and everyone apparently is satisfied.

Hon. J. R. Brown: Why say that?

Hon. J. EWING: The merchants have to purchase sandalwood whether they dispose of it or not.

Hon. J. W. Kirwan: The hon. member does not know much about those engaged in pulling sandalwood when he says that everyone is satisfied.

Hon. J. EWING: Who is dissatisfied?

Hon. J. W. Kirwan: Everyone engaged in the industry.

Hon. J. EWING: The puller is in a better position than he was before.

Hon. J. R. Brown: Have you ever been one?

Hon. J. EWING: He is getting £16 a ton, which returns him about £12 nett. The only fly in the ointment is that there are

not now quite so many men engaged in the industry.

Hon. E. H. Harris: Those who are satisfied are those who are getting the orders.

Hon. J. EWING: I do not think there is any monopoly. The agreement was made for 12 months.

Hon. J. R. Brown: Five years.

Hon. J. EWING: There is a tentative agreement by which the arrangement can be continued for five years. If the Government choose to disagree with that, they can cut out all monopolies, if such exist, in 12 months. It is, however, understood that if the regulations are carried out those who now have the contracts will possess them for a further four years.

The PRESIDENT: I think the hon. member is discussing matters outside the scope of the Bill. The Bill has to do with the question whether the Government should appropriate the revenue derived from sandalwood or not.

Hon. J. EWING: I am arguing that the industry has improved so much during the past 12 months that this revenue is now available.

Hon. H. Stewart: And might quite well be spared.

The PRESIDENT: The point the hon. member has to discuss is whether or not the Government are justified in taking that revenue into Consolidated Revenue.

Hon. J. EWING: I think I am justified in stating the reason why this revenue is available. Prior to the regulations coming into force there was very little money available. Now there is this large revenue that the Premier desires to take. If it had not been for the regulations this money would not have been forthcoming. The Bill provides that the whole of the revenue derived from sandalwood shall be appropriated for Government purposes. At present three-fifths of it is appropriated to a special fund for reforestation purposes. I understand from the Premier that this fund now stands at £71,545. If that is the case, it seems to me that the fund is not for the moment required for reforestation purposes.

Hon. G. W. Miles: And you are going to give this away for all time.

Hon. J. EWING: The Treasurer is in need of money. We have to consider many things before we pass this Bill. The Minister's reply will decide my vote concerning it. If the Leader of the House can assure me that the development and reforestation of our timbers will not be curtailed, I shall be satisfied for the time being to give this money to the Treasurer, who wants to take the entire revenue amounting to about £55,000. I am not, however, prepared to give him the whole of that. I understand the Treasurer stated he would not do anything to jeopardise the sandalwood industry or any part of the timber industry, and that he would place on the Estimates a certain amount each year up to £5,000 for the carrying on of the reforestation of sandalwood. I do not doubt the Premier's word, but in Committee I intend to move that one-tenth of the net revenue from sandalwood, namely, £5,000, shall be set aside for the reforestation of that particular timber.

Hon. C. F. Baxter: Would that be the proper amount?

Hon. J. EWING: I understand from the Conservator and others that such a sum would be sufficient for a considerable time. At any rate I propose to move an amendment in that direction. There would then be left £50,000 for the Treasurer. I am somewhat doubtful as to how to vote on the question of the general policy of reforestation. Mr. Burvill and others have emphasised the importance of growing soft woods here. We are importing large quantities of soft wood. Experiments have already been made with pinus pinaster. I understand it is growing in France on the poorest of land. It was planted there in order to avert what was thought would be a national catastrophe on account of the moving sands threatening to inundate the country. Vegetation was planted first, and these trees were put in afterwards. They have meant a wonderful revenue to the people in the locality. The land is inferior to ours. I hope if this money is given to the Treasurer for the time being that some arrangement will be made whereby the Conservator will be able to carry out his timber policy, and be possessed of the funds necessary to encourage the growth of this particular kind of soft wood. It would be a suitable timber for fruit cases. I hope he will not be treated in any niggardly manner if the Treasurer gets this money.

Hon. J. Cornell: This Bill will be for all time.

Hon. J. EWING: I hope the Leader of the House will be able to assure us that something in this direction will be done. The reforestation of jarrah and karri and the planting of pinus pinaster are very necessary.

Hon. J. J. Holmes: You said that would be no good, indicating that the Premier might not be long in office.

Hon. J. EWING: I said it was not that I did not trust the Premier, but I want the Bill amended in the direction I have indicated. We never know how long a party may be in power. If one-tenth of the nett revenue is set aside for sandalwood, that should be sufficient for five years. After that another place can reconsider the position. It would be somewhat dangerous to give this £50,000 to the Treasurer unless we have an assurance that our Forests Department and the reforestation policy will not suffer, and that we can get the money back again if necessary. Parliament can undo anything that Parliament does.

Hon. G. W. Miles. Provided the Treasurer would be willing to put it up.

Hon. J. EWING: I know the difficulties. It is because I wish to help the Government in their financial position that I am inclined for the moment to support this Bill. Perhaps the best policy would be that enunciated by Mr. Cornell, that is to conserve everything for the benefit of the forests.

Hon. G. W. Miles: That would be best.

Hon. J. EWING: The reforestation fund amounts to £71,000 and that money is available. The Premier does not intend to take any portion of it, and it would be added to year by year.

Hon. J. Cornell: He could not take it without an amending Bill.

Hon. J. EWING: I know, and he does not propose to take it.

Hon. J. R. Brown: Is the fund not enough?

The Colonial Secretary: That was the amount to the 30th June last.

Hon. J. EWING: Any money that is not spent from the sandalwood revenue can be added to that fund. We might for the time let the Treasurer have £50,000 of the money, and I hope he will make good use of it.

Hon. G. W. Miles: Why not place a limit of one year upon it?

Hon. J. EWING: I would support an amendment to place a limit of three years upon it. By that time we should know whether funds are necessary for reforestation purposes. I believe that is the right attitude to adopt. It would be rather mean for us to say to the Premier, "We will not let you have this revenue, but you must go on piling up the reforestation fund." We know the Government need money just now.

Hon. J. Cornell: If you followed that line of reasoning you would never have reforestation in this State.

Hon. J. EWING: A limit could be placed upon the number of years during which the Treasurer could take this money. At any rate, I intend to move the amendments I have indicated. I hope the Minister will confirm my belief that the Government intend to do a fair thing by this particular industry.

Hon. J. Cornell: They may not do it.

Hon. J. EWING: There is a big reforestation fund, and, if we see to it that £5,000 is set aside for the encouragement of the growth of sandalwood, that should be sufficient. It has not been very successful up to date. The trouble seems to be that the existing timber should not be cleared: one ought to have the live timber. Very few people really know how sandalwood is propagated and lives. I understand it does not throw down a tap root, but spreads its roots until they reach live wood. Afforestation on ordinary lines does not seem to be a safe proposition in connection with sandalwood. It is necessary that certain areas should be reserved, and that any timber on them should be conserved, in order that the continued growth of sandalwood may be made possible.

Hon. H. STEWART (South-East) [3.32]: The Forests Act of 1918 was supposed to settle for all time the desirability and the ways and means of providing for the permanent existence of Western Australia's forests. Since the Lefroy Government went out of office there has been from time to time a feeling that the late Premier was causing considerable trouble with a view to obtaining areas which he should not have obtained for land settlement purposes. Whereas the previous speaker eulogised the efforts of the late Government with regard to forestry, those interested in the subject viewed with concern the apparent actions of the ex-Minister for Lands. At an international conference of foresters held in Australia during 1922 it was recommended that there should be a reservation of 24½ million acres of forest land for Australia, Western Australia's quota being fixed at three million acres. It seemed to me remarkable that this State, containing an area of one-third of the continent, should be allotted only one-tenth of the forest reservations supposed to be necessary.

Hon. J. Cornell: We had forests then, and the other States had not.

Hon. H. STEWART: Still, upon what basis the quota of three million acres was decided, I do not know. Comparatively speaking, that area seemed inadequate. Therefore I regard the three million acres as an absolute minimum. I realise that the existing Act, and the regulations formulated under it for the control of the sandalwood industry, viz., the restriction of sandalwood pullers to trees of a stipulated size, have for their purpose the preservation of that industry from extinction. That being so, we are justified in assuming that the sandalwood industry as now regulated will not perish. However, the time will come when the Forests Department must expand, and will require further money for development purposes. The position in regard to classification under the Forests Act is unsatisfactory. Up to the present time it has not been decided between the Lands Department and the Forests Department what areas shall be reserved, and Mr. Lane-Poole left the last Government because of a disagreement over the interpretation of the Act and the then existing regulations. Certainly no blame attaches in this connection to the present Government; but, although the legislative machinery has been created, forestry work has not proceeded as vigorously as it should have done with the funds available. As regards the present measure, the Government need money, and therefore have appealed to Parliament. Quite apart from Mr. Miles's interjection, I intended to say that when the Bill goes

into Committee I shall give the House an opportunity, under Subclause 1 of Clause 2, to restrict the Colonial Treasurer's use of the revenue derived from sandalwood beyond the 30th June, 1925. Then, if other means of financing have not been found, the Government can ask for a renewed authority. A similar course has been adopted in connection with other measures, and so the House has maintained its position. On the strength of the figures quoted by the Colonial Secretary, I am inclined to give the Government the whole of the sandalwood revenue up to the 30th June, 1925, seeing that there are unutilised funds in hand for forestry work. But I hold that we are justified in giving such authority only for limited periods.

Hon. J. NICHOLSON (Metropolitan) [3.38]: I have been interested by the speeches on this Bill, which seeks to amend the Forests Act. The principal object of the measure is to make provision for the Government's appropriating the royalty from sandalwood, which would otherwise be received by the Forests Department. We all recognise that the provision made in this connection by the principal Act is very wise indeed, if we intend to preserve that great national asset of forests which we now possess, but which is gradually being eaten into and denuded. Clearly, it is essential that we should do something to preserve that asset for the benefit of future generations. Whilst I recognise the seriousness of the Government's position from a financial aspect, and their embarrassed circumstances, I think it may be right to limit the operation of this Bill to a certain period. Mr. Cornell's statements regarding the sandalwood industry weigh with me very seriously. But there is the other aspect, the need of financing our country. We know that the Government are being put to a very severe test in making both ends meet.

Hon. J. Cornell: They knew all about that before they took office.

Hon. J. NICHOLSON: I have no doubt they realised it. Whilst in ordinary circumstances I would be prepared to support absolutely all that Mr. Cornell has indicated, still, having regard to existing circumstances, I think that some little relaxation of the position must be regarded as a temporary necessity.

Hon. J. Cornell: I wonder would Sir James Mitchell have got the money if he had sent along such a Bill as this? I think he would have got the axe.

Hon. J. NICHOLSON: I certainly do not go so far as to say that the whole of the revenue from sandalwood should be appropriated by the Government. A portion of that revenue should be held back for reforestation of sandalwood. Mr. Ewing's suggestion appeals to me. I may draw attention to what the Conservator of Forests says in his last report, on pages 15 and 16, under the heading "Sandalwood propagation"—

> The fencing of an area of 210 acres sown with sandalwood nuts in June, 1923, was completed. The total area of jam country reserved in this locality, amounting to 430 acres, has now been sown. Two hundred and twenty acres sown in June, 1922, showed no sign of germination until April, 1923. Reports for July indicated a 90 per cent. germination, and by the following month plants were 1in. to 6in. high.

I call attention to this because I consider that part of the sandalwood revenue should be reserved for continuing the work of propagating sandalwood.

Hon. T. Moore: What you are quoting is merely an experiment.

Hon. J. NICHOLSON: I grant that it is only an experiment; but we must extend our experiments, and as we find them successful it will not be difficult to get suitable areas and plant these with sandalwood. The Conservator's report continues—

> The following months were dry, and only 50 per cent. of the seedlings were alive and healthy at the end of November, 1923. The heaviest percentage of deaths was among trees in the open spaces between large isolated jam trees. Those seedlings which had survived in the open were only 2 to 4 inches in height, while those receiving some protection from the direct rays of the sun averaged 10in. in height, and were more robust in appearance.

It is interesting to follow the report, but hon. members can read it for themselves. Following that report, the Conservator points out that his department have had some difficulty in securing suitable areas. I do not doubt, however, that it will be possible for them to get what areas they require if they once prove that successful germination of the seeds can be brought about.

Hon. G. W. Miles: Are they doing it successfully in India?

Hon. J. NICHOLSON: I do not know how the work is proceeding there.

Hon. J. W. Kirwan: The trees are being destroyed there by a parasite.

Hon. J. NICHOLSON: It has been indicated that while the Bill limits the appropriation of revenue to that derived from sandalwood, other matters are dealt with under the Forests Act. There seems to be an impression that we have actually two million acres of forest land reserved in Western Australia. That is wrong. Mr. Ewing indicated that there were reserved some two million acres.

Hon. H. Stewart: We are supposed to have three million acres.

Hon. J. NICHOLSON: That was the decision at the conference of foresters, but as a fact only a small area is reserved as

shown by the report. In his annual report the Conservator of Forests stated—

> It is certainly remarkable that a State possessing only slightly over two million acres of price forest country (.003 of the total area), from which it is obtaining annually well over one million pounds sterling of exportable produce (or 10s. per acre per annum) should be so little concerned with the preservation and perpetuation of its limited forest area.

I do not care whether the revenue comes from sandalwood or from any other type of tree; the fact remains that the revenue comes from the forests. Any industry that can bring in over one million pounds per annum should be supported. I will endeavor, so far as I can, to preserve that industry for future generations.

Hon. J. Cornell: And this is the first shot to upset it.

Hon. J. NICHOLSON: I am not seeking to detract one iota from what Mr. Cornell has stated. His remarks were quite correct. What we ought to do is to say that this money must be locked up for reforestation purposes, and for the development of the great forest wealth of the State.

Hon. G. W. Miles: That is what we ought to do.

Hon. J. NICHOLSON: If it were not for the severe financial stringency with which the Government are faced, I would vote to throw out the Bill. To assist the Treasurer temporarily, I will be prepared to limit the appropriation of the revenue suggested to June, 1925, as proposed by Mr. Stewart. I would not agree to the Government receiving the whole of that money, but suggest they should be limited to 75 per cent. of it.

Hon. J. Cornell: There is £33,000 involved.

Hon. J. NICHOLSON: The other 25 per cent., which would otherwise go into general revenue, should be handed over to the Forests Department to be applied to the reforestation work in connection wtih the sandalwood industry. If that course were adopted the Forests Department would not be wholly deprived of the money necessary to continue experiments between now and June, 1925. As the Conservator of Forests points out, the department has been experimenting with a small plot of 430 odd acres, and the 25 per cent. of the revenue which I propose should be handed back to the department will be sufficient for the purposes of those experiments without the necessity for taking money from the other royalties received from the timber industry.

Hon. J. Ewing: That will be a fair amount. The department will not require all of it.

Hon. J. NICHOLSON: I think the department will require all that money, because the Conservator hopes to secure an area of several thousand acres near Ravensthorpe where the department will be able to experiment on a larger scale. The revenue from sandalwood is being diverted from the legitimate purposes defined in the 1918 Act. I hope the Leader of the House will convey to his colleagues the feeling of other members besides myself regarding the preservation of this great national asset, and regarding the diversion of revenue from that industry for purposes other than the development of our forests. I support the second reading of the Bill, but I will vote in favour of an amendment when we deal with it in Committee along the lines I have indicated.

Hon. J. J. HOLMES (North) [3.51]: This matter is rather complicated. We desire to do what is best in the interests of the country and at the same time we have no desire to harass the Treasurer, who is looking round in every direction for money. I cannot imagine any Treasurer, having regard to the future, attempting to take money derived by way of royalty that properly belongs to the Forests Department and including it in general revenue. The State could not have a better asset than sandalwood. I do not know of any forestry work that could be undertaken with more profit than the planting of sandalwood, in view of the money that can be secured from the trade. The industry has brought the Government £9 per ton for royalty and the Government are not asked to spend a penny in connection with the production of that revenue. Sandalwood grows on very poor land in many places. It is necessary that kindred trees should be grown with it. Should anyone attempt to grow sandalwood and destroy the kindred trees he will not achieve success. I know some parts in the northern portions of the State where kindred trees grow and we find there sandalwood growing in places where nothing else will thrive. If we could develop this part of the timber industry and have sandalwood forests as a national asset, it would mean that the Government would receive £9 a ton as royalty, and in these circumstances surely the House would be wise if they paused before passing legislation of this description.

Hon. J. Cornell: They could get £20 per ton.

Hon. J. J. HOLMES: So much can be done in other directions in connection with reforestation work that the few thousand pounds the Government will have added to the £8,000,000 general revenue they receive now will not matter much.

Hon. T. Moore: That money will not be added to much now. There is a pretty empty Treasury at present.

Hon. J. Cornell: Labour knew that when they took office.

Hon. T. Moore: The people put us there.

Hon. J. Cornell: But you tried hard to get there.

Hon. J. J. HOLMES: Despite the fact that the State has a revenue of over £8,000,000 it is found necessary to borrow three-quarters of a million or so to make ends meet. In the circumstances the few thousand pounds that the Treasurer will have added to his revenue will not mean much to him, but it will hit the Forests Department pretty hard. I do not suggest that the whole of the money should be devoted to the replanting of sandalwood, for there is so much that can be done with the money. We have heard of what could be done between Esperance and Perth by planting pines through the sand hills. Mr. Lane-Poole told us what could be done between here and Geraldton, where there is a stretch of about 300 miles of barren sand hills that produce very little. Mr. Lane-Poole's scheme was to plant pines there, so that in the years to come there would be a great asset for the State. The Forests Department could start out to plant those barren sand hills with pines and have a forest there within the next 20 years. I understand from Mr. Seddon that they have been cultivating the sandalwood tree in India for some years past. Some time ago the present Conservator of Forests indicated that this was a profitable avocation for anyone to take up. I do not remember the date when that statement was made, but it is clear in my mind, because I made a mental note at the time that I would take an opportunity to do a little bit towards the growing of sandalwood in places where nothing else would grow. I do not desire to say any more on this question, beyond urging the House to view this matter with a broad outlook. I do not wish to harass the Government in any way, but there is so much that could be done in connection with reforestation, and the amount proposed to be appropriated is so little compared with the £8.000,000 that the Government receive in revenue, that I hope the House will hesitate in their decision to be generous to the Treasurer or hard upon the Conservator of Forests.

Hon. H. A. STEPHENSON (Metropolitan-Suburban) [3.56]: I have much pleasure in supporting the Bill. I congratulate the previous Government on having placed the sandalwood industry on a sound business footing. I have been somewhat surprised when listening to members who have been in Parliament for upwards of 20 years to find that they have only just discovered what an asset Western Australia has in sandalwood. For many years private individuals have endeavoured to get Governments from time to time to look upon the sandalwood trade from a business point of view. Many years ago they pointed out that Western Australia had a monopoly of the sandalwood business. Practically 80 per cent. of the world's supply is grown here and we have an absolutely buoyant market for that timber for all time. Had the sandalwood trade been conducted on sound business lines during the last 20 years, the State should have benefited to the extent of at least £50,000 a year.

The PRESIDENT: The hon. member cannot now discuss the question of policy regarding the sandalwood trade. The matter under consideration is the appropriation of revenue from sandalwood.

Hon. H. A. STEPHENSON: I am in favour of the Government appropriating the money received from royalty on sandalwood as proposed.

Hon. J. Cornell: Why not take the royalty on jarrah too?

Hon. H. A. STEPHENSON: Sandalwood is entirely different from jarrah. We have a monopoly in the sandalwood industry and we have not a great deal of sandalwood left. My own idea is that within 10 years we will have very little sandalwood left. Re-growth of that type of tree is practically out of the question. We might plant trees now and they may prove of commercial value in anything from 50 to 100 years' time. I do not think it is possible, if we planted sandalwood now, to get any benefit from it inside of at least 40 years. Some might ask what I know about sandalwood. I have been further into the sandalwood country and know more about it than do most other members. Only recently I was over 100 miles beyond Laverton, and on other occasions I have been out in various other directions. Bush fires are destroying a good deal of the sandalwood, which does not do at all well after a heavy fire has passed through the country. I have been into the centre of Western Australia, and from experience I can say that even at the present rate of consumption, namely 6,000 tons per annum, in all probability there will be very little sandalwood left in Western Australia 10 years from now. The Government should make all they can out of the wood while they have it. They should have all the money received as royalties, because they are very much in need of it, and money is dear. It is better that the Government should appropriate that money rather than apportion some of it for reforestation.

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

BILL—MINING DEVELOPMENT ACT AMENDMENT.

Second Reading.

The HONORARY MINISTER (Hon. J. W. Hickey—Central) [4.2] in moving the second reading said: This is a short but important Bill. For some years past there has been a decline in mining. Never-

theless I share the opinion held by good judges that, even making all allowances for the characteristic optimism of the prospector and mining men generally, there is a great future before mining in Western Australia, particularly in respect of our low grade propositions, and having in view the installation of up-to-date machinery, and the adoption of other modern methods that, probably, will form the subject matter for the Royal Commission on mining. We all know what mining has done for the State. It has been responsible for the development of our agricultural and other industries. Therefore mining should have every assistance. It is in recognition of that that the Bill has been introduced. It has for its object the creation of a board to act in co-operation with the Minister and advise him in matters of local importance. A considerable amount of money has been expended by the Government in mining development. In 1916-17 £8,000 was voted for the purpose. Of that sum £7,000 was expended. In 1917-18 the amount voted was £14,000, and the amount expended was £6,700. In 1918-19 the amount voted was £50,000, and the amount expended £8,000. Apparently in that year the Minister could not see his way clear to granting the bulk of the applications placed before him. In 1920-21 the amount voted was £46,000, and the amount expended £25,000. In 1921-22 the amount voted was £45,000 and the amount expended £38,000. In 1922-23 the sum of £75,000 was voted, and £62,455 was spent. In 1923-24 no less than £90,000 was voted and £68,748 expended. Of that expenditure £50,000 went to mining companies on the Eastern goldfields in the shape of cheaper water. It was expected that the expenditure of that money would be the means of quickening mining development, with the consequent employment of a larger number of men. I am not sure that the expectation has been realised. It is said that more development work has been put in hand and a greater number of men employed, but so far as I can see the number of men employed on the Golden Mile has been reduced since the expenditure of that money.

Hon. E. H. Harris: Do you mean as the result of giving the mines cheaper water?

The HONORARY MINISTER: No, but I say that as a return for that large amount the very best efforts of the mining companies should have been put forward. Instead of that, the results have been disappointing.

Hon. T. Moore: Did not the mining directors receive increased fees?

The HONORARY MINISTER: I believe they did, and I do not think that helped mining; rather do I regard it as unfortunate that such a thing should have occurred. The object of the Bill is to give statutory recognition to mining boards whose function it will be to advise the Minister how best the industry can be developed. Such boards exist in the Eastern States and in the old days they were perfectly successful. Comprised of men who understood the industry, those boards did valuable work in making practical suggestions to the Mines Department. Even to-day we have honorary advisory boards in this State, but their functions are limited to the assisting of prospectors. The Bill will widen their scope.

Hon. E. H. Harris: In what way?

The HONORARY MINISTER: Boards will be appointed wherever necessary, and will report through the central board sitting in Perth. To-day that board is known as the prospectors' board, and it has branches in Kalgoorlie and on the Murchison. The Perth board consists of Mr. Lang, the Assistant Secretary for Mines, Mr. Montgomery, the State Mining Engineer, Mr. Gibb Maitland, the State Geologist, Mr. Harris, an engineer, Mr. Cornell, a member of this Chamber, and Mr. Chesson, a member of the Assembly.

Hon. E. H. Harris: And the Under Secretary for Mines.

Hon. H. Stewart: And Mr. J. F. Allen.

The HONORARY MINISTER: That is the constitution of the Perth board. Other boards will be appointed throughout the State, and this central board, instead of being merely a prospectors' board, will be a very real body, to which the branch boards will report. Those branch boards will have statutory powers, but no power to spend money. The travelling expenses and allowances of the board members will be borne by the Government. The scope of the board will be extended to embrace the North-West, where it does not operate to-day, beyond the fact that it has power to encourage prospecting up there. Under the Bill one board may be created at Marble Bar and another at, say, Pilbara. If it be found possible to bring those boards together from time to time, the expense of so doing will be borne by the Government. It is hoped that the work of those boards will prove entirely beneficial. The existing board has done a great deal of useful work. During the first six months of the present year 75 prospecting parties, aggregating 109 men, were assisted, and in addition 35 parties already in the field had their assistance periods extended. Towards the end of 1921 the central board sent out a State equipped party. Later the board equipped several other parties, one of which examined the Coobina belt near the Ophthalmia Ranges. Another prospected near Lake Barlee, and a third prospected the Ashburton goldfields. Still another party is now operating in East Kimberley. When reviewing the operations of those parties, it has to be remembered that although there have been no outstanding results, some very good crushings have been obtained. It is believed the Mount Grey discovery by Messrs. Jones and Harris will result in the opening up of two or three

valuable mines. Systematic prospecting in many districts has brought the department definite information which, having been tabulated and filed, has proved very useful to officers of the department. They have it at their disposal for all time, and it is information the like of which the department have not previously had. From time to time prospectors have access to the file, and the information is of great value to men contemplating a trip outback. The mining boards will not have authority to expend money. The financial aspect must be controlled by the responsible Minister. Men of long experience of mining, who have viewed the tragedy of mining in various States, are enthusiastic regarding the prospects here. We should benefit from past experience and see that the necessary precautions are taken to avert tragedies such as that which occurred at the Day Dawn mine. I think we can reasonably look forward to a new era in mining, and when it comes we shall probably be able to better safeguard the lives of the miners and avoid many of the pitfalls of the past. With boards composed of carefully selected mining men acquainted with their particular districts, we can look forward with considerable hope to a revival of the industry that has done so much for the State. We have reason to believe that there are still great possibilities ahead of many of our low-grade mines. I commend the Bill to the House and move—

That the Bill be now read a second time.

Hon. E. H. HARRIS (North-East) [4.18]: The main feature of the Bill is the proposal to convert the prospecting boards of to-day into mining boards, and to limit the number of members composing the central board, who will cease to rank among the great unpaid. The Bill provides for an apropriation for fees, which I presume will be paid for each sitting. A question of interest is how the smaller number of representatives on the boards will be elected. The board in the Kalgoorlie district has as its president the warden, and includes a mining inspector, and representatives of the returned soldiers, the Leaseholders and Prospectors' Association, the Chamber of Mines and the Chamber of Commerce. That is a much larger board than is proposed under this Bill. The Government should elect to the boards men with a practical knowledge of mining, men who will command the confidence of the mining world. No mention is made as to how this will be brought about. The powers proposed to be conferred on the board are in no wise different from those exercised by the prospecting board. Recommendations are to be made to the central board, which in turn will make recommendations to the Minister. Though it is proposed to appoint mining boards, they will have no more power than have the prospecting board. Whether any tangible results will be achieved by their appointment remains to be seen. Certainly there will be more boards. The whole of the auriferous areas should be represented, and we can only hope that the information supplied to the central board will prove of advantage to the State.

Hon. H. STEWART (South-East) [4.21]: I concur in the view expressed by Mr. Harris. This proposal means practically an extension of the prospecting boards. The Minister has taken the idea from the mining boards that were in operation in the other States many years ago. At the time when mining boards might have done useful work, Governments did not lend money to companies or private individuals for the development of mining as is done now. In the old days the boards in Victoria, Tasmania and New South Wales were never to the fore; their sphere of usefulness lay in advising the Government regarding the opening up of the country and the providing of facilities and conveniences such as roads, tracks, geological and other surveys, to enable the prospectors to go out and the companies to get to work. The extension of mining boards to far-distant parts, such as Marble Bar, Pilbara, and the Far North may be desirable if there is any activity in those districts, and would probably be better than centralising the work down here, although the arrangement will be for the outside boards to report to the central board. I am not sanguine of any appreciably good results following the passing of this measure, but if it will assist to increase the amount of prospecting, we should support it, because we must remember that one or two good discoveries are capable of attracting a flow of population and revolutionising the industry. The Government could do something to check wild-cat propositions. If this had been done years ago we should have avoided such booms as Bullfinch, Westonia, Hampton Plains, Mutoroo and the Empire Syndicate at Hancock's. I and my colleagues of the Country Party put forward in our policy at the last general election the remission of taxation on mining, which has since been adopted by the Government. We were the first to suggest that, together with no taxation of dividends until the paid up capital of the company which had been expended had been returned. Another recommendation of ours mentioned in the Policy Speech is the necessity for legislation to prevent the flotation of mining companies unless accompanied by a report made by a qualified mining engineer who shall be a member of the Australian Institute of Mining and Metallurgy, the chartered institution of Mining and Metallurgy (London) or similar institutes affiliated with them which has the power of depriving such engineer of membership on it being proved that he has given a wilfully false report. This is necessary to give confidence to investors. The exhibitions we have had in recent years of blue bush and bare mulga country being floated for im-

mense sums of money and the vendors receiving a large proportion of it are not in the interests of the mining industry of the State. They have an effect so detrimental that it is almost impossible to raise the necessary capital for a show deserving a good spin. Confidence has been undermined. The Minister has not had time to bring down legislation this session, but I hope he will bring down a Bill next session, because I believe that from such a measure nothing but good could result.

Hon. E. H. Harris: You would not suggest it should come within the scope of those boards?

Hon. H. STEWART: No, but as an auditor is required to investigate the financial standing of every business, so this would be fair and reasonable provision to safeguard mining investment. The State cannot be expected to take the responsibility of getting its officers to say whether a proposition is justifiable, but a man interested in his profession and with a reputation to lose would exercise his judgment with due caution, and so safeguard investors. If his judgment was right, he would be successful in his profession. If his judgment was wrong and if he unwarrantedly condemned a show that afterwards turned out well, he would prove a failure. I offer no objection to the Bill, and I hope it will prove of real assistance to the industry. One thing to be guarded against is the possibility of parochialism creeping in and money being expended without a good result being obtained from it. I have examined many propositions in different parts of the State since 1915. From time to time I have, together with other engineers, been astonished at the liberality of mind that has prompted the Government, on the recommendation of their engineers, to advance money in certain cases. From the indications, most of us in private practice would not feel justified in recommending any company or individual to expend money in some of those instances. I am not aware that the Government have interfered in any way with legitimate testing and prospecting. On the other hand, as a taxpayer and citizen, I know of instances in connection with companies, with head offices in Victoria but whose operations have been conducted here, in which the Government under the Mines Development Vote have been too liberal.

Hon. J. W. Kirwan: In other cases they have not been generous enough.

Hon. H. STEWART: I do not know of any cases of that kind. No reasonable proposition that has been brought before the Government in an application for assistance on the usual basis has, to my knowledge, been refused, but in some instances those conversant with the work would not have felt justified in recommending expenditure.

Question put and passed.

Bill read a second time.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

In Committee.

Resumed from the 5th December; Hon. J. W. Kirwan in the Chair; the Colonial Secretary in charge of the Bill.

Clause 56—Repeal of Part V., and insertion of new part in place thereof.

Hon. H. A. STEPHENSON: I move an amendment—

That in proposed new Section 103 all the words after "sufficient," in line 2, be struck out, and the words "to enable the average worker to whom it applies to live in reasonable comfort, having regard to any domestic obligation in which such average worker would be ordinarily subject" be inserted in lieu.

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

Clause 57—Apprentices in building trade:

Hon. J. NICHOLSON: I move an amendment—

That in proposed new Section 115 (a), Subsection 1, after "the Apprenticeship Board, in line 4, there be inserted the words "to regulate or provide for apprentices to be employed and the terms of their employment;" and after "which," in line 4, the word "board" be inserted."

The proposed section states that a board of three members, to be called the Apprenticeship Board, may be appointed. It is necessary to express more clearly what is intended.

Amendment put and passed.

Hon. J. CORNELL: I move an amendment—

That in proposed paragraph (c) the words "and shall be a member of" be struck out, and "by" be inserted in lieu.

It has been decided that the Court of Arbitration shall consist of one man, who cannot be expected to be a member of all these boards.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That to proposed Section 3 the following proviso be added:—"Provided that the members of the said board shall not be personally liable under this Act or under any agreement or indenture of apprenticeship entered into with the said board, nor shall such members be liable to any action or proceeding at the instance of any apprentice or employer or other person joined in such agreement or indenture."

It cannot be intended that the board shall be held liable in this matter, and the

amendment would obviate that construction being placed upon it.

The COLONIAL SECRETARY: I doubt if it would be wise to free the board from liability. It will play an important part in connection with this Bill. Every apprentice will be apprenticed to the board, which will have power to abrogate any agreement, and to transfer an apprentice from one employer to another.

Hon. A. LOVEKIN: You will get no one to sit on the board if it is not freed of liability.

The COLONIAL SECRETARY: The clause will give the board perfect freedom to do what they like without liability in the performance of their duty.

Hon. J. NICHOLSON: If the Leader of the House will agree to the provision going through I will talk it over with the Crown Law authorities. If the board through their own act did something that was wrong, they should not be excused for their wrong doing. But the apprenticeship board is to be practically in the place of the employer. The members of that board will not be either the employers or the tutors but really will act as intermediaries, and to make them personally liable for delinquencies on the part of the employers would not be right. Provision should be made for proceeding against employers who fail to carry out their obligations.

Amendment put and passed.

Hon. J. NICHOLSON: I propose to move a further amendment to insert at the commencement of Subclause 4 the words "The court with the approval of." The subclause sets out that the Governor may, by regulation, define the term "building trade," and the amendment I propose would enable the court with the approval of the Governor, to so define that term.

The COLONIAL SECRETARY: It is the Governor who makes regulations. He may make them on the recommendation of the court.

Hon. J. NICHOLSON: In view of what the Minister has said, I will move my amendment in the following form:—

That after "may," in line 1, the words "on the recommendation of the court" be inserted.

Amendment put and passed.

Hon. H. STEWART: It seems to me that it is not in accordance with the general principle of the Bill that we should have in this clause special provision for the building trades. It would be better if the apprenticeship board were in a position to deal with all branches of trades. Why has the building trade been specially mentioned?

Hon. J. NICHOLSON: I had the same thought in mind when I was preparing amendments to the clause. As it is, it may be necessary on recommittal to amend some of the amendments I have moved so as to make them conform to the clause generally. I would like to know if it is necessary to confine the provision to apprentices in the building trades.

Hon. A. Lovekin: Have we not dealt with the subclauses to which Mr. Nicholson is referring?

The CHAIRMAN: We are now considering Clause 57 as amended. The amendments indicated by Mr. Nicholson could be moved only on recommittal.

Hon. J. NICHOLSON: I do not know why the clause is confined to the building trade. I am inclined to think that we should have an apprenticeship board whose operations will extend over other trades as well.

Hon. J. E. Dodd: The trouble is that those in the building trade will not take apprentices.

Hon. J. NICHOLSON: Perhaps that is the reason for the provision in the clause. However, it is a matter worthy of consideration.

The COLONIAL SECRETARY: Mr. Dodd has furnished the reply to the questions raised by Mr. Stewart and Mr. Nicholson. If a builder takes a contract the work may extend over 12 months or six months. When the building is erected the contractor will not know when he will have a similar contract again. It was because of the difficulties arising from this position that it was decided to confine the operations of the clause to the building trade as indicated in Subclause 2. Outside of that provision the system will apply generally to apprentices. There are very few apprentices in the building trade now. With regard to Mr. Stewart's point, there are numerous sections in the building trade and it will be recognised that it is necessary they should be defined.

Hon. W. H. KITSON: This particular clause is intended to apply to the building trade only, the reason being, as most members know, there are many trades coming within the scope of the term "building trade." I do not know any other section of workers in the same position as those in the building trade which is usually carried on by contractors. Some are able to provide regular employment to apprentices and journeymen and others have only irregular employment to offer, with the result that perhaps one contractor does not care about binding himself to take one or more apprentices simply because he cannot guarantee continuity of work. This clause is devised to get over that difficulty so that an apprentice may be transferred, if necessary, from one employer or contractor to another and thus make sure that the apprentice will have an opportunity to learn the trade to which he is indentured.

Hon. H. SEDDON: There is a strong argument in favour of the apprenticeship board having authority to deal with all the trades, and I trust Mr. Stewart will move

for the recommittal of the Bill to allow that to be carried out.

Hon. H. Stewart: My idea was to find out whether it was necessary to give the clause a wider scope.

Hon. H. SEDDON: If the apprenticeship board is limited to the building trades only, it will mean action being taken by the court or a fresh apprenticeship board being formed for each trade for which there is no provision. In the interests of the boys, there should be a board operating in each trade to see that the apprentices were being taught their work properly. For that reason I would like to see the Bill recommitted.

Clause, as amended, put and passed.

Clause 58—Apprenticeship generally:

On motion by Hon. A. Lovekin, the word "to" was inserted after "paid" in Subsection 2 of proposed Sec. 115b, the subsection then reading, "No premium shall be paid to or accepted by an employer for taking an apprentice."

Hon. A. LOVEKIN: I move an amendment—

That Subsections 3 and 4 of proposed Section 115b be struck out and the following words inserted in lieu:—"The terms of employment of every apprentice shall be such as shall be approved by the court or set out in any award of the court and shall provide that the technical instruction of the apprentice when available shall be at the employer's expense."

The subsection as it appears in the Bill reads, "The technical instruction of the apprentice, when available, shall be at the employer's expense." I have no objection to that. Then it goes on, "and shall be in the employer's time." I have no objection to that. Then it goes on—

> That in the event of any apprentice, in the opinion of the examiners, not progressing satisfactorily, increased time for technical instruction shall be allowed at the employer's expense to enable such apprentice to reach the necessary standard.

That would be all right but for proposed Subsection 4, which compels an employer to take an apprentice whether he likes it or not. It is not right that an employer should be compelled to take an apprentice who might be a dullard, and in whose case an employer would have to allow in his time and at his expense further opportunity to enable that apprentice to reach a standard of proficiency. Proposed Subsection 4 sets out—

> Any employer who when employed by the court or by the apprenticeship board to enter into an agreement of apprenticeship neglects or refuses to do so without reasonable cause, shall be guilty of an offence.

It does not seem to me quite correct, assuming there is an apprenticeship board or a court, that either should have an apprentice on its hands. That apprentice may be quite unsuitable for the business to which he is sent, but the employer, whether he likes it or not, will be compelled to take him. That is wrong. What I propose is all we can in fairness ask the employer to do.

The COLONIAL SECRETARY: I hope the two subsections will not be struck out. An apprentice may be getting on well in his trade, but not making good progress with his technical instruction. The object of the subsections is to provide that he shall be given a fair opportunity and nothing more. If proposed Subsection 4 is struck out the whole clause will be valueless.

Hon. A. Lovekin: You have no apprenticeship board for this.

The COLONIAL SECRETARY: This deals with the previous clause.

Hon. A. Lovekin: But it only applies to the building trades.

The COLONIAL SECRETARY: That is so.

Hon. A. LOVEKIN: I do not think the Minister's reasoning is quite good. Clause 57 provides specially for the building trades. Clause 58 makes no mention whatever of the building trades, but has a marginal note reading "Apprenticeship generally." Coming to Subclause 4, I take it the same board will deal with apprentices to the building trade as will deal with apprentices generally. Would not that be rather stupid? We would have a board representative only of the building trades dealing with apprenticeship in all other trades. Surely that cannot be intended at all. We must have a separate apprenticeship board under Clause 58 if we are to have a board under it at all. The Minister's objection is met by the amendment I have proposed, which provides that technical instruction of the apprentice shall be at the employer's expense. Paragraphs (a) and (b) are not necessary at all, and Subclause (4) is vicious because it compels an employer to take an apprentice, who may be a dullard, and become responsible for teaching him a trade which he is not capable of acquiring—this subject to a penalty of £100. My amendment covers all that is required by the Minister.

Hon. J. DUFFELL: I understand that the examiners are appointed by the court. By whom are they paid—by the employers, or by the employees?

Hon. A. Lovekin: The Government pay them.

Hon. J. DUFFELL: I would like to hear the Minister on the subject.

The COLONIAL SECRETARY: I am not in a position to reply at the moment. I will make inquiry.

Hon. A. Lovekin: I can assure the hon. member that the Government pay the examiners.

Hon. W. H. KITSON: I see no valid objection to the clause as it stands. Sub-

clause (4) refers to the building trades board, which is the only board appointed by the Bill. Naturally, the building trades will be included in Clause 58. As to the penalty, the employer is allowed a period of three months to find out whether the boy is suitable for the trade or not. Practically that probationary period applies under present awards of the Arbitration Court. The clause seems to me to be drafted quite correctly.

Hon. A. LOVEKIN: The hon. member is quite wrong in saying that the employer has the right of determining at the end of three months whether the apprentice is fit for the trade or otherwise. That power is not reserved to the employer at all, but reserved to the board, under Subclause (3) of Clause 57. Only the board have power to abrogate an agreement of apprenticeship. The apprenticeship is really not to the employer, but to the board. To suggest that in such circumstances an employer is to take a dull boy and keep him employed whether the trade justifies it or not, seems to me a monstrous proposition.

Hon. W. H. KITSON: We know that at present a probationary period is allowed, and that apprentices who serve that probationary period do not in all cases continue their apprenticeship. The court would see that the conditions of the regulations under this measure preserved a probationary period.

Hon. A. Lovekin: The power to abrogate is reserved to the board, not to the employer.

Hon. W. H. KITSON: It is reserved to the board in the case of the building trade. This clause reserves to the court its present power in respect of apprenticeship under all trades except the building trade.

Hon. A. Lovekin: Where does it say that?

Hon. H. Stewart: The draftsmanship of the clause is not good.

Hon. W. H. KITSON: I see nothing wrong with the draftsmanship.

Hon. A. Lovekin: The provision has to be read with reference to the board right through.

Hon. W. H. KITSON: No, that is not so. I see nothing wrong with the clause as drafted, so I will support it.

Hon. H. SEDDON: The objection raised by Mr. Lovekin is met by the words "without reasonable cause" in proposed Subsection 4. It would be reasonable cause to show that a lad was unfitted to continue his apprenticeship. What the section is intended to deal with is this: there are employers who will not be bothered with apprentices. Realising that we require to give our lads opportunity to learn trades, means are afforded the court to compel such employers to take on apprentices.

Hon. A. LOVEKIN: Does not the hon. member, on reading the clause, see that the employer has foisted on him this dull apprentice before he can know anything of the boy's capacity? At that point the employer cannot reasonably refuse to accept the dull apprentice. But when the dull apprentice is definitely foisted on him, it is too late to exercise the "reasonable cause"

Hon. H. SEDDON: But proposed Subsection 1 provides for a probationary period of three months. Therefore the employer will know the boy before the apprenticeship is definitely fixed up.

Hon. J. E. DODD: The proposed section certainly seems to lack something or other. If it were definitely laid down that the apprenticeship board should decide who is to pay in respect of a dull apprentice, and to say who should take him, it would be more satisfactory. I cannot see in the clause anything to that effect. Of course it may be provided under regulations, for under paragraph (b) of proposed Subsection 5 the court may make regulations prescribing the matters to be taught to apprentices. Surely it is asking too much to say that the employer should pay the extra cost of teaching the dull boy! Moreover, it would have a disastrous effect on the boys themselves if they knew that the employer had to be responsible for all his apprentices, whether they tried to learn or did not try. It would be far better to say to a boy, "You must learn to a certain standard or, alternatively, you fail altogether."

Hon. A. LOVEKIN: The more we look at the clause the greater the number of defects that present themselves. It either applies to the building trade alone or to trades generally.

Hon. T. Moore: It applies to both.

Hon. A. LOVEKIN: Very well. We have the apprenticeship board, composed of representatives of the building trade, dealing with other trades. Then, in paragraph (b), dealing generally with trades, we have this—

> In the event of an apprentice in the opinion of the examiners not proceeding satisfactorily, increased time for technical instruction shall be allowed at the employer's expense to enable such apprentice to reach the necessary standard.

Suppose a contractor has finished his job and the apprentice goes back to the board, are we going to saddle the employer with the finding of another job in order to take on this apprentice again and give him extra time; or is it suggested that the employer should pay him nothing at all? Whichever way we look at it the clause is not workable. The Minister will find that my amendment covers the whole position. Under it the employer provides the training, and the other terms of the apprenticeship are to be prescribed by the board.

Hon. T. MOORE: I can see nothing wrong with the clause. Mr. Lovekin says the more he looks at it the more difficulties does he discover. I suggest that he looks at it no more! Mr. Kitson covered the point as to what the employer should do.

In the first place the employer will not have a dull boy foisted on him, for there is the probationary period in which to learn all about the boy. Again, as to instruction, the examiners will know whether or not the boy is being fairly treated, or whether he is being given tiddleywinking jobs that are not serving to teach him the trade at all. If they believe that a boy is being kept back they will provide that technical instruction shall be taken. That is another bogey gone. I think we can well leave it to the examiners

Hon. J. CORNELL: If there is one part of the Bill more than another that ought to be sent back for intelligent drafting, it is this clause. Presumably the clause applies generally to all industries. Yet it does not say who shall be the authority in apprenticing a boy outside the building trade. Again, is a board constituted of representatives of employers and employees in the building trade a proper body to determine the conditions of apprenticeship in the watchmaking trade? The clause is incapable of intelligent interpretation.

Hon. T. Moore: The limitation may be in you.

Hon. J. CORNELL: Proposed Subsection 4 is the only part of the proposed section to indicate which is the responsible body, and it indicates two disparate bodies. It would be clearer if the words "apprenticeship board" were deleted, and the other portion redrafted. The apprenticeship board should be given similar powers to those given to the court. The representatives of employers and workers in the building trade would not be a proper or reasonable board for the watchmaking or tailoring trade.

Hon. T. Moore: Do you think it likely that would be done? That is the most stupid remark you have made.

Hon. J. CORNELL: If it is logical that people conversant with the building trade should form an apprenticeship board, it is logical to apply the same principle to other trades. All the Bill does is to set up one board for the building trade, and then bring it in for other industries.

Hon. T. MOORE: The proposed new subsection is perfectly clear. It provides that any employer who, when required by the court or by the apprenticeship board to enter into an agreement of apprenticeship neglects or refuses to do so without reasonable cause, shall be guilty of an offence. What the apprenticeship board has to attend to is set out in the previous subsection. We desire that men be taught the building trade and so certain stipulations are provided that are not applicable to other trades.

Hon. W. H. KITSON: The proposed new Subsection 6 provides that the section and the regulations shall be subject to any award in force whereby apprenticeship to the industry to which it relates is governed. There are regulations in force for every industry, but this Bill defines the apprenticeship board to deal with the building trade. If members desire to make Subsection 4 clearer, I see no objection to indicating that it applies to the apprenticeship board appointed under the building trade. The provision is essential. One of its objects is to ensure that employers, if the court so decides, shall be compelled to take apprentices as required under the awards.

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

Ayes	11
Noes	11
A Tie	0

AYES.

Hon. C. F. Baxter	Hon. J. Nicholson
Hon. J. Cornell	Hon. H. A. Stephenson
Hon. J. Ewing	Hon. H. Stewart
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. J. A. Greig
Hon. J. M. Macfarlane	(*Teller.*)

NOES.

Hon. J. R. Brown	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. G. W. Miles
Hon. J. Duffell	Hon. T. Moore
Hon. E. H. Gray	Hon. H. Seddon
Hon. E. H. Harris	Hon. A. Burvill
Hon. J. W. Hickey	(*Teller.*)

The CHAIRMAN: In accordance with the Standing Orders the question passes in the negative.

Amendment thus negatived.

Hon. J. NICHOLSON: I move an amendment—

That in proposed Subsection 5 paragraph (a) after the word "employers" in line 2 the words "and the number of apprentices to be employed" be inserted in lieu.

Amendment put and passed.

Hon. H. STEWART: I would draw the attention of the Committee to a matter of interest. When we were dealing with the last clause Mr. Nicholson sought to move an amendment to the effect that with the approval of the Governor the court may make regulations. The Colonial Secretary said this was not done. The Minister for Works, however, who drafted the Bill, provides in the clause we are now dealing with that the court with the approval of the Governor, may make regulations.

Hon. J. CORNELL: I move an amendment—

That in proposed Subsection 7 the words "to any industry to which this Act relates" be struck out and "in the building trade industry" be inserted in lieu.

Things in the building trade have been made pretty definite, but there is nothing definite about apprentices in any other industry. There are many awards and agreements in existence governing apprentices. The proposed subsection will apply to any industry to which the Bill relates. The only portion of the parent Act relating to apprentices comes under the heading of industrial matters, where there are nine paragraphs dealing with the question, and giving the court power to make certain provisions and include them in its awards. Something definite should be done with respect to apprentices, but I am sure the loose drafting of the Bill will not lead us to the desired end. If we confine the Bill to apprentices in the building trade, it will be incumbent upon the Government to put up a more workable scheme. I am not opposed to the clause, and would readily agree to the setting up of different apprenticeship boards governing groups of industries on the same lines as the building trades. The clause at present makes it mandatory for apprentices to be employed in every industry.

Hon. T. MOORE: In practice all trades other than the building trades, have shops in which they carry on a certain amount of work, and where at most times a certain number of apprentices are employed. A distinction is made in this case to relieve master builders from carrying on apprentices when they can finish their indentures with other employers. I do not think it is intended to force employers to take apprentices.

Hon. W. H. KITSON: I am opposed to the amendment. When the Bill was introduced I understand that this subsection was inserted at the instance of the Minister for Works, in order to make the position clear. If the amendment is carried, the apprenticeship board will have to leave all other industries than the building trade without any regulations bearing on the questions of apprentices. If the amendment were carried the subsection would conflict with the previous subsection.

Hon. J. CORNELL: I cannot see the force of Mr. Kitson's argument. The clause is certain to be recommitted. If the Minister will assure me that the position will be cleared up with respect to apprentices outside the building trade, I will withdraw the amendment.

Amendment by leave withdrawn.

Hon. E. H. HARRIS: If the Minister recommits the clause, we should have a definition of the words "building trade." It is possible for a person to be employed in a plumber's shop who would not come within the definition of building trade, as we understand it when referring to this clause.

Hon. J. Nicholson: It is hard to define.

Clause, as amended, agreed to.

Sitting suspended from 6.15 to 7.30 p.m.

Clause 59—agreed to.

Clause 60—Forty-four hour week:

Hon. J. NICHOLSON: On behalf of Mr. Lovekin I will move the amendment standing in his name to strike out the words "forty-four" and insert in lieu "forty-eight."

Hon. J. Duffell: Why not leave it to the court to decide?

Hon. J. NICHOLSON: It is a question whether the clause should be included in the Bill at all. I think we should leave the hours to be fixed by the court.

The CHAIRMAN: The hon. member will vote against the clause instead of moving the amendment which cannot be accepted.

The COLONIAL SECRETARY: I hope members will agree to the clause. The doctrine of industrial fatigue enters into the whole question of a 44-hour week. Accumulated evidence shows that it is not advantageous from an economic standpoint to work a man for more than eight hours a day for any length of time. Munition factories during the war worked 54 hours at the outset. With the object of increasing the output the hours were later increased with the sanction of the men themselves to 72 per week. The result was less production and less effective production. After the war the eight hour day principle was introduced in Great Britain. This was done after due investigation as a result of which it was found that in each process there was an optimum number of hours that could be worked with the best results. An eight-hour day was regarded as the most efficient period. In many industries a working day of much less than eight hours was introduced. The British Trades Union Congress recently made inquiries as to what extent an eight-hour day was operating in Great Britain. The congress found that out of 3½ million employers, 1¼ million were working their men for 44 hours or less, while none were working their men more than 48 hours a week. Hon. members will admit that that represents a complete revolution for England as compared with the long hours worked before the war. During the course of my second reading speech I quoted the greater output of the timber mills during the period when the 44-hour week was in operation as against the results with the 48-hour week. I mentioned that result merely as an interesting fact, not as a conclusive argument, because the value of the output could be increased in two ways, namely, by the increased number of men employed and the increased price received for the timber.

Hon. A. Burvill: The price of timber went up.

The COLONIAL SECRETARY: Mr. Burvill suggests that the volume of output went up because the price of timber was raised. I can assure the hon. member he

has been misinformed. I got into touch with the State Sawmills Department and the acting manager, Mr. Flanagan, assured me that there had been no increase during the period the 44-hour week has been in operation.

Hon. A. Burvill: I happen to have paid the increased prices.

The COLONIAL SECRETARY: I wrote to Mr. Flanagan in November last and he replied by letter under date the 6th November last as follows:—

> I am in receipt of a communication from Mr. Bray asking to be advised of any increase in timber prices due to the operation of the 44-hours per week. I have to advise you that the 44 hours per week operated from the 1st January, 1921, and continued to the 1st October, 1922. During that period no increases in prices were made in the metropolitan price list. The only increases we have had of recent years were the 15 per cent. increase on sections up to 6 x 4, which took place on the 18th October, 1920. On the 13th May, 1924, an increase was made in certain flooring prices to get over certain anomalies that existed in the previous list.

I subsequently asked the acting manager for figures showing the cost to the State of the introduction of the 44-hour week. The figures I received are slightly against me, but I will not withhold them from hon. members. They do not very vitally affect my contention. On the 10th November last Mr. Flanagan wrote to me as follows:—

> With reference to your inquiry regarding the 44-hours week of production and men employed, I have to advise you as follows:—From the 1st January, 1921, to the end of October, 1922, being a period of 22 months over which the 44-hours week was worked, 1,604 men were engaged and produced 91,652 loads of sawn timber. For the next 22 months during which 48 hours per week were worked, 1,538 men were employed to produce 94,609 loads. These figures, however, include Nos. 2 and 3 Mills at Pemberton, where often only one mill is working, and to arrive at a fair average it would be necessary to extract the figures relating to this particular mill and deal only with Manjimup, Holvoake, and Wuraming. At these three mills for the 44-hours period 1,039 men were employed, whilst under the 48 hours ruling 1,038 men were employed. For the first period 57,172 loads were produced, whilst under the latter 59,113 loads were cut, showing a decrease for the 44 hours of 1,941 loads over 22 months. Taking a rough average for the 22 months, or 88 weeks, this shows a decrease of .0212 loads per man per week, and as the cutting costs can be based at £4 per load, this means that the value lost per man per week is 1s. 8.35d.

These figures show that there was a loss of 1s. 8d. because of the shorter hours. If the men had worked 44¾ hours they could have done as much as they did in the 48 hours. There is no getting away from that position if these figures I have quoted are regarded as authentic. I know of no reason why the acting manager of the State Sawmills Department should put up figures that are otherwise than accurate. I have not brought any pressure to bear on him.

Hon. A. Burvill: The department may have been working in a better class of timber than formerly.

The COLONIAL SECRETARY: Members are in favour of an 8-hour day and a half-holiday on Saturdays. That half-holiday is possible only with an 8-hour day; otherwise workers would have to work 8 hours 48 minutes for five days in the week so as to get the advantage of the half-holiday on Saturdays. It is universally recognised that there shall be a half-holiday on Saturdays. If hon. members concede that point and concede that they are in favour of an 8-hour day they will agree to the clause. When speaking on this question at an earlier stage I pointed out that Mr. Beeby had been appointed by the Fuller Government of New South Wales—that is not a Labour Government—to travel through Great Britain and the United States of America. On his return he recommended that the Fuller Government should bring in legislation to provide for a clean 8-hour day, providing for eight hours' work on five days with Saturday as a half-holiday, when four hours would be worked. At the Midland Railway workshops the 44-hour week has operated very favourably in comparison with the 48-hour week. As compared with 1912, when the 48-hour week was in vogue, our rolling stock has increased as follows:—engines by 13 per cent; cars by 23 per cent.; wagons by 27 per cent.; while working hours have decreased by 8½ per cent. The rolling stock is older and requires a greater amount of repairing every year. Notwithstanding this there has been an increase in our rolling stock, and new electric motor lorries and petrol cars have been provided. Despite that fact there is about the same staff employed in the workshops keeping that additional plant in repair as compared with 1912, when the hours worked were 48 per week. I hope members will take these important facts into consideration.

Hon. C. F. Baxter: You make no allowance for improved machinery.

The COLONIAL SECRETARY: Hon. members can take that into consideration, but in doing so they should also take into consideration the obsolete machinery that is used there as well.

Hon. J. EWING: The Minister has put up a good case for the 44-hour week, and no doubt when that question comes before the Arbitration Court it will be given due consideration. That is the whole point. The Arbitration Court have the right to fix hours and wages in conjunction with other

conditions. I take up the same position on this question as I did on the basic wage. We have no right to give directions to the Arbitration Court. Mr. Baxter's interjection explained the position clearly; probably the increased output and general improvement is due to some extent to additional and more efficient machinery. The workshops are well fitted up, and the output in recent times must have been greater. The Minister did not say anything about the agricultural industry. I venture to say that 44 hours could not be applied to that industry. The proposal would not be economically sound. If we appoint a court to deal with these matters, that should be the tribunal to determine the question of hours as well as everything else. I am sure no member here would think of instructing the court as to the course that should be followed. The best thing we can do is to leave the matter entirely to the court to determine.

Hon. J. J. HOLMES: The Minister's speech must have convinced members as to the necessity for leaving the matter to the court. He quoted figures to show what had happened under reduced hours, but we are not in a position to combat them. Of course they are put up in good faith, but they should be presented to the president of the Arbitration Court. We have agreed to 44 hours in some instances—44 hours below ground and 48 hours above ground. If we decide now that the maximum number all round is to be 44, anywhere and everywhere, it must logically follow that the men working below ground will ask for a reduction to 40 hours.

Hon. J. R. Brown: Even that is too long.

Hon. J. J. HOLMES: I am at a loss to understand why some supporters of the proposal are satisfied with 44 hours. Why do they not ask for fewer hours because, according to the arguments they advance, the fewer the number of hours worked, the greater the output. It must follow that better results will accrue by working 40 hours than by working 44, and better still by working 36 than by working 40. I am astounded that members are satisfied with 44 hours! With respect to the timber industry, we know that there is an association and that the State Sawmills Department is in it. We know that the bulk of our timber is sent overseas, and that the overseas people are paying for the 44 hours worked. It just becomes a question as to how long those oversea people will stand this conspiracy—it is nothing else—amongst the timber people. I am surprised that, when the Minister asked the acting manager of the State Sawmills for information, he was not referred to "our associaton." It was mentioned in another place that a quotation was obtained from one of the companies and that, as it was considered too high, the State Sawmills were asked to quote. The reply received was to the effect "You have already had an answer from our association." The matter of 44 hours should be determined by the court.

Hon. J. NICHOLSON: It is wrong to retain the clause in the Bill. If the Minister refers to the interpretation of "industrial matters" in the original Act, he will see that these words include hours of employment as amongst the questions to be decided by the court. The clause seeks to deprive the court of that power, and that should not be allowed.

Hon. A. BURVILL: The standard working hours should be 48, and if we are to lay down a cast-iron rule regarding hours, other trades will want to come in and demand shorter hours. This is a question that ought to be left to the court to determine.

Hon. J. DUFFELL: There is no one more capable of determining the question of hours than the president of the Arbitration Court, because he has all the facts before him, and is competent to arrive at a decision. He knows the number of paid holidays in each year a worker is entitled to and receives. In some trades even 44 hours per week would be too long, while in others 48 would not be burdensome. This clause attempts to deprive the Arbitration Court of one of its chief functions, and I must vote against it.

Hon. J. R. BROWN: I merely wish to say good-bye to the clause. I see it is gone. It amuses me to see these venerable gentlemen opposite smoodging to the Colonial Secretary.

The CHAIRMAN: The hon. member is out of order.

Hon. J. Duffell: The hon. member should withdraw that remark, and apologise to the Chamber.

Hon. J. R. BROWN: Hon. members have made up their minds not to give the workers the 44 hours.

Hon. J. Nicholson: The court will give it to them.

Hon. J. R. BROWN: The court is not likely to do so. With the court everything depends on the case put up. When 48 hours were first proposed, people said everything would go bung; but we have been more prosperous under the 48 hours system than ever we were under longer hours.

Hon. J. M. MACFARLANE: In reply to the Colonial Secretary's contentions as to the effect of reduction of hours, I wish to give some information which reached me recently. The Piawaning railway extension was let to contractors at a time when 48 hours was the rule. The present Government restored to the railway workers the 44 hours, and that applied to this extension work. The contractors tell me that the reduced hours have so affected them that instead of coming out of the contract fairly right they will make a loss. The contractors say that the 44 hours system unsettles the

men, who do not get down to work on the Monday. The Government offered these contractors the work of constructing a further extension of three or four miles. They, however, declined the job because of the unsettled conditions of working. The enactment of this clause cannot prove advantageous to the State.

Hon. W. H. KITSON: It has been suggested that the improvement in work mentioned by the Minister is the result of improved machinery. If that were so, surely it could not be argued that the worker should not receive some consideration in that regard. The only benefit the worker can gain from increased production is the lessening of his working hours. Various Arbitration Court judges, Federal as well as State, have declared that the question of hours is one for the Legislature rather than the court; and those gentleman do not make such a declaration except as the result of experience of the difficulties attendant on the present system of fixing hours. I would allow some of the workers to work less than 44 hours.

Hon. G. W. Miles: The judge would decide that, even with this clause.

Hon. W. H. KITSON: All the investigations which have been made throughout the world show a general tendency to adopt the eight-hours day. With reference to what has been said about holidays, frequently when the worker on the breadline gets a so-called holiday, it is a holiday without pay. As to the improvement due to machinery, I wish to quote a few remarks made by Mr. Barnes, president of the Chambers of Commerce of the United States—

> The shorter day in industry is largely made possible through the work of the inventor. Few bother to think about the effects of the brain of the inventor, but a summary makes a concrete picture of the importance of its workings. Here it is: In the steel industry one or two men with unloaders replace 12 men unloading by hand. In furnace charging, by use of skip or hoist, lorry car and automatic weigher, two men replace 14. In pig-casting seven men with a casting machine replace 60. In open-hearth operation one operator with a charging machine replaces 40 hand-chargers. With travelling cranes 12 men pouring replace 37. Two men unloading pig-iron with electric magnet and crane replace 128.

Hon. J. Duffell: Those are American, not Australian, conditions.

Hon. W. H. KITSON: Those conditions apply to Australia just as much as to any other country. From them the worker should receive some benefit of permanent value.

Hon. J. Nicholson: The court can regulate that.

Hon. W. H. KITSON: The court will not do it.

Hon. A. Lovekin: If the court will not do it, why not strike?

Hon. W. H. KITSON: There have been, and there are likely to be, one or two strikes over that matter.

Hon. G. W. Miles: Let us all strike!

Hon. W. H. KITSON: Despite increased production, the men are receiving no advantage whatever.

Hon. C. F. Baxter: We have to compete with other countries.

Hon. W. H. KITSON: We can do that. When we had the 48-hour week and other countries worked longer weeks, we were able to compete with them. Wherever the 8-hour day has been tried, it has proved of benefit to all concerned. The Minister for Labour in France pointed out that over five million workers were working the real 8-hour day.

Hon. J. Duffell: I was in France three years ago, and they were working Sundays and all other times, trying to make good what they had lost in the war.

Hon. W. H. KITSON: The hon. member can scarcely be right, for the Minister for Labour in France said that at no moment had France thought of subordinating the enforcement of the 8-hour reform to the urgent requirements in the devastated areas.

Hon. J. J. Holmes: Did not the Geneva conference agree to the 48-hour week?

Hon. W. H. KITSON: They agreed to the 8-hour day which, where a half-holiday is customary, means a 44-hour week. Mr. Justice Higgins definitely stated that in 1914 generally the hours of labour in Great Britain ranged from 48 to 60, while in 1920 they ranged from 44 to 48. It shows the great advance made in the Old Country while we have been standing still.

Hon. J. Cornell: You require to quote the other side of the picture, the story of the doles.

Hon. W. H. KITSON: Unemployment in Great Britain has little to do with the 44-hour week. While one can produce a mass of evidence showing the advantage of the 8-hour day, there is little evidence to show that any longer working day is of benefit to the worker, to the employer or to the public generally. The trend of legislation throughout the world to-day is in the direction of shorter hours. Some of our largest farmers are working eight hours a day.

Hon. A. Burvill: What do they do on Sundays?

Hon. C. F. Baxter: You cannot mention one farmer in this State working eight hours.

Hon. W. H. KITSON: Have not Hedges, McIntosh and others the eight-hour day? With modern motor traction in agriculture there is no excuse for working longer hours. It has been proved that the most economical day for a horse is six hours. Even in Great Britain the eight-hour day in agriculture

prevails. I trust the Committee will agree to the clause as it stands.

Hon. H. SEDDON: I should like the Minister to explain how the 44-hour week is to be worked in respect of continuous processes. The mining industry has a continuous process, demanding attention the 24 hours round. Can the Minister show how the 44-hour week is to be worked in that industry without overtime?

The COLONIAL SECRETARY: I think it is provided for in the Bill. Anyhow it has been requested that on continuous process the period be three weeks, with an aggregate of 132 hours. It is so worked in Fremantle at, I think, the superphosphate works.

Hon. T. MOORE: It is not the length of time the man works, but the pace at which he goes. When I was on piece work in the bush my men worked the shortest hours and got the best results. Some men believed in working longer hours at a slower pace, but we always got the best pay.

Hon. J. J. Holmes: It depends entirely on the man.

Hon. T. MOORE: Possibly if we went out to work for one day only, the men who worked the longer hours would have the most work done; but by the end of the month those men would have the least results. In farming, the trouble is that we ask a man to work such long hours that we do not get the best class of man.

Hon. A. Burvill: They do not work more than eight hours now.

Hon. T. MOORE: The employer who pays his men reasonable rates gets good results from short hours. Work a man too long, and he is too tired to get good results. Too many of us think we must work a man a long time if we want good results. Nothing could be more erroneous. It is just the same with a horse: work him too long, and he is not worth yoking up.

Hon. J. J. Holmes: This is evidence for the court.

Hon. T. MOORE: The timber industry had an award of the Federal court, granting 44 hours, but the Federal Government put up a set of judges in the High Court and knocked out the award. That was not a fair thing. If this be embodied in an Act of Parliament it will be carried out, but when it is placed in awards of the court the workers may be deprived of the benefit, as was the experience of the men in the timber and engineering industries. Men should not be asked to work more than eight hours a day.

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

Ayes	7
Noes	12
Majority against ..	5

Ayes.

Hon. J. M. Drew	Hon. W. H. Kitson
Hon. E. H. Gray	Hon. H. Seddon
Hon. E. H. Harris	Hon. T. Moore
Hon. J. W. Hickey	(*Teller.*)

Noes.

Hon. C. F. Baxter	Hon. J. M. Macfarlane
Hon. A. Burvill	Hon. G. W. Miles
Hon. J. Duffell	Hon. J. Nicholson
Hon. J. Ewing	Hon. H. Stewart
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. J. A. Greig
	(*Teller.*)

Pairs.

Ayes.	Noes.
Hon. H. A. Stephenson	Hon. J. R. Brown
Hon. V. Hamersley	Hon. J. Cornell
Hon. E. Rose	Hon. J. E. Dodd

Clause thus negatived.

Clause 61—agreed to.

Clause 62—Compulsory conference with Commissioners:

Hon. H. STEWART: Throughout the Bill the intention has been to make the court supreme and to make everything subject to the president. Instead of the Minister being empowered to appoint commissioners, the duty should devolve upon the Governor at the request of the court. I move an amendment—

That the word "Minister" be struck out and the words "Governor at the request of the court" be inserted in lieu.

The COLONIAL SECRETARY: When an industrial dispute occurs, it is necessary to get to work quickly and bring the parties together. It would take time to get the court into operation, and it might take a week to get the approval of the Governor-in-Council. The Minister could take action at once. He could not do any wrong. All he would do would be to appoint commissioners to prevent or settle the dispute.

Hon. W. H. KITSON: I support the Minister. The court is not always sitting, and occasionally the president is out of town. If we relied upon the court, there would be many occasions when it would be impossible to get to the court. Half a day might mean the difference between stoppage and non-stoppage of an industry.

Hon. A. LOVEKIN: I support the Minister. In matters that come within the purview of this proposal, time is the essence of the contract. The sooner such commissioners are appointed the better, because many disputes could thus be prevented. There is no real difference between the Governor and the Minister appointing commissioners, except that the Governor must act with the advice of Ministers.

Hon. H. STEWART: Everything should be in harmony with what is laid down by the court, and that intention cannot be carried

out if we agree to the Minister appointing commissioners. Under the proposed new Subsection 10, when an agreement is not reached, the Minister "may" refer the matter to the court.

Hon. J. CORNELL: This principle is not new; it has been in operation since the passing of the amending Act of 1920, which provided for a special commissioner. I have an objection to the proposed new Subsection 10, because I believe the existing law is better, in that the Minister is kept out. The law provides that the Minister may appoint a commissioner, and if the conference proves abortive, the special commissioner refers the matters in dispute to the court and not to the Minister. If we pass this as it stands the Minister may appoint a commissioner who may settle half of the dispute. The other half will be referred to the Minister, who may please himself whether or not he sends it to the court. If it is necessary to appoint a commissioner and he does not arrive at finality, the matter should go direct to the court, and not to the Minister.

Hon. H. STEWART: I wanted to test the feeling of the Committee as to whether we were securing that uniformity of policy so much to be desired. All agreements should be subject to the court, and to that end proposed Subsections 9 and 10 should be modified. In the meantime I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. J. CORNELL: Proposed Subsections 9 and 10 should be redrafted. There is no need to depart from the existing law, except that it might be advisable to add to the co-relating sections of the Act the proviso to proposed Subsection 9. The law provides that wherever a conference has been held and the whole or some portion of it has been settled, the parties can enter into an industrial agreement covering the points settled. The remaining portions of the matter in dispute would then go to the court. The Minister might postpone the whole of this clause, and carefully compare it with the Act. If 75 per cent. of a dispute is settled by conference, what happens to the remainder under this Bill?

The COLONIAL SECRETARY: It would go to the court. The proposed subsections are quite clear. The Minister may refer to the court matter about which an agreement has not been reached.

Hon. J. J. HOLMES: I cannot see why the Minister is introduced at all. In the circumstances we should make the proposed subclause read "The Minister shall," not "The Minister may." Unless we do this no finality will be reached in the settlement of disputes.

Hon. H. STEWART: The principle enunciated by the Minister for Works was that the court should be the supreme body, and that all subsidiary bodies were to be subject to it. If we had an ideal court constituted of a president and a deputy president, there would be no need for the Minister to enter into these matters. There would be a permanent president or deputy president available to deal with matters as they arose and there would be no necessity for an appeal to the Minister at any stage. The Act contains a somewhat similar provision, but the Minister is eliminated and the Commissioner reports direct to the court. The Bill provides that it shall be mandatory upon the Commissioner to report in writing to the Minister and it is optional with the Minister as to whether he sends the matter on to the court or not.

The COLONIAL SECRETARY: We have already dealt with this question when Clause 14 was under consideration. We there provided that the court should settle and determine all industrial disputes referred to the court by the Minister.

Hon. E. H. Harris: That was struck out.

The COLONIAL SECRETARY: The necessity for this provision is to enable a threatened industrial dispute to be dealt with. The Minister is set up as a channel for communication between the Commissioner and the court and the Minister will thus be aware of what is going on.

Hon. H. STEWART: In order to bring the clause strictly into conformity with the general principles of the Bill and in accordance with the Minister's speech in the Assembly, I move an amendment—

That after "held" in line 1 the words "subject to the approval of the court" be inserted.

Hon. W. H. Kitson: This will cause trouble.

Hon. H. STEWART: I do not wish to make any provision that will lead to trouble.

Hon. J. EWING: It is necessary to include such an amendment if the court is to be the final arbiter.

Hon. W. H. KITSON: If the amendment be agreed to it will mean that any decision arrived at at such a conference will be subject to an appeal and I know of no organisation that would agree to sign an agreement in such circumstances. Once a decision has been arrived at by means of an agreement that decision should stand. The amendment will delay finality being reached.

Hon. H. STEWART: I do not wish to delay the deliberations of the court. I would like to know if there is any provision, following on the filing of the memorandum of matters upon which agreement has been reached, for the court following up the continuity of its policy.

Hon. W. H. KITSON: The clause provides that after a conference has been held and an agreement has been reached on certain points, those points will be registered and have the force of an award

while those points upon which agreement has not been reached shall be dealt with in accordance with the clause.

Hon. H. STEWART: In view of the explanations I have received I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Hon. J. CORNELL: I move an amendment—

That all the words after "the" in line 4 of subclause 10 be struck out and the following inserted in lieu: "court of their proceedings in the matters in dispute as to which agreement has not been reached and the court shall have jurisdiction to hear and determine any matters so referred with it as an industrial dispute under this Act."

That is the position to-day. The Commissioner is called upon to act and if he settles the whole matter that settlement has the effect of an award If he settles part of the dispute the part so settled has the effect of an industrial award. That portion of the dispute that he does not settle is the subject of a report to the court and the court then has jurisdiction to hear and determine the matter so referred as an industrial dispute under the Act.

Hon. H. STEWART: We have a court and now we propose to insert a provision for the appointment of a subsidiary body and we say that the Commissioners may exercise any of the powers of the court which will have the effect of making this body also a court except on matters in respect of which parties do not agree.

Hon. E. H. HARRIS: I urge the Minister to re-draft some of the proposed sections in the Bill. I agree with what Mr. Stewart said that it is quite possible for disputes to be referred to that court by the Minister and that the Commissioners will exercise the power of functioning as the court would do. Many of the proposed subsections need to be re-modelled to bring them into line with other amendments made.

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

Clause 63—After conference president or commissioners may, by consent, exercise powers of court:

Hon. J. CORNELL: What is the good of a conference if a subject cannot be referred to the court? The whole secret of the success of Mr. Justice McCawley of Queensland lies in the fact that he attends a conference as a sort of mediator and he gives the parties to understand that if they do not settle the dispute he will settle it for them.

Hon. J. Nicholson: Section 5 of the 1920 Act seems to be sufficient for all purposes.

Hon. W. H. KITSON: The object of the Bill is to provide ways and means for meeting any conceivable contingency in connection with industrial disputes. The clause affords a method of arriving at an agreement acceptable to both parties without having to wait a long time for the case to be heard in open court. Provided the parties agree in writing to that course, the commissioner can be constituted a court. The clause is good as providing another avenue for the settlement of disputes.

Hon. J. CORNELL: It would be a good thing if before going to the commissioner the parties agreed in writing to accept his decision unreservedly. In view of the preceding clause, however, the reference of disputed points is a redundancy. Is it logical to assume that after fruitlessly spending two or three days before the commissioner trying to arrive at an agreement, the parties would agree in writing to let the commissioner decide any disputed points? This clause will tend to weaken the preceding provisions.

Hon. W. H. KITSON: The function of the president or the commissioner is not to agree with the two parties, but to get the two parties to agree. If the parties agree in writing to have disputed points decided by the president or the commissioner, the president or the commissioner, having a full knowledge of the facts, would not have to take evidence. If the parties are agreeable to such a course, why compel them to go into the Arbitration Court?

Hon. H STEWART: The provision that both parties must agree in writing seems wrong in view of the power given to the president to call practically any question into the Arbitration Court. The clause which we have just passed provides that where a special commissioner is appointed, whatever is settled under his chairmanship becomes an award of the court, and that whatever is not settled shall be referred to the court. The present clause says that anything not settled shall be referred to the court or to the commissioner for finalisation. But logically it should have been settled at the conference.

Hon. J. CORNELL: The clause under discussion provides that where a conference has been held under Clause 120 and an agreement as to the whole of the matters in dispute is not reached, and all parties to the dispute consent in writing to the matters in difference being heard and determined by the president or the commissioner, as the case may be, the president or the commissioner shall have all the jurisdiction and powers of the court to hear and determine the dispute, and the award of the president or the commissioner shall have the effect of an award of the court. Subclause 7 of Clause 61 provides—

> Whenever a conference has been held under this section and no agreement has been reached, the president may refer to

the court all or any of the matters in dispute, and the court shall have jurisdiction to hear and determine the same.

If those two provisions do not conflict, I am very dull of comprehension. This clause, instead of being a strength, will be a weakness. I was under the impression that expedition in the settlement of industrial disputes was one of the important objects of the Bill.

Hon. J. EWING: Under Clause 62 commissioners will be appointed by the court to bring the parties together. Without the consent in writing of both parties, those commissioners will have no power to make an award. If the settlement at the table is not complete, the points left in dispute will be referred to the court for a decision. The clause before us, Clause 63, practically makes the commissioners the court, and they may be called upon to give a decision on the points remaining in dispute.

The Colonial Secretary: Only with the consent of the parties.

Hon. J. EWING: If that is the position there is a good deal in what the Minister and Mr. Kitson have said. However, it certainly weakens what we have already passed, namely, the reference to the court of anything still in dispute. Why should not the points remaining in dispute be submitted, with the notes of evidence, to the court?

Hon. J. Nicholson: That would be done.

Hon. J. EWING: Then we do not want the clause.

The COLONIAL SECRETARY: Under Clause 62 the Minister appoints commissioners because an industrial trouble is simmering and there is reason for urgency. The commissioners meet the parties, and a settlement on most of the points is arrived at and registered as an award. But if any points remain in dispute the parties will be asked, under Clause 63, to say whether they want those points decided by the commissioners or by the court. The decision subsequently arrived at will be in the nature of an award.

Hon. W. H. KITSON: A few weeks ago I had an experience in an industrial matter. The two parties met at a table and settled all matters in dispute except two important points. Under this clause all that would then have been necessary was for the two parties to agree that the chairman of the commissioners should give a decision on the remaining points. Such a course would expedite matters, would give satisfaction to the parties, and would save a re-hearing of evidence in the court.

Hon. J. Ewing: But in the previous clause we decided that it must go to the court.

Hon. W. H. KITSON: This is an alternative. In some instances the parties would insist upon its going to the court.

Hon. H. STEWART: As Clause 62 came to us, this Clause 63 was necessary. But we amended Clause 62 in the direction of deciding that any points not settled at the table should be referred to the court. Therefore Clause 63 becomes unnecessary, and if we retain it, it will weaken the position set up in Clause 62 with its amendments.

Hon. J. CORNELL: In the event of certain points being left in dispute, the parties would be asked whether they wanted the President or the commissioner to give a decision on those remaining points. I do not think the clause says what is intended. It needs redrafting, and I trust the Minister will have it redrafted to convey what is really meant.

Clause put and passed.

Clause 64—Proceedings by and against clubs:

Hon. V. HAMERSLEY: I do not understand why the clause finds a place in the Bill.

Hon. E. H. Harris: It is very clear what it is for.

Hon. V. HAMERSLEY: I take great exception to it. Possibly it is only intended to refer to residential clubs. However, it does not say so. The ordinary club is on all fours with a private house, and it is stretching the rights of union secretaries to permit them to enter a club.

Hon. J. Nicholson: That is in the next clause.

Hon. V. HAMERSLEY: It is all wrapped up in the same parcel. Union officials should not be permitted to enter a club to see the stewards about their work. They might enter Parliament House. The Commonwealth Parliament recognised that such a provision was an interference with the rights of clubs and deleted it. It is not in the interests of the stewards of clubs to pass such a proposal. The work is not strenuous. Many of the clubs would be put to great expense to concede some of the conditions sought, and I am sure some of them would be disbanded. That is the view I would take, and I am sure a good many members of clubs would take a similar view. I hope the clause will be negatived.

The COLONIAL SECRETARY: There is no reason why clubs should be exempt, but there is every reason why they should be included. Club members are well-to-do people who employ a fairly large number of workers and should be compelled to abide by the industrial conditions prevailing. Why should clubs be exempt any more than a company, firm or individual?

Hon. G. W. Miles: A club is not an industry, but a home.

The COLONIAL SECRETARY: It is an employer of labour, and should be brought within the scope of this measure.

Hon. G. W. MILES: I hope the Committee will support Mr. Hamersley. A club is a home just as much as is a man's house.

The Honorary Minister: Let us hope not.

Hon. G. W. MILES: It is, when a man has no home of his own. It is run, not for profit, but for the convenience of members. Clubs have not been brought under the Arbitration Act in the past. I think a majority of members are opposed to domestics being brought under the measure and, if they are exempted, club employees should also be exempted.

Hon. V. Hamersley: This would apply to tennis and bowling clubs.

Hon. G. W. MILES: It applies more to a club run by a staff, and there is no reason why such employees should be brought under the measure. Further, why should the treasurer of the club be held responsible? Many clubs are incorporated bodies, but in any case the members generally should be held responsible.

Hon. H. STEWART: The clause applies not merely to residential clubs; under it clubs of all kinds will be brought within the scope of the Act.

Hon. W. H. KITSON: I think the clause applies to clubs that are required to register and are employers of labour. While some may not exist to make profit, I hope it will not be argued that the employees are not entitled to fair treatment.

Hon. V. Hamersley: Do not they receive fair treatment?

Hon. W. H. KITSON: Employees in some clubs are working under shocking conditions and have been for years past, but they have no redress. The object of the clause is to give them access to the court in order that their conditions may be regulated by the court. Many members of clubs are employers of labour in other directions and subject to awards, and there is no reason why their employees in a club should not come under an award of the court. A little while ago we had trouble with one club that above all should have given good conditions.

Hon. H. Stewart: Which club was that?

Hon. W. H. KITSON: The C.T.A.

Hon. H. Stewart: Can you mention any others?

Hon. W. H. KITSON: I do not wish to name them. There are many clubs where the conditions are a disgrace, and such that members would not tolerate them in their own homes.

Hon. H. Stewart: Are not club employees included with hotel and restaurant employees?

Hon. W. H. KITSON: Some are members of the Hotel and Restaurant Employees Union, but apparently cannot come under the award of that union.

Hon. V. HAMERSLEY: Not only are residential clubs included, but clubs all over the country that employ hands to look after their grounds.

Hon. T. Moore: For a few hours.

Hon. V. HAMERSLEY: Some for a few weeks; some all the year round. I do not know of any instance in which the conditions mentioned by Mr. Kitson prevail. I am surprised that men should tolerate such conditions in a country like this where there is ample opportunity to find congenial work. They could leave their jobs if they do not like them. This is a drag-net clause, and takes in Parliament House and our refreshment rooms, which would be classed as a club.

Hon. E. H. Gray: That trouble is all fixed up.

Hon. V. HAMERSLEY: The union officials would be coming here to know what we were doing. They may also interfere with the running of clubs, which are not an industrial organisation and are not run for profit. These institutions are generally very good to their employees. I am surprised to learn that any of the employees are not working under favourable conditions.

Hon. G. W. MILES: It would be most difficult to regulate the hours of club employees.

Hon. E. H. Gray: It can be done here.

Hon. G. W. MILES: If that is done, half the time the employees will be playing billiards or reading magazines. In country clubs not more than a dozen members may enter the premises during the day. If the employees do not like the work they can leave. A club steward is just as much a domestic as is a housemaid, for he makes beds and waits at the table.

Hon. W. H. Kitson: They are at the service of members all the time.

Hon. G. W. MILES: In country clubs and some city clubs the stewards have very little to do.

Hon. T. Moore: Have you seen them working up to three o'clock in the morning?

Hon. G. W. MILES: No.

Hon. T. Moore: I have.

Hon. G. W. MILES: I appeal to the Committee to strike out this clause and the next one too.

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

Ayes	7
Noes	10
Majority against	3

Ayes	
Hon. A. Burvill	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. T. Moore
Hon. E. H. Gray	Hon. J. A. Greig
Hon. J. W. Hickey	*(Teller.)*

Noes	
Hon. V. Hamersley	Hon. J. Nicholson
Hon. E. H. Harris	Hon. H. Stewart
Hon. J. J. Holmes	Hon. H. J Yelland
Hon. A. Lovekin	Hon. J. Ewing
Hon. J. M. Macfarlane	*(Teller.)*
Hon. G. W. Miles	

Clause thus negatived.

Clause 65—put and negatived.

Progress reported.

House adjourned at 10.24 p.m.