

both said there was a mud hole at Bunbury. There are several mud holes. There was one having a full depth of 40ft., but in the area to be covered by the dock there were portions where rock occurred at 23 to 26 feet. The position of course was governed by these lesser depths. This information did not satisfy the people of Bunbury and so I promised to have the whole affair probed. We then found depths which were not marked on any of the charts in the department.

Mr. Money: Good depths, too.

The MINISTER FOR WORKS: These have not yet been plotted out in such a way that the information can be put before me. Whatever we have found, however, the Premier has not the funds required to carry out the work. The member for Bunbury said that lack of funds should not hinder the getting of information. The hon. member may have all the information as soon as it is ready, but he is not going to get it until it is ready.

Mr. O'Loughlen: What are those depths not shown on other charts?

The MINISTER FOR WORKS: We found some depths of 40ft. and some of 39ft. In my opinion the money expended in boring in the Bunbury harbour will be money well spent, even if it does not produce results, for it will set at rest the opinions of those gentlemen who are not trained engineers. The hon. member said there was simply a jetty at Bunbury. It is a good jetty. It is what the people of Bunbury were satisfied to get when I went there and spoke with them. But the people of Bunbury are like the people of other shipping ports—they are always on the look-out for more.

Hon. P. Collier: And you let these unsophisticated drapers select their own plan?

The MINISTER FOR WORKS: No, we tried to satisfy them, but it is impossible to do so. Last year we spent on the Bunbury Harbour £36,000; this year we propose to expend £29,000. For dredging the approach to the jetty the sum of £9,000 has been allocated. When the mole was built many years ago it was considered that it would completely prevent the drift of sand which has given Bunbury so much trouble. It is now found that the force of the sea is so great that it drives the silt through the wall, along the wall, and round the corner. It was proposed to spend £10,000 on electric cranes. These have been made at the State Implement Works, at a price that compares favourably with the imported article and has resulted in a good profit to the works. On the installation of electric power and light £1,000 will be spent. An investigation in connection with the inner harbour and other minor works brings up the total expenditure to £29,000.

Hon. P. Collier: What does Mr. Tipping think of it now?

The MINISTER FOR WORKS: I do not know. They will get the depth of water that is available, and it cannot be made any deeper. The member for Bunbury has bombarded me with letters on this subject for several years. I do not remember the promise he speaks of. No one is going to deny Bunbury the necessary facilities for handling wheat and coal when we have the money to provide them. The late Mr. C. Y. O'Connor's scheme was for an inner harbour. When the late Lord Forrest put the

first item on the Loan Estimates of £100,000 the matter was fully discussed between us. The scheme that was carried out had the approval of Mr. O'Connor, but there is no doubt he would have preferred the inner harbour scheme if he could have got it. Every Minister for Works has to be governed by the state of the Treasury. If the hon. member feels he is not getting what he would like let him go to the Treasury. During the last few years money has not been available for these works, and nothing the hon. member can say can alter the fact that without money we cannot do anything.

Mr. O'Loughlen: What about the £70,000 in connection with Lake Clifton?

The MINISTER FOR WORKS: Is it necessary to introduce that matter now? There is going to be a Royal Commission on the matter, and I cannot reply to the hon. member.

Mr. O'Loughlen: Why can you not reply? Who wanted the Royal Commission?

The MINISTER FOR WORKS: I did for one, and Mr. Colebatch also wanted it.

Mr. O'Loughlen: The House did not want it. The State should not have to pay that money.

The MINISTER FOR WORKS: I cannot discuss the matter now. Every attention has been paid to Bunbury that could be paid to it.

Mr. Money: We can neither import nor export.

The MINISTER FOR WORKS: We cannot any of us do all that we would like to do. Until the financial position improves it is useless to suppose that we shall have any large sum of money to spend there.

Progress reported.

## BILL—ARCHITECTS.

Returned from the Council with amendments.

*House adjourned at 11-10 p.m.*

## Legislative Council,

*Wednesday, 4th January, 1922.*

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The PRESIDENT took the Chair at 3.0 p.m., and read prayers.

# PAPERS—LIME DEPOSITS, DONGARRA.

On motion by Hon. J. W. Hickey, ordered—

That all papers in connection with the Dongarra lime deposits be laid on the Table of the House.

## BILLS (2)—REPORTS OF COMMITTEE ADOPTED.

- 1, Nurses Registration.
- 2, Permanent Reserves (No. 2).

## BILL—INSPECTION OF MACHINERY.

Assembly's Message—Recommittal.

Order read for the adoption of report of Committee.

On motion by Hon. J. Cornell, Bill recommended for the purpose of further considering the Council's amendment No. 4 in the schedule to the Assembly's Message of the 14th December, 1921, considered on the previous day.

In Committee.

Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

No. 4—Clause 4, add a paragraph to stand as (7):—"Of any machinery driven by oil or petrol of which the power is less than eight horse-power":

Hon. J. CORNELL: Mr. Baxter has placed on the Notice Paper a modification of this amendment of the Council which was disagreed to by the Assembly. Mr. Baxter's notice reads as follows:—

That amendment No. 4, disagreed to by the Assembly, be modified as follows:—"or any machinery driven by an oil or petrol engine exceeding six horse-power, and which is used exclusively by an agriculturist, pastoralist, or pearler in pursuit of his calling as such."

It was decided yesterday, I understand, to exclude the word "agriculturist" from the modification. I then interjected that this meant practically cutting agriculturists out of the exemption.

Hon. E. H. Harris: This was not what was agreed to yesterday.

Hon. J. Duffell: No.

Hon. J. J. HOLMES: The reason for the appearance of Mr. Baxter's notice is that the amendment, as modified yesterday, does not read as well as it might. Mr. Baxter's modification appearing on the Notice Paper is practically a re-drafting of what the Committee carried yesterday. I ask leave to withdraw the modification made yesterday.

Modification by leave withdrawn.

Hon. J. J. HOLMES: In Mr. Baxter's absence, I now move—

That amendment No. 4, disagreed to by the Assembly, be modified to read as follows:—"or any machinery driven by an oil or petrol engine exceeding six horse-power, and which is used exclusively by an agriculturist, pastoralist, or pearler in pursuit of his calling as such."

Hon. H. STEWART: Should not the word "or" after "as follows" be "of"? There is a series of exemptions in Clause 4, each of them beginning with "of."

The CHAIRMAN: Yes; I think that word "or" should be "of."

Hon. R. G. ARDAGH: I should like a ruling as to whether dairying is a primary industry or not. There seems to be some doubt about the matter.

Modification of the amendment put and passed.

Resolution reported, the report adopted, and a Message accordingly returned to the Assembly.

## BILL—TRAFFIC ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

Hon. F. E. S. WILLMOTT (South-West [3.15]): I had intended to make a few remarks regarding the Bill but, as certain hon. members have expressed a desire for the appointment of a select committee to deal with the measure, and as it may be the wish of the majority of the House that the committee shall be appointed, I would sooner reserve my remarks until we receive the committee's report. The proposed delegation from the city council, who desire to appear before the suggested select committee, will have to put up very good arguments, far better than those they have brought forward in the past regarding their so-called victimisation, to carry weight. When the principal Act was under consideration—I mentioned the matter at the time in another place—it appeared that every member who did not own a motor car seemed wrapped up in the idea that everyone who drove a motor car was a rogue and a scoundrel, out to slay his fellow man. In every case, motor vehicles were mentioned in the Act, and anyone who drove a horse and cart could do anything he liked. Such a man could be a general nuisance and a danger to the community, but he got off. This aspect was pointed out in another place, but hon. members insisted upon motor vehicles being specially mentioned.

Hon. A. Lovekin: They always do that there.

Hon. F. E. S. WILLMOTT: Regarding one-way traffic, which is mentioned in the Bill, some such provision is necessary in Perth. Take a little street like King-street—

Hon. V. Hamersley: Where is it?

Hon. F. E. S. WILLMOTT: The intersection shows crass ignorance, which I am loth to believe of the hon. member. As a country member, he should know where King-street is. It is an absolutely dangerous street, and I am surprised that the hon. member does not know where it is.

Hon. J. Duffell: He knows where Roe street is.

Hon. F. E. S. WILLMOTT: So does the hon. member. King-street runs through from St. George's-terrace to Wellington-street. Many important streets in the Eastern States are one-way thoroughfares. Such an important street as Pitt-street in Sydney is reserved for one-way traffic only. When such a street is set aside for one-way traffic, it emphasises the necessity for such a provision in Western Australia. Such an action on the part of the Sydney authorities makes one wonder at the remark which fell from the lips of a member in another place regarding the uselessness of one-way traffic here, because our traffic did not warrant such a provision. It is high time that we had a one-way traffic provision in Western Australia. We may not have the high volume of traffic characterising some of the thoroughfares in the Eastern cities, but the smallness of some of our streets makes up for that aspect.

Hon. R. G. Ardagh: Our streets are not so narrow as some in Sydney.

Hon. F. E. S. WILLMOTT: I did not see any streets as narrow as King-street when I was in Sydney.

Hon. J. Cornell: You must have been there in an aeroplane.

Hon. F. E. S. WILLMOTT: In any case, I think it is necessary that this street should be declared for one-way traffic only.

Hon. H. Stewart: By regulation?

Hon. F. E. S. WILLMOTT: Of course. The question of distinguishing marks on motor cars is a very vexed one and probably every hon. member has been inundated with literature for and against. I am of opinion that the cars plying for hire on the rank are in an entirely different position from cars engaged from a garage.

Hon. A. H. Panton: What is the difference?

Hon. F. E. S. WILLMOTT: In England cars engaged from a garage are treated on a different basis from cars engaged from the rank.

Hon. E. H. Harris: Why should they be?

Hon. F. E. S. WILLMOTT: Taxicabs, as the cars on the ranks are called there, are used for different purposes altogether.

Hon. A. H. Panton: What is the difference?

Hon. F. E. S. WILLMOTT: If one desired to get from one place to another as quickly as possible, one would ring up a garage where a comfortable car, driven by a competent man, could be obtained. That would be done in cases where one desired to go on a lengthy journey, such as from Perth to Bridgetown. Such a car should be placed

in a different category from the motor I would engage from the ranks in the street, to drive me from the Western Australian Club to the railway station.

Hon. H. Stewart: Why should it be in a different category?

Hon. A. Sanderson: Of course, there is a difference.

Hon. F. E. S. WILLMOTT: I hope the cars from the garage will be treated differently by the House. I wish to emphasise again that if the Bill is referred to a select committee, and representatives of the city council bring forward arguments objecting to the city participating in the upkeep of the Perth-Fremantle road on the basis suggested—for my part I think they have been very fairly treated—those representatives will have to advance excellent arguments before I shall be prepared to alter my opinion on the question. I support the second reading of the Bill.

Hon. J. J. HOLMES (North) [3.21]: There are one or two points regarding the Bill to which I desire to draw attention. One point relates to the Perth City Council, and I merely mention it because it is one for metropolitan members to deal with. The city council's contention is that they are asked to raise money for expenditure outside the municipality, which they claim is contrary to the Municipalities Act. It has been suggested that a select committee should be appointed to hear members of the city council on that aspect, but if we are to have a select committee, I think anyone with a grievance is entitled to be heard before the committee. The other point is in regard to the motor car drivers and the inclusion of motor cars attached to a garage in the same category as the cars that stand on the streets for hire. There is a difference between the two types, and that difference has been recognised throughout the world with one exception, namely, at Swansea. The municipality in that city is the only one which has imposed the provision which the Government sought to bring about in this Bill when it was before another place. An attempt was made last year to include a similar clause in the Manchester Corporation's General Powers Bill. There was a committee appointed to deal with the matter and the committee subsequently set out the difference between the two classes of cars. The document dealing with this subject is available and it has been circulated. The memorandum is that of the Motor Legislation Committee, which, I take it, is something like our own proposed select committee. This is the conclusion the committee arrived at:—

There is no apparent reason why vehicles should be subjected to different regulations in the city of Manchester to those which prevail elsewhere, or why persons earning their livelihood as drivers of such vehicles should be made liable to obtain a special license from the corporation, without which they will be deprived of their present

means of livelihood. Special provisions relative to hackney cabs can be justified as a protection to the public for whose use and convenience such vehicles are allowed to ply for hire in the public streets. No such considerations apply in the case of vehicles, the hiring of which is a matter of private bargain between the owner and the hirer.

The last paragraph reads—

The Minister of Transport recommends the omission of the clause.

That is what is recommended in the Bill, bringing the motor cars in the motor garages into line with those in the street. There is a vast difference between cars which stand in the streets waiting for someone to come along to hire them and cars owned by a motor car proprietor, who sets up in business, pays rates and taxes, and employs men to stand by waiting for the convenience of patrons. There is a vast difference, which is recognised throughout the world. There are a number of people prepared to pay extra to have what appears to be a private car. It may be called—

Hon. A. H. Pantou: Snobbery.

Hon. J. J. HOLMES: That is the expression used in another place. But why should people who desire to have such cars be debarred from that privilege? That position is recognised here. If I had a friend coming to stay here for a week and I desired to show him around the State, it would be desirable that I should have a car which appeared to be a private car, so that he could see the different parts of the State.

Hon. J. Cornell: If you wanted a car under those circumstances, you would go to the stand and get a returned soldier for the work. There are enough of them.

Hon. J. J. HOLMES: I would go to the best place to procure the car and I would give preference to the digger, if possible. Then again, I may want to send my wife and daughters to Cottesloe, or some other place. If I want to do that, I cannot take a man off the street for that purpose, because I would not know with whom I was dealing. On the other hand, I can ring up one of the motor car proprietors and engage a car to take them anywhere at any hour of the day or night, being perfectly satisfied that my family will be brought home in safety. When it is possible to get a man we can trust, surely it is a fair thing to claim that they are entitled to receive what is asked, namely, that the motor cars from garages shall be placed on the same basis as private cars regarding the distinguishing marks, rather than be placed in the same category as the men on the motor ranks, some of whom, at any rate, are prepared to take anyone down at any hour of the day or night.

An Incident.

Hon. A. H. Pantou: That is a most unfair statement to make.

Hon. J. J. Holmes: I know it is so.

Hon. A. H. Pantou: It is very unfair. You should not make that statement.

The President: Order!

Hon. A. H. Pantou: It is a dirty, rotten thing to say.

The President: Order! The hon. member must be silent.

Hon. A. H. Pantou: He ought to behave himself.

Hon. J. J. Holmes: Mr. Pantou said that my statement was "a dirty, rotten thing to say." I ask for a withdrawal of the remark.

Hon. A. H. Pantou: I shall not withdraw.

The President: The hon. member must withdraw his statement.

Hon. A. H. Pantou: I refuse to withdraw. It was a rotten thing to say.

The President: The hon. member must take his seat. If he refuses to withdraw his statement, I must ask that the ordinary motion be moved.

Hon. A. H. Pantou: I shall not withdraw. No man should make a statement like that. A lot of these men are returned soldiers and such a statement should not be allowed to pass.

The Minister for Education: I trust Mr. Pantou will withdraw his remark. If he does not do so, it will place me, as Leader of the House, in a very unpleasant position.

Hon. A. H. Pantou: I refuse to withdraw. There are many returned soldiers working for a living on the ranks and when Mr. Holmes says that these men are taking the people down, I refuse to withdraw.

Hon. J. J. Holmes: I hope that in this case—

The President: The hon. member will resume his seat. The episode is not quite finished yet. When an hon. member refuses to withdraw his statement, it is customary to move that he be suspended from the service of the House for the remainder of the sitting.

The Minister for Education: I very reluctantly move the motion—

That the hon. member be suspended from the service of the House for the remainder of the sitting.

The President: Is there any seconder to that motion?

Hon. G. W. Miles: I second it.

Hon. J. Cornell: May the motion be debated?

The President: Yes, I think so.

Hon. J. Cornell: I do not want to enter into the merits of the hon. member's withdrawal, but—

The President: The only question that can be discussed is the refusal to withdraw. The merits or otherwise of the circumstances leading up to that refusal have nothing whatever to do with it. The motion has been moved that the hon. member shall be suspended from the service of the House for the remainder of the sitting because he refused to obey the ruling of the Chair.

Hon. J. Cornell: I desire to say in the circumstances—

The Minister for Education: I trust that the hon. member will be given an opportunity to speak.

The President: Most certainly.

Hon. A. H. Panton: I do not wish to make any explanation. In deference to you, Sir, as President, I will withdraw.

The President: Then the Minister will withdraw his motion.

The Minister for Education: Yes, I will withdraw the motion.

Hon. J. Cornell: But I want Mr. Holmes to withdraw that remark he made.

Hon. E. H. Harris: Hear, hear!

The President: The hon. member must deal with that afterwards. The question is that the motion of the Leader of the House be withdrawn. Is it your pleasure that the motion be withdrawn?

Motion by leave withdrawn.

The President: I think the episode might very well be allowed to close.

Hon. J. Cornell: But I take exception to the remark made by Mr. Holmes, and I hope that on reflection he will withdraw.

The President: The hon. member cannot take exception now. He should have taken exception when the words were used.

Hon. J. Cornell: But I had not time to get in!

The President: Then the hon. member lost his opportunity.

Debate resumed.

Hon. J. J. HOLMES: If there be anything to withdraw—it is all a storm in a teacup—I will withdraw it. I said that, with exceptions, those men are allowed to take one down any hour of the day or night. There is nothing very dreadful about that. Everybody knows it to be a fact. It always has been so. Have we now returned soldiers conducting business on different methods? If so, if they have raised the tone of the avocation, it is to their credit. But I do not see why Western Australia should swing into line with Swansea, and swing out of line with every other recognised corporation in the world. Consequently I hope that when we come to that question we shall deal with it as they do in other parts of the world.

Hon. J. CORNELL (South) [3.35]: I desire to offer one or two remarks on one phase of the question, namely whether or not cars sent out on hire from garages should bear a different shingle from those let out from the ranks. As an Australian, I see no reason for any differentiation. Illustrations have been given as to what appears in the Old Country. Whilst I have very respect for the country whence came my forefathers, I place no country in the world before Australia. I am not going to be a party to the importation of snobbery from any other country. The men on the ranks conduct themselves just as well as do the proprietors or the employees of garages;

but because they have a recognised stand from which they may ply for hire they must hang out a different shingle from that allotted to garage cars. There are 45 returned soldiers on the car ranks, and the fact of their being returned soldiers is evidence that they are pretty good Australians. That they have not garages, is altogether beyond their control. What fundamental difference is there between the two classes of men plying for hire with motor cars? Mr. Holmes says he cannot trust those nearest and dearest to him with the men plying on the stand.

Hon. J. J. Holmes: With some of them.

Hon. J. CORNELL: There are many with whom I would not only trust myself, but would also entrust to their care those nearest and dearest to me. The matter boils itself down to this: There is a certain section of the community who, perhaps, would be better engaged in paying their debts than in hiring motor cars. When they go out in motor cars they desire to have it believed that they own the cars.

Hon. F. E. S. Willmott: So they do, for the time being.

Hon. J. CORNELL: If I, as a citizen, choose to exercise my preference for the returned soldier, and give him a job, why should I have to bear the odium of a notice that the car I ride in is an inferior car and is for hire and other relative purposes, as against the superior car taken from the garage? The position has arisen out of a mistake on the part of those administering the Traffic Act. The ambiguity of the law was taken advantage of, and in consequence the men plying for hire on the rank went to the Supreme Court and won. Now Parliament is asked to amend the law to provide a differentiation between the two classes of motor drivers. I hope we shall not encourage snobbery, either amongst those who own the cars or those who hire them. I can see no reason why there should be two different shingles, or why these invidious distinctions should be drawn in a democratic country like Australia.

The MINISTER FOR EDUCATION  
(Hon. H. P. Colebatch—East—in reply)

[3.40]: I trust the House will not agree to refer the Bill to a select committee. I cannot see any good purpose to be served by the adoption of that course. It is not as if the Bill were introducing any new features in regard to which we required evidence. Mr. Duffell threw out the suggestion apparently with the idea that a select committee could simply receive a statement from the mayor or town clerk, and then report to the House. But we already have the views of the city council.

Hon. A. Sanderson: Where are they?

The MINISTER FOR EDUCATION: I have received a letter, and it appears to be a circular letter. I expect other members also have received it. It seems to me that

if a select committee is to take evidence from one body, it will be necessary to take evidence from all bodies equally interested. It would mean considerable delay, and would not get us one bit further, because we already have all the facts at our disposal. Reference has been made to the proviso in Subclause 3 of Clause 4, which provides that all vehicles licensed for the carriage of passengers shall bear the same distinguishing colours and characters. It seems to me purely a question of whether the proprietors of garages, because they run establishments, pay rates and taxes and are at the call of the public all hours of the day and night, should be given a right to some privilege. That is the question at issue. In moving the second reading, I said I thought there were arguments to be urged on both sides. My experience teaches me that both those people running garages and those people on the ranks are giving the public a fair deal. Certainly it has not been my experience that the men on the motor car ranks try to take one down. The Government frequently take cars off the rank. I hope the Bill will not be sent to a select committee.

Question—put and passed.

Bill read a second time.

Referred to a select committee.

The MINISTER FOR EDUCATION: I move—

That you do now leave the Chair for the purpose of allowing the Bill to be considered in Committee.

Hon. A. SANDERSON (Metropolitan-Surbanan) [3.45]: I move an amendment—

That the Bill be referred to a select committee.

Hon. J. Duffell: Oh!

Hon. A. SANDERSON: Why should the hon. member groan? I am quite within my rights in moving this amendment. My object is to save our time and to do our work efficiently and give satisfaction to the people who sent us here. These are very good reasons. If my hon. colleague can controvert them, let him do so, but let him refrain from groaning. I thought the proposal to refer the Bill to a select committee would be agreed to without any opposition. We have a lot of work before us, and we have had a foretaste on the second reading of the unseemly wrangling we might expect in Committee with reference to returned soldiers and snobbery, introduced, to my mind, in the most extraordinary and irrelevant manner. If the Bill were referred to a select committee the people interested, even though we did not agree with them, would have an opportunity to put their case in full before a proper authority. We all know the satisfaction of having the fullest opportunity of putting a case before a tribunal even though the decision is given against us. What is

the objection to adopting this course? Is it that it will involve a waste of time?

Hon. J. Duffell: Yes.

Hon. A. SANDERSON: If that is the hon. member's attitude, let him and Mr. Pantan be two members of the select committee to hear the views of the Perth City Council.

Hon. J. Duffell: I have heard them.

Hon. A. SANDERSON: No have I, but when a question of such vital importance comes up for consideration, we should remember that the Perth City Council is an important body with large interests at stake. Unfortunately the City Council is deprived of your advocacy, Sir, by reason of your exalted position and the absence of your colleague Mr. Nicholson, and this is all the more reason why the Bill should be referred to a select committee. The road board to which I referred on the second reading should have an opportunity to state its case. To my certain knowledge, the wheel tax for a dray has been increased from 10s. to £6 10s. If this does not call for consideration, what does?

Hon. E. Rose: That is for heavy traffic.

Hon. A. SANDERSON: Yes. I am not arguing that the increase cannot be justified. It is a very interesting and important matter. But prima facie the people whose annual tax has been increased from 10s. to £6 10s. have some right to be heard. When I was accosted by one of my friends on this point, I told him that I did not believe his statement was correct, and that he should make further inquiries to ascertain whether it was correct.

Hon. R. G. Ardagh: In some instances it is justifiable.

Hon. A. SANDERSON: I am not arguing that. The tax of £6 10s.—

The PRESIDENT: The hon. member must not discuss the merits of the question.

Hon. A. SANDERSON: On that special point there is ample ground for inquiry. I hesitate to refer to the snobbery. Thackeray himself would have been interested in the opportunity to get a new chapter on snobs. Mr. Pantan and Mr. Cornell should have an opportunity, which apparently they have not had, of hearing a very small minority who I consider are entitled to a hearing. Does my hon. colleague continue to groan?

Hon. J. Duffell: I shall reply to you presently.

Hon. A. SANDERSON: But I wish to convince the hon. member, and get him on my side. I would speak at greater length if I thought I could convince him.

Hon. E. H. Harris: I venture to say you are not making much impression.

Hon. A. SANDERSON: Then I shall turn to other members who are more open than my colleague to what I consider are sound arguments, hoping that they will deal with this matter in the broad manner in which they deal with all public matters.

Hon. J. DUFFELL (Metropolitan-Suburban) [3.51]: I oppose the amendment on the ground that it is unnecessary to refer the Bill to a select committee. The object of referring a Bill to a select committee is to get evidence which is not available to members at the time. My contention is that members have all the information required to deal with this Bill. It appears that the Perth City Council, out of the whole of the local governing bodies, appears to be suffering somewhat as a result of the operations of the Traffic Act. We have had the views of the city council conveyed to us by the Town Clerk, and every member is well informed regarding the position. It must be borne in mind that £12,000 has been expended on the Perth-Fremantle road. It is necessary that this road be kept in order and not allowed to fall into disrepair.

The PRESIDENT: The hon. member can only discuss the propriety or impropriety of appointing a select committee and not the merits of the Bill or any part of it.

Hon. J. DUFFELL: I am merely mentioning this to show that there is no need to appoint a select committee to get evidence on this point. There is sufficient evidence before us to enable us to come to a decision on every clause of the Bill.

Hon. A. J. H. SAW (Metropolitan-Suburban) [3.53]: I intend to support the amendment and I trust that my hon. colleague will not say "bah" to me. I support the amendment in the interests of my constituents. The peculiar province we represent is included partly in the city of Perth and partly in the other urban areas. There seems to be a conflict of interest between these particular councils with regard to the Bill, and I certainly would like to hear the views of those who are more directly interested in the question. I have not seen altogether eye to eye with the city council but I certainly think that, as a very important body, its representatives should have the right to a hearing from this Chamber.

Hon. J. EWING (South-West) [3.55]: I support the amendment. I do not claim to have read all the evidence adduced by the Perth City Council, but I acknowledge that since the passing of the Traffic Act there has been a great difference of opinion between the Government and the city council. If we refer the Bill to a select committee the trouble may be cleared up for all time. If, on the other hand, we pass the Bill without making further inquiry, the city council will think it has been badly treated. There is plenty of work on the Notice Paper to occupy us during the next week or two, and I do not think the inquiry of the select committee should occupy more than one week. It would be gratifying to me, and I am sure to other members to know the exact position as revealed by the evidence taken by a select committee.

Hon. J. Duffell: And call witnesses from all over the State?

Hon. J. EWING: To merely have a written statement by an officer of the city council is a vastly different thing from hearing the evidence of the mayor and officials of the Perth City Council. Mr. Sanderson's statement regarding the enormous increase in fees being charged by the road board to which he referred should also be inquired into. These are very good reasons for supporting the appointment of a select committee. With regard to garage and rank motor cars, I can say with the Leader of the House that I have had a fair deal from both, but the appointment of a select committee will enable all parties to represent their views in order that we may arrive at a fair and just decision. The House would be wise to agree to a select committee if only to overcome the difficulties which at present seem insuperable.

Hon. V. HAMERSLEY (East) [3.58]: I support the amendment. The more one hears of the question the greater necessity there seems to be for further inquiry. We know that there has been friction between the various public bodies and that there has been litigation. I am not personally familiar with the merits of the case. I know that the Minister for Works has displayed a very happy knack of spending money and explaining to the city council that it was not previously expended as judiciously as by the Government. Even if the Bill cannot be passed this session, it will not be long before it can again be brought forward.

Hon. A. LOVEKIN (Metropolitan) [3.59]: I hope the House will agree to the appointment of a select committee. When a representative body such as the Perth City Council or a road board requests to be heard, it is only a matter of courtesy that the House should afford an opportunity for such a hearing.

Hon. R. G. Ardagh: Will you give all the road boards the same opportunity?

Hon. A. LOVEKIN: I think they should have an opportunity to be heard if they so desire. The committee should not take long to do its work. The mayor can speak for the city of Perth and I presume will be able to say all there is to be said.

Hon. J. Cornell: Is it this Bill or the parent Act that the Perth City Council wants to get at?

Hon. A. LOVEKIN: I think it is the Traffic Act generally. One representative of the garages in the city, and one representative of the returned soldiers and other taxi owners can speak for their respective bodies. In the case of road boards, one representative may speak for them all, unless any particular road board has a special point to make. I do not think the appointment of a select committee will delay the Bill for more than a week.

Hon. J. CORNELL (South) [4.2]: If there was anything in the Bill which

pressed hardly on the Perth City Council I would offer no objection to the appointment of a select committee, but I understand there is nothing in the Bill that does affect that body.

The Minister for Education: Clause 2 does.

Hon. J. CORNELL: Only slightly. The object of the Perth City Council is to get at the parent Act. I am not going to be a party to referring this Bill to a select committee so that it may consider amendments to the parent Act in the interests of the Perth City Council. I understand that what the Perth City Council object to is the incidence of the traffic.

Hon. A. Lovekin: Only as the Bill affects the principal Act.

Hon. J. CORNELL: If it is to become a question of who is going to control the Perth-Fremantle-road, I am going to vote against the appointment of the committee. After all, it was the taxpayers of the country who built that road and not the Perth City Council.

The PRESIDENT: The hon. member is straying on to the merits of the Bill.

Hon. J. CORNELL: I shall oppose the motion.

Hon. J. J. HOLMES (North) [4.4]: I support the motion. If the committee were conducted on the lines suggested by Mr. Lovekin, the business would be facilitated. I cannot understand Mr. Cornell when he says we should not deal with the parent Act. The Bill amends that Act. If it does not go far enough, and any injustice is being done to anyone—and I think an injustice has been done—

The PRESIDENT: The hon. member is getting on to the merits of the Bill.

Hon. J. J. HOLMES: In order to give people an opportunity of presenting their case, I shall support the motion.

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

Ayes ..	..	..	..	9
Noes ..	..	..	..	9
A tie ..	..	..	..	0

#### AYES.

Hon. C. F. Baxter	Hon. A. Lovekin
Hon. J. Cunningham	Hon. A. Sanderson
Hon. J. Ewing	Hon. A. J. H. Saw
Hon. V. Hamersley	Hon. C. McKenzie
Hon. J. J. Holmes	(Teller.)

#### NOES.

Hon. R. G. Ardagh	Hon. G. W. Miles
Hon. H. P. Colebatch	Hon. A. H. Panton
Hon. J. Cornell	Hon. H. Stewart
Hon. J. Duffell	Hon. E. Rose
Hon. E. H. Harris	(Teller.)

The PRESIDENT: In order to provide an opportunity for further deliberation I give my casting vote with the Ayes. It will

now be necessary for the hon. member to repair the little omission he made in moving the motion, and to specify the names of members to serve on the committee and the date when it is intended to report.

Hon. A. SANDERSON: I move—

That the Hon. A. Lovekin, the Hon. J. Cornell, and the mover be appointed a select committee to report on Wednesday next.

I move this with a considerable amount of diffidence, and with deference to the opinion of the Leader of the House as to whether he would prefer five members to three.

The MINISTER FOR EDUCATION: I do not know whether hon. members are present engaged on the select committee appointed to deal with the Land and Income Tax Assessment Amendment Bill would care to serve also on this committee. They will have very little time in which to carry out their duties. It would be a mistake to put on this committee a member who is already serving on the other.

Hon. A. LOVEKIN: I should like to be relieved from serving on this select committee. I have already been on practically two select committees this session, and am now a member of another select committee which has a good deal of work to do on a highly technical Bill.

The PRESIDENT: If the hon. member asks Mr. Sanderson he will no doubt amend his motion accordingly.

Hon. A. SANDERSON: I propose that Mr. Ewing be appointed to the select committee in place of Mr. Lovekin.

Hon. J. Ewing: I am agreeable.

The PRESIDENT: The motion is amended accordingly.

Question put and passed.

### BILL—WORKERS' HOMES ACT AMENDMENT.

#### Third Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.12]: I move—

That the Bill be now read a third time.

Hon. H. STEWART (South-East) [4.13]: The more I look at Clause 4 the more I feel it incumbent upon me to do what I can to give the House the fullest opportunity of expressing an opinion regarding it. Additional information has come before me as to the policy of the Government, and it seems to me, if this clause is incorporated in the Bill, it will give them too much power and extend to them the right to erect and dispose of dwelling houses to workers. The object is said to be to provide dwelling houses in the country, but the present Act gives the Government all the power I a



prepared to give them in this direction. It enables people to borrow money from the Workers' Homes Board and to acquire such dwellings subsequently when they have paid them off. I understand that one hon. member voted for the clause because he felt that it was a protest against the present position, which does not permit of buildings erected on leasehold lands being converted into freehold property. I wish to give the House a further opportunity of considering the clause, and consequently I move an amendment—

That the Bill be recommitted for the purpose of further considering Clause 4.

Amendment put and passed, the Bill re-committed.

#### In Committee.

Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

#### Clause 4—Amendment of Section 24:

Hon. H. STEWART: I spoke on this clause during the second reading debate and also in Committee. I have now a new phase to put before hon. members. From commercial men engaged in the timber and building trades I learn that the Government, having established the State Sawmills, extended their operations by acquiring timber yards in the metropolitan district. I learn, further, that the Government imposed the condition that in connection with any building operations carried out under the Workers' Homes Board, all materials required must be obtained from the State enterprises. Thus this clause will give the Government power to create a market of their own for getting rid of the products of the State Sawmills and the State Brickworks, and thus the Government will be afforded the opportunity of carrying on operations with regard to which I do not believe they will exercise a proper discretion. I shall therefore vote against Clause 4.

Hon. J. J. HOLMES: This matter was debated at some length on the second reading and also in Committee. I support Mr. Stewart. The division taken yesterday was taken in a thin House, and does not truly reflect the opinion of the House. I know that one hon. member who voted yesterday misunderstood the position.

The MINISTER FOR EDUCATION: I sincerely hope the Committee will not reverse the decision already arrived at. At the present time it is competent for the Government to acquire land in the country or anywhere else, and erect houses on it for workers; but if they do so, they can only let the worker have the house on the leasehold system. All that this Bill does is to empower the Government to do exactly what they can do now, and, in addition, to transfer the house to the worker on the freehold system. If the Bill is not carried, it will be competent for the Government still to buy land in country centres, and build houses on such

land, and do all the rest. The Government desire the alteration proposed by Clause 4 because experience has shown that the freehold tenure is the more satisfactory, has shown that the owner of a freehold house can be relied on—one might almost say—invariably to carry the thing right through. I do not say that the leasehold system has failed by any means; it has proved satisfactory in a very large number of cases.

Hon. C. F. Baxter: Under what section of the principal Act can the Government erect and sell dwelling-houses?

The MINISTER FOR EDUCATION: Under Sections 7 and 8 of the Workers' Homes Act, 1912.

Hon. C. F. Baxter: Section 7 does not give the Government power to erect and dispose.

The MINISTER FOR EDUCATION: Only on lease. The Government consider it a much more satisfactory basis to dispose of dwelling-houses as freehold properties.

Hon. A. LOVEKIN: From what Mr. Stewart has said, it seems to me that the Government now propose to establish, in addition to the existing State enterprises, a State jerry-building enterprise, by way of bolstering up their sawmills and brickworks. A recent select committee showed how one State enterprise had been bolstered up by means of departmental orders obtained without competition and therefore without regard to reasonableness of price. This jerry-building proposal will be a degradation to the Government, and of no value to the country. I shall therefore support Mr. Stewart.

Hon. J. CORNELL: We have here a new phase in the discussion of the Bill. No reference was made yesterday to the extension of the operations of the State Sawmills. Assuming that that is implied—I do not know that it is—

The Minister for Education: It has nothing whatever to do with that.

Hon. J. CORNELL: As the Leader of the House has pointed out, the Government have already power under existing legislation to do all that this clause proposes, both on the leasehold system and on the freehold system. During 1912, 1913, 1914, and 1915 blocks upon blocks of houses were erected by the Workers' Homes Board on the leasehold system, and also many houses on freehold land, whenever the board thought the security of the freehold block sufficient for the type of house of which the erection was desired. Even if Clause 4 is negatived, that can still go on.

Hon. H. Stewart: With a difference.

Hon. J. CORNELL: With what difference? No difference at all.

Hon. H. Stewart: I shall point out the difference presently.

Hon. J. CORNELL: Apparently the only difference is that in connection with the erection of houses by the Workers' Homes Board there will henceforth be a condition of contract that all materials required shall be purchased from the State trading concerns. If

the clause is rejected, the Government will still be able, under the parent Act, to build a house on a freehold block owned by a man in, say, Northam. The block may have cost only £10, but the board may regard the land as sufficient security to justify them in erecting the class of house desired by the owner of the block. The effect of rejecting the clause will probably be to cause the board to strain the existing Act in favour of lesser security than has been required in the past. Of course, the natural corollary to the passing of Clause 4 will be to grant holders of leasehold homes the right to obtain the freehold. The custodians of the principle of fee simple, in rejecting Clause 4, will be unconsciously recording a vote in favour of the leasehold principle. A crying need of this country to-day is more houses. The policy of the Workers' Homes Board is to build in localities where the security represented by the land is ample, and where there is progress. Thus, practically no risk at all is run. Clause 4 in effect proposes to put workers' homes built on freehold in the same position as war service homes. A digger without a threepenny bit can get a war service home up to the value of £300. I trust that my previous remarks regarding the corollary right of leaseholders to convert into freehold will not be confounded with the objects of Clause 4. If hon. members vote against the clause they vote against the freehold system, in favour of the leasehold system.

Hon. H. STEWART: Mr. Cornell makes a point that people casting a vote against the clause, will vote in favour of the leasehold system. The position is nothing of the sort. We are not dealing with that aspect at all. We are simply determining what shall be the policy of the Workers' Homes Board, regarding freehold properties. The Minister has said that the Government have already power in the present Act to build workers' homes. Under the clause, however, the position is quite different. The Government have power to advance money at a specified rate of interest on freehold properties and the people have the right to acquire them. The clause seeks to give power to the Government to erect houses and sell them. What guarantee has the Government that there will be purchasers for the houses they erect. There is no security whatever provided in the amending Bill. If the Government already have the power, the amendment is unnecessary. I do not regard this activity as a State trading concern, but rather as a State enterprise. I do not favour State enterprises where private enterprise will do the work, and the sop held out that the object is to erect buildings in the country, is quite unnecessary because, as the Leader of the House has pointed out, there is power for that aspect already provided in the Act.

The Minister for Education: But the properties cannot be sold.

Hon. H. STEWART: I am not prepared to give the Government power to build houses and sell them. To those who believe in State

enterprise it may be quite right that the Government should be given these powers in order that the products of other State enterprises may be utilised in the construction work. But to those hon. members who do not agree with the continuance of the State enterprises, it is wrong and unfair that such a principle should be persisted in, as it interferes with the general development of the State.

Hon. J. Cornell: Then you should throw out the whole Bill.

Hon. H. STEWART: I outlined my attitude regarding the Workers' Homes Board when speaking on the second reading of the Bill, and I admitted that the work of the board has been satisfactory. My objection to workers' homes would disappear if we were a prosperous State with our hinterland developed and if we had plenty of money to develop what I regard as our relatively less important interests, where the more congested population exists. The time is not ripe to unduly extend the powers of Government in incurring expenditure in connection with workers' homes. I believe that if we vote against the clause, it will not make any difference regarding the erection of workers' homes in country districts.

The MINISTER FOR EDUCATION: Reference has been made to the readiness of private enterprise to meet the requirements regarding homes in the country districts. Private enterprise has not met those requirements.

Hon. V. Hamersley: There is a reason for that; their confidence is absolutely destroyed.

The MINISTER FOR EDUCATION: I do not remember the time when private enterprise met the requirements regarding homes in the country districts.

Hon. H. Stewart: I know of one instance where it has met requirements.

Hon. J. Cornell: A lot of people must have left that place.

The MINISTER FOR EDUCATION: I am strongly of the opinion that nothing tends to stabilise labour conditions so much as to allow the workers to own their own homes. The Government have full power to acquire land and erect buildings. The only thing the Government cannot do is to sell them.

Hon. H. Stewart: And under those conditions, they are assured of their interest on the money advanced.

The MINISTER FOR EDUCATION: The Government are satisfied from experience, and as a matter of policy, that to establish the worker on his own freehold property, is the best method to assure success. The sole object of the clause is to give the right to sell homes.

Hon. J. J. HOLMES: The point raised by the Minister is that the only way to make people happy and contented is to give them their own homes. That point carries some weight. If the Leader of the House will come forward with an amendment to provide that leaseholds may be converted into

freeholds, such an amendment will have my support. There is only one house that a man should own, and that is the house he lives in; I speak from bitter experience. It is idle to talk as Mr. Cornell did of the cottages built in pre-war times carrying such high values to-day, for we know those values are fictitious. The Government will reach a stage that we all reach, when deterioration sets in. In connection with group settlement, for instance, when that deterioration sets in, one individual will want a bath, to mention one item, and then 50 others will require baths.

Hon. J. Cornell: That difficulty may be overcome by the provision of a universal bath!

Hon. J. J. HOLMES: Surely the amendment we should be considering, should be one to convert leasehold property into freehold and not one to give the Government power to sell houses. It is monstrous for the Government who cannot carry out their obligations, who cannot build the harbours and railways necessary for the legitimate development of the country, who came down a long time ago with railway Bills to develop different parts of the State, and have not yet built those railways, and who have tangled up everything they have touched, to now ask for some more grace to embark on a new policy with the right to erect and sell houses. Surely the House will not agree to any such proposal. On the question of houses and house owning, I speak from bitter experience. When people secure a property on a 99 years lease, some generations may live in the house, but they would rather transfer to a home which they could call their own. My own people left Ireland, not to live in a home on a 99 years lease, but in a house they could call their own. Under the circumstances, I will not support the present proposal, although, as I have already indicated, I would support one to convert leasehold into freehold.

Hon. J. DUFFELL: I have been very much astonished at the opposition which has been advanced by the Country Party members in this Chamber to this particular clause. I cannot conceive of anything more liberal than the provisions embodied in this part of the Bill and I cannot conceive of any reason why those members should object to it. By the outlay of a small sum of money, people in the country will be able to build a home suitable for their own requirements and they will be able to procure these homes through the Government. The State owns certain public utilities such as the State sawmills, brick yards and quarries. So long as we have those three concerns, I do not think we should object to anything which will provide a market for the utilisation of the products from those trading concerns.

Hon. C. F. Baxter: Do you want to make them permanent?

Hon. J. DUFFELL: The hon. member knows my opinion regarding State trading concerns without making a silly interjection like that. When the hon. member was a Min-

ister of the Crown, he expressed his opinion regarding these matters, but I will draw a veil over that aspect. The clause will enable the Government to confer a boon upon the people in the country and in the circumstances, I support the clause. It is drawing a long bow to refer to this proposal as creating another State trading concern. The Government are justified in utilising timbers from the saw mills, bricks from the brick yards and so on, in order to encourage people in the country districts to secure their own homes, rather than go to the expense of seeking a market overseas.

Hon. C. F. BAXTER: Mr. Duffell's advocacy of the clause would almost induce one to vote against it. If it were tantamount to an extension of State trading concerns, I would oppose it.

Hon. J. Duffell: You tell a different tale to-day.

Hon. C. F. BAXTER: I have not departed from any opinion I have expressed in this House. I am definitely opposed to State trading concerns. The Government already possess the power with regard to leasehold, and now they want an opportunity to dispose of workers' homes on the freehold basis. I regret that provision is not made for leaseholders to convert their homes into freehold. This provision will not be of any great benefit to country districts, though it will benefit large towns like Northam.

The Minister for Education: It will not apply there.

Hon. C. F. BAXTER: The Minister stated that at Kwoollyn a store and post office had been erected, but that cannot be described as a worker's home.

Hon. H. STEWART: Before I became a member of this House workers' homes were erected at Wagin. Some of the owners have left the town, and there has been no difficulty in transferring the places.

Hon. J. CORNELL: During the tour of the South-West, four men approached me at Bridgetown on this question.

Hon. H. Stewart: They could get homes if they had enough influence.

Hon. J. CORNELL: The trouble was that they had not enough money. These men would not accept leaseholds.

Hon. C. F. Baxter: What was the nature of their work?

Hon. J. CORNELL: They had more corns on their hands than members have on their feet.

Hon. C. F. Baxter: If their work was permanent, they could get homes.

Hon. J. CORNELL: The practice of the board has been to require a deposit as well as the land. Scores of genuine workers would be benefited by this provision.

Hon. F. A. BAGLIN: I am surprised at the opposition displayed, because the provision is in existence to-day.

Hon. H. Stewart: I want something more.

Hon. F. A. BAGLIN: The Government build houses and sell them to the farmers.

Hon. H. Stewart: Thirty pound houses.

Hon. F. A. BAGLIN: The Country Party are wedded to the Government's policy of group settlement.

Hon. C. F. Baxter: Who said we are?

Hon. F. A. BAGLIN: They ought to be. If the present Government deserve commendation for anything, it is for their group settlement scheme. Under this scheme homes costing £260 or £300 are being built for settlers, and there has been no protest against it. In view of this, surely it is only fair to the workers living at Bridgetown or Freemanthorpe that the Government should be able to erect homes for them. The administration of the department has been efficient, and should inspire confidence. There is nothing wrong with the principle of empowering the Government to erect homes, where required in country towns. Reference has been made to leasehold. I am opposed to any alteration of the present system.

Hon. G. W. Miles: Then you should oppose this clause.

Hon. F. A. BAGLIN: No, I support it because it will mean an extension of the workers' homes system. The desire for freehold as against leasehold only arises from prejudice. My home is built on leasehold, and I have no desire to convert it into freehold.

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

Ayes	..	..	..	11
Noes	..	..	..	9
Majority for	..	..	..	2

#### AYES.

Hon. R. G. Ardagh	Hon. E. H. Harris
Hon. F. A. Baglin	Hon. A. H. Panton
Hon. C. F. Baxter	Hon. E. Rose
Hon. H. P. Colebatch	Hon. A. J. H. Saw
Hon. J. Cornell	Hon. J. Cunningham
Hon. J. Duffell	(Teller.)

#### NOES.

Hon. V. Hamersley	Hon. A. Sanderson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovelock	Hon. Sir E. H. Wittenoom
Hon. C. McKenzie	Hon. F. E. S. Willmott
Hon. G. W. Miles	(Teller.)

[Clause thus passed.]

Bill again reported without amendment, and the report adopted.

Read a third time, and passed.

### BILL—AGRICULTURAL BANK ACT AMENDMENT.

In Committee.

Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 1—agreed to.

Clause 2—Advances for offices, etc.:

Hon. H. STEWART: On the second reading Mr. Holmes suggested that the amount

to be expended on a single building should be limited, and I desire to move the addition of a proviso containing a paragraph, lettered (a), as follows:—"No individual building shall cost more than £1,200." I shall have other paragraphs to move later.

The CHAIRMAN: The hon. member must put all the paragraphs of the proposed proviso as one amendment.

Hon. H. STEWART: An architect with considerable experience of country work advises me that at least £1,000 is required for the erection of bank premises in a country district. However, I realise that in some instances there may be need to allow for expansion, and therefore I fix a maximum of £1,200. Further, I propose to move a paragraph which will provide that no one of these buildings shall be situated less than eighty miles from the nearest similar building. The Leader of the House instanced as two places where bank accommodation was necessary Bruce Rock and Kununoppin. I do not know how far those two places are apart—120 miles or 150 miles.

The Minister for Education: A good deal less than that in a direct line, I should think.

Hon. H. STEWART: The Agricultural Bank inspector who covers Wagin is located at Narrogin, and his territory extends to Pingelly, and possibly to Albany—at all events, a considerable distance southwards. Then it extends 75 miles east of the Great Southern Railway, and probably pretty well as far west. That gives an area of 150 miles by 70 or 80 miles. I do not think it is the Government's intention to provide bank premises for each of the towns in that district, but merely one building for the inspector in charge of the district. Further, I propose to move a paragraph that office accommodation shall be reserved in each building; so that if residential premises are put up, accommodation must be reserved in them for the business of the Agricultural Bank. Next, I propose to move a paragraph providing that the work of erecting such building shall be executed by contract after calling for public tenders, and that no condition requiring the utilisation of material obtained from the State trading concerns shall be enforced on the contractor.

The CHAIRMAN: The hon. member will move all those paragraphs as one amendment.

Hon. H. STEWART: I move an amendment—

That the following be added to the clause:—"Provided that (a) no individual building shall cost more than £1,200; (b) any such building shall not be less than 80 miles distant from the nearest similar building; (c) office accommodation shall be reserved in such building; and (d) the work of erecting such

building shall be executed by contract after calling for public tenders, and that no condition requiring the utilisation of materials of State trading concerns shall be enforced on such contractor."

**THE MINISTER FOR EDUCATION:** I simply rise to suggest that these surely are details which can be left to the trustees of the bank. I am not prepared to argue whether or not 80 miles is a sufficient distance. I do not think the Committee can go into such details and come to satisfactory conclusions. If the Committee are not prepared to trust the trustees of the Bank to do the thing properly, I would prefer to have the clause struck out, rather than have these fiddling details inserted in it.

**Hon. J. DUFFELL:** There is a good deal to be said in favour of some of the suggestions contained in the amendment; but I am in this predicament, that whilst I favour the limitation of the amount to be expended on any one building, I do not care for other paragraphs of the proviso.

**THE CHAIRMAN:** The hon. member can move to eliminate those other paragraphs of which he does not approve.

**Hon. J. DUFFELL:** Unfortunately, I have not a copy of the amendment before me.

**THE CHAIRMAN:** I am very sorry for that. Copies are being made now.

**Hon. J. DUFFELL:** There is a certain amount of reason in paragraph (b), but I am not particularly anxious for its insertion, as it is a matter of detail. With regard to the amount to be expended on one building, however, it is plain that if £5,000 out of the amount of £10,000 proposed to be allocated to this purpose is spent on one set of bank premises, very little will be left for other country centres equally in need of such premises and, possibly, residential quarters. If the proviso were put in, it would ensure at least eight or ten places being erected for the £10,000. I am in favour of providing the office accommodation, and I agree that the buildings should be erected by contract, but anything which would debar the use of material from the State trading concerns is to me objectionable. I move an amendment on the amendment—

That all words after "tenders" in paragraph (d) be struck out.

**Hon. A. LOVEKIN:** It is a very complicated amendment, dealing with four separate subjects. Standing Order 117 provides that in such a case the Chairman may order it to be divided. I suggest it would be convenient if the four paragraphs were moved separately.

**THE CHAIRMAN:** I have already given my decision, and the Committee must proceed upon it.

**Hon. A. SANDERSON:** It is not in the least complicated. I am not surprised that the Leader of the House was somewhat impatient at the attempt of the Committee to

deal with these details. I will vote against all the provisos and amendments. I hope the mover of the amendment will not press it. Is it worth while discussing the expenditure of £10,000 on buildings by an institution with a capital of several millions? The managers of this institution, if they want a specific sum of £10,000 for buildings, should submit their specific proposals.

**THE CHAIRMAN:** The hon. member is not speaking to the amendment.

**Hon. A. SANDERSON:** No, perhaps not. I will continue my remarks later.

**Hon. A. LOVEKIN:** It is by these accumulations of £10,000 and £15,000 that we find ourselves six millions to the bad. We have the right to know how the £10,000 is to be expended. I do not wish to cast reflections, but is the provision of this £10,000 political, of the nature of roads and bridges, or is it bona fide for the proper working of the bank? In either case, how is it to be spent? We have a right to know.

**Hon. J. CUNNINGHAM:** I have no copy of this complicated amendment, and without a copy I do not know what I am voting on.

**Hon. G. W. Miles:** That is the fault of the Government's trying to put so much business through in the closing days of the session.

**The Minister for Education:** Nonsense! I allowed the Committee stage to stand over until to-day in order that hon. members might the better know what they were doing.

**Hon. J. CUNNINGHAM:** I will vote against the amendment, if for no better reason than that I have no copy of it, and so do not understand it.

**Hon. A. SANDERSON:** By voting for this amendment we shall be committing ourselves to this expenditure. I am prepared to see the clause knocked right out. There is no necessity for this expenditure, leastways not at present.

**Hon. C. F. BAXTER:** I am opposed to the amendment on the amendment. Paragraph (d) may not be of any use, but on the other hand it may prove to be very useful indeed. Mr. Duffell's amendment would mean that they would have to tender on the basis of supplies drawn from Government trading concerns.

**Hon. J. Duffell:** My amendment leaves it open to anyone tendering for a job to get the material wherever he likes.

**Hon. J. J. HOLMES:** If Mr. Duffell's amendment is agreed to, the Government can, and will stipulate, and I believe have already stipulated—

**The Minister for Education:** Have you any ground for the belief?

**Hon. J. J. HOLMES:** Yes. I believe they have stipulated that the material shall be supplied by State trading concerns in the construction of buildings. We can see how possible it will be to make these trading concerns profitable. All that the Government would have to do would be to stipulate that the supplies shall be provided by the State

trading concerns, charge about three times the value for the construction, and we shall thus have profitable trading concerns which will encourage one section of the community to go on creating these so-called profits.

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

Ayes	..	..	..	9
Noes	..	..	..	12

Majority against .. 3

#### AYES.

Hon. R. G. Ardagh	Hon. J. Duffell
Hon. F. A. Baglin	Hon. E. H. Harris
Hon. H. P. Colebatch	Hon. A. H. Pantou
Hon. J. Cornell	Hon. T. Moore
Hon. J. Cunningham	(Teller.)

#### NOES.

Hon. C. F. Baxter	Hon. A. Sanderson
Hon. V. Hamersley	Hon. A. J. H. Saw
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovekin	Hon. F. E. S. Willmott
Hon. G. W. Miles	Hon. Sir E. H. Wittenoom
Hon. J. Mills	Hon. E. Rose
	(Teller.)

Amendment on amendment thus negatived.

The MINISTER FOR EDUCATION: I appeal to the Committee not to put in details of this kind. If the trustees are to be allowed to administer this institution, they should be allowed to exercise their discretion in a small matter of this kind. It is necessary for the operations of the bank that there should be decentralisation. In these centres of operation the bank cannot obtain the necessary accommodation for carrying on its business. It is a reflection on the trustees to tie them down in the way proposed. I am not going to make myself responsible for the correctness of the distance stated in the amendment. I do not know at all that this would cover the position.

Hon. H. STEWART: The Leader of the House has practically characterised the amendment as a petty one. I had in mind a power greater than the power of the trustees, namely, that of the Government. I recall the fact that Messrs. Brown and Dureau offered to sell the products of the Wyndham meat works at 1 per cent.

The CHAIRMAN: The hon. member must not discuss that.

Hon. H. STEWART: It is an illustration of why it is necessary to impose some limitations upon the Government, particularly the Government with which the Leader of the House is associated. He has said that an economy of £3,000 was too trifling to talk about. He was indirectly responsible for Messrs. Brown and Dureau receiving 1½ per cent. instead of 1 per cent. We have other instances of lax administration on the part of the Government, and it seems necessary for this House to place some control over them. Mr. Sanderson indicated that the re-

port of the trustees was not satisfactory, and yet he characterises this limitation as unseemly. I am prepared to submit the amendment to the judgment of the Committee, though I am quite willing, if members so desire, to strike out the paragraph dealing with the 80 miles distance. The Leader of the House led us to understand that this clause was to enable the trustees to provide housing accommodation for the superintending inspectors of the bank. There are also other bank inspectors who are constantly travelling, and for whom I do not suppose it is intended to provide accommodation. One member suggested that the difficulty might be overcome by putting the bank premises and residence side by side. That, however, could not be done if the proviso were carried.

Hon. A. SANDERSON: I ask the hon. member who moved the amendment whether he does not think that it is a dangerous thing for him to interfere in these details. Will he assist me in knocking out this clause altogether?

Hon. G. W. Miles: I will.

Hon. A. SANDERSON: I am entirely with the hon. member in trying to get some control over the finances, and I am entirely with Mr. Lovekin in realising that by spending unnecessarily £10,000 here and £10,000 there, we get into difficulties. But we must be particularly careful to see that our criticisms and our proposals are carefully thought out. Have these amendments been carefully thought out? They are not even on the Notice Paper. We want every shot to tell against this Government, but I do not believe this shot will. I would gladly knock out the whole thing, but how can I without having the intimate knowledge the Bank trustees possess? I ask the hon. member to vote against his own amendments and then we can tackle the important point, that is, the question of the clause altogether. We can then say "Bring in your report early in the session; show if you can a better balance sheet, and then we shall be prepared to listen."

Hon. A. LOVEKIN: I cannot agree with Mr. Sanderson that it is necessary to strike out the whole clause, because we must allow the bank to make some provision for its work. But we do desire to see that that provision is made as economically as possible. We are aware that buildings erected by the Public Works Department are not economically constructed. Take, for example, the recently built detention home, in the construction of which bricks which cost 5s. each were used. The amendment merely provides that the cost of each building shall be limited to £1,200. In that way we are ensuring some measure of economy. As regards the second paragraph of the amendment I am going to move that it be struck out because there should be some discretion allowed to the trustees of the Bank in the matter of erecting these buildings. I move an amendment on the amendment—

That the second paragraph be struck out.

Hon. F. E. S. Willmott: On a point of order, I contend that the hon. member cannot move in that direction. We have already disposed of an amendment beyond this particular paragraph.

The CHAIRMAN: Mr. Lovekin has not moved an amendment so far.

Hon. F. E. S. Willmott: He has actually moved it.

The CHAIRMAN: I have not accepted it. Has Mr. Lovekin moved to strike out paragraph (b)?

Hon. A. Lovekin: Yes.

The CHAIRMAN: I cannot accept the amendment.

Hon. A. Lovekin: May I suggest that we vote on these paragraphs separately?

The CHAIRMAN: The hon. member will have an opportunity to recommit the Bill.

Hon. A. J. H. SAW: Who is the better judge of these buildings, as to what they shall cost, as to how many rooms they are to contain, and as to how much they are likely to cost in the different localities? Surely the trustees. I am confirmed in that opinion by Mr. Lovekin, who said that if £1,200 is not enough the amount can be made £1,500. Then who is the best judge as to what distance there should be between these centres? Again the trustees. I am confirmed in that opinion by Mr. Lovekin, who wants to strike out this paragraph altogether.

Hon. C. F. BAXTER: I disagree with the Leader of the House and Dr. Saw. No one knows better than the Leader of the House that the Government architects will be responsible for the plans of these buildings, and that all the trustees of the bank are laymen, and that they will accept the recommendations of the architects. Our experience is that we should not deal with this matter lightly. I think the first amendment moved by Mr. Stewart is sound, and if the buildings to be erected are going to cost more than £1,200, something palatial will be required.

The Minister for Education: They will probably cost less.

Hon. C. F. BAXTER: Then why object to the amendment?

Hon. T. Moore: Where is the need for it?

Hon. C. F. BAXTER: If the hon. member had the experience that I have had in that direction he would say there was need for it. It appears to me that paragraph (d) is a very important one. To cite the case of the State Implement Works, the Government, through the Industries Assistance Board, have practically forced their clients to take farming machinery from the State works. The same thing may apply under this Bill, and the Government may force the people to take the products of the State sawmills and so on.

Hon. A. H. Panton: It is bad luck if people have to be forced into the position of supporting local industries, particularly the State Implement Works.

Hon. C. F. BAXTER: I regret that Mr. Duffell got down to paragraph (d), and I

trust that the Bill will be recommitted to deal with paragraphs (d) and (e).

Hon. J. CORNELL: We are engaged in discussing trivialities in a mass of verbiage. If the intention is to embarrass the Government, the hon. member can do that more effectively if he follows the invitation that was extended last night. If he goes down into the Valley of the Shadows, will Christian be alone or will Faithful be with him?

Hon. C. F. BAXTER: This is not done to embarrass the Government.

Hon. J. CORNELL: Mr. Baxter has gone so far as to suggest that pressure may be brought to bear upon the trustees of the Agricultural Bank.

Hon. C. F. BAXTER: On a point of order, I said clearly that the trustees of the Bank had to depend upon the Government architects. I have every confidence in the trustees, and it is a stretch of the imagination to say that I reflected on the trustees.

Hon. J. CORNELL: There is no necessity to rise to a point of order.

Hon. C. F. BAXTER: You want to have all the say.

Hon. J. CORNELL: I was not dealing with what Mr. Baxter did say, but what he attempted to say. If hon. members are not prepared to trust the Agricultural Bank authorities in a matter of £10,000, it amounts to a vote of no confidence in them. The managing trustee of the Agricultural Bank is Mr. McLarty, who is also controller of the soldiers' settlement scheme. Rightly or wrongly, power has been vested in Mr. McLarty to control, supervise and, we all hope to recoup the State on account of the £4,000,000 expended on the repatriation of soldiers on the land. Now we are discussing whether the managing trustee is capable of administering a matter of £10,000, without certain restrictions being laid down. We should drop this sort of business. If we are to include a mass of verbiage, he may take an action which we would regret. There is only one reason why he should drop out of his present position, and that is when death comes.

Hon. G. W. Miles: What about Mr. McLarty being underpaid?

Hon. J. CORNELL: I agree that he is underpaid.

Hon. G. W. Miles: May he not drop out for that reason?

Hon. J. CORNELL: If there is one man in this community to whom all must take off their hats, it is Mr. McLarty.

Hon. C. F. BAXTER: We all say that.

Hon. J. CORNELL: And although we trust him in a matter of £4,000,000, we are not prepared to trust him to deal with £10,000, without hedging it around with a mass of verbiage.

Hon. J. J. HOLMES: The Leader of the House interjected regarding the requirements of Kununoppin and Bruce Rock, and also referred to other places. He indicated that all these places would be attended to.

The Minister for Education: That is, where there is any necessity for the attention being given.

Hon. J. J. HOLMES: We now find that banking premises are necessary in places less than 50 miles apart. Where is all this to end? When the Bill was introduced in another place, there was no maximum amount mentioned. In their wisdom, however, members of that Chamber stipulated that the amount should be fixed at £10,000. Now we go further than that and say that if there are many places entitled to accommodation, the banking premises should be 50 miles apart. Western Australia cannot afford to spend more than £1,200 in each place. Mr. Cornell says that this is Mr. McLarty's Bill. I have known Mr. McLarty from boyhood and I know nothing but good of him. We know, however, that during the war period, when Mr. McLarty was not manager, political influence was sufficient to take funds from the bank and use them for other purposes. The result was that the bank had to pay 10s. in the pound and was the only banking institution in Australia that had to do that. Political influence may come into evidence again and say that £2,500 must be expended in this province or that province and nothing will be left for the North Province. If we get down to tin tacks, it is political influence that has brought the country to its present position.

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

Ayes ..	..	..	6
Noes ..	..	..	15

Majority against .. 9

#### AYES.

Hon. J. J. Holmes	Hon. J. Mills
Hon. A. Lovekin	Hon. H. Stewart
Hon. G. W. Miles	Hon. V. Hamersley
	(Teller.)

#### NOES.

Hon. R. G. Ardagh	Hon. C. McKenzie
Hon. F. A. Baglin	Hon. A. H. Panton
Hon. H. P. Colebatch	Hon. E. Rose
Hon. J. Cornell	Hon. A. Sanderson
Hon. J. Cunningham	Hon. A. J. H. Saw
Hon. J. Duffell	Hon. F. E. S. Willmott
Hon. E. H. Harris	Hon. T. Moore
Hon. J. W. Hickey	(Teller.)

Amendment thus negatived.

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

Clause put and passed.

Clause 3—agreed to.

Clause 4—Improvements prior to selection:

The MINISTER FOR EDUCATION: During the second reading debate one member asked by what funds the work had been

done in the past. I have ascertained that up to the present the work in connection with the group settlement scheme has been done from the Land Improvement Loan Fund.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

### BILL—STAMP.

#### Assembly's Message—Money Bills procedure.

Message from the Assembly stating that it was unable to make the amendment requested by the Council and desiring the concurrence of the Council in the Bill as amended at the request of the Council, now considered.

Hon. J. Ewing in the Chair; Minister for Education in charge of the Bill.

The MINISTER FOR EDUCATION: When this matter was last before the Committee, I expressed my inability to understand the reason why the Assembly had declined to make this amendment. I do not know that it is of very much importance, because the Commissioner of Stamps states that he would not think of demanding a stamp in the cases contemplated under the amendment. It seemed, however, that it would be well to adopt the amendment in order to make the Act clear. The amendment deals with moneys paid by one officer to another on behalf of the same employer. Obviously it was never intended that a stamp should be required in such cases. As I do not regard the amendment as being of sufficient importance to jeopardise the passage of the Bill I move—

That the Council's request be no longer pressed.

Hon. A. LOVEKIN: This message involves more than the mere amendment. I think we require a little time to consider it and I move—

That progress be reported.

Motion passed; progress reported.

### BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

#### Second Reading.

Hon. A. H. PANTON (West) [7.36] in moving the second reading said: This is a short Bill, but in view of the fact that it deals with the right of a section of workers to refer their conditions of employment to an impartial tribunal, it is very important. Clause 2 seeks to amend Section 4 of the Arbitration Act to widen the interpretation of "worker." It is proposed to add to the



interpretation of "worker" the following words:—

The term also includes agents employed by insurance or assurance companies or societies in collecting premiums payable under policies and in canvassing for industrial and weekly accident insurance business, or who are principally employed in such work, whether such agents are paid by salary, commission or otherwise; and the term also includes the employees of clubs.

Hon. J. Duffell: Have the agents themselves asked for this?

Hon. A. H. PANTON: Yes; I can speak for at least 180 of them. I want to make it plain that the only section of insurance agents which the Bill seeks to bring within the jurisdiction of the Arbitration Court is that section engaged on industrial insurance work. It is not proposed to embrace those engaged on general or fire insurance work, and who to a large extent carry on this work in conjunction with some other business. The industrial insurance agents are asking for this measure because the Arbitration Court has refused them registration. They have constituted themselves an industrial union since 1913. Early in 1914 I endeavoured to obtain registration for them, but the application was refused. They were refused again in 1915. They were refused registration, not because of the work they were doing, but on the ground that every insurance agent had had to sign an agreement, Clause 24 of which provides that the relationship between the parties will be strictly that of principal and agent and not in any way that of employer and employee. That was the agreement which was produced against the union on each occasion when the application for registration was opposed by the companies, and the President of the Court ruled that as the parties stood in the position of principal and agent, and not of employer and employee, they did not come within the scope of the interpretation of "worker" under the Arbitration Act. Consequently it is necessary to widen the interpretation of "worker" if we wish to give this section of workers access to the court. It may be argued that the object of the Bill, in having industrial insurance agents defined as workers, is to convert them into wages men. I want to be honest and state that this is the desire of neither the Bill nor the agents. They recognise that this is a class of work which can be carried out only on a commission basis, and they prefer to work on commission; but they contend that they should have the right to go to an independent tribunal if they desire to secure an increase in the rate of commission. The refusal of the court to register the union left them with no legal means of obtaining an alteration in their conditions of employment or commission. In April, 1920, negotiations were opened up

between the organisation and the local managers of the insurance companies with a view to obtaining improved conditions and increased rates of commission. These insurance agents had received no increase throughout the period of the war when there was such a big advance in the cost of living, and when other workers, by reason of being able to approach the court or meet their employers at round table conferences, had received increased pay to meet the higher cost of living. Negotiations were opened up by the union; they were unable to obtain any redress and a strike took place. The strike lasted for ten weeks. I took a prominent part in the negotiations as chairman of the disputes committee after the strike began, but we were able to get little or no improvement in their conditions. The men went back to work with the intention of again trying to get registration, but they again failed. Had their organisation been registered, these men would have gone to the court and the strike would never have occurred. They are right in claiming, as a section of workers, the privilege of going to the Arbitration Court the same as any other section of workers.

Hon. J. Duffell: Did they attend any round table conferences?

Hon. A. H. PANTON: Before the strike there were several conferences, and after the strike I was in the offices of the A.M.F. Society at least three times a week during the ten weeks of the strike. The claim of the industrial insurance agents to be included as workers is that the nature of their work is such that they are not free agents. No doubt it will be argued by some of the companies that these men are free agents and that there is no supervision over them. The agents claim that they are not free agents such as is generally understood by the term. Generally speaking, industrial insurance agents are fully occupied on industrial insurance business; and under their agreement they can be employed by only one office; they cannot canvass for more than one office. Generally speaking, the agents are continuously employed on this business. The company require that regular collections shall be made by the agents, which means that in his given district—and each agent has a certain locality outside which he cannot go—the agent has a large number of clients to call on for the purpose of collecting, say, 1s. or 2s. per week. Hon. members will appreciate that in order to make those collections properly and regularly, the agent must call on the same day in each week, and as nearly as possible at the same hour on that day; otherwise he is likely to find the housewife out, and that means waiting a fortnight or three weeks to get the payment, which delay, in turn, might frequently involve the lapsing of the policy. Collection must, therefore, be on a regular day, and as nearly as possible at the time on that day, so that the client may know when to expect the agent. The agent has not only to do this collecting, but is also

expected to canvass for new business; naturally, the society expect that. The canvassing for new business occupies all the time of the agent which is not devoted to collecting. He is expected to make many calls in the evening; this is necessary in order that the business may be carried on properly.

Hon. J. Duffell: The more business the agent obtains, the more salary he receives.

Hon. A. H. PANTON: That is so; but once he gets up to a certain "book," the collecting takes up all his time, and so he is compelled to seek new business at night. The agents tell me—I give this as I am told it—that in many instances they call at a house and find the husband out; the wife does not care about entering into such business without her husband's consent, and so probably the collector has to visit the place several times in order to find the husband in. Indeed, that happens many times in a month, and thus many of the agent's evenings are taken up. I am prepared to admit it may be argued that the agent is not under constant supervision or under direct control in the same way as is a mechanic in a workshop; but, nevertheless, the agent has to do what he is directed to do by his firm under the agreement which he has to sign before he can obtain employment. He has to follow the methods of his employer's superintendent, who is the man that has to be satisfied that the agent is working faithfully in the interests of the company and in compliance with the agreement.

Hon. H. Stewart: It is the same with a machinery agent or any other agent.

Hon. A. H. PANTON: There is no reason why machinery agents should not be under the Arbitration Act if they wish it. The industrial insurance agent's agreement may be terminated by seven days' notice. An agent has to do as he is told, and has to give the whole of his time to the business of the company he represents. He acts towards his company just in the same way as any other employee acts towards his employer in any other line of business. I am aware it will be argued that these industrial insurance agents follow other occupations. I am not prepared to say that not one of them does that, but I can definitely assert that the industrial insurance agents who follow any other occupation are very few in number. Generally speaking, these agents have no other means by which they can augment their incomes. The great majority of them are employed by the one company, to which they give the whole of their time and attention. So far as I see, only one logical argument can be put up against the registration of the industrial insurance agents under the Arbitration Act, and that is that they are working on commission, are paid on the results of their labour. But if that argument is to be used, then I reply that we must take out of the jurisdiction of the Arbitration Court all sections of piece workers. In the timber industry, practically the whole of the

sleeper hewing is done on piece work, and yet the sleeper hewers have an award of the Arbitration Court. Again, the great bulk of mining in this State is now done on piece work, regulated by the Arbitration Court. The last award granted to the Kalgoorlie miners went so far as to draw conditions of contract for miners and mine owners. At Collie, I understand, practically the whole of the underground mining is done on piece work, subject to an award of the Arbitration Court. Therefore the fact of receiving payment by commission or by the piece is no reason why a worker should not come within the scope of the Arbitration Court if he wishes to do so. Next I come to the question of employees in clubs, a question as to which there is considerable doubt. I admit it has not been definitely laid down that club employees are not eligible to come under an award. Still, there has always been considerable doubt as to whether club employees are not domestic servants.

Hon. J. Duffell: What is to prevent club employees from joining the barmen's union?

Hon. A. H. PANTON: Irrespective of that question, they are employees in clubs.

Hon. J. Duffell: But theirs is the same class of work as that of barmen.

Hon. A. H. PANTON: That may be so; but the possibility remains that, when they get before the Arbitration Court, it may be decided that a club is not an industry. The great majority of club employees are members of the Hotel and Restaurant Employees' Union; that is to say, the cooks, housemaids and others, who are not members of the Barmaids' and Barmen's Union. However, we have not been able to arrange an agreement for club employees, notwithstanding the fact that the Kalgoorlie award was supposed to cover clubs. The question has never been tested, possibly because there are not many stewards in the clubs of Kalgoorlie. Therefore this Bill seeks to place it beyond all doubt that there is nothing to prevent club employees from going before the Arbitration Court. The other important clause of the Bill is No. 4, which provides for apprentices. The amendment which the clause suggests is absolutely essential, and the necessity for it arose out of the case of Hubbard v. Brown and Burns. In that case it was held by the Arbitration Court that apprentices were entitled to the same privileges under the Arbitration Act as any other workers. Section 4 of the Arbitration Act makes the following references to apprentices:—

"Industrial matters" means all matters affecting or relating to the work, privileges, rights, and duties of employers or workers in any industry . . . and . . . includes all matters relating to (i) the persons who may take or become apprentices; (ii) the number of apprentices that may be taken by any one employer; (iii) the mode of binding apprentices; (iv) the terms and conditions of apprenticeship; (v) the registration of apprentices; (vi) the examination of apprentices; (vii) the

rights, duties, and liabilities of the parties to any agreement of apprenticeship; (viii) the assigning or turning over of apprentices; and (ix) the dissolution of apprenticeships.

Apprentices are practically indentured to the Arbitration Court. They are examined by a board appointed by the Arbitration Court, and the Arbitration Court is generally responsible for their proper training. The usual term of apprenticeship is four or five years. Now, the maximum period for which the Arbitration Court can make an award is three years. The baking trade obtained an award for three years as from the 15th March, 1916. This apprentice Hubbard was indentured on the 20th August, 1916, in accordance with the then existing award. Ever since we have had apprentices under the Arbitration Act, the practice has been to indenture an apprentice upon the terms of the award existing at the time of his being indentured. In the present instance the period of apprenticeship was four years. The baking trade obtained a new award on the 19th December, 1919, and this award increased, among other rates, that of the apprentices. Right up to this time the apprentices had obtained the benefit of any increased rates of pay granted in their trades, just in the same way as the men employed. As against this lad it was contended by the employers that the new award did not apply to an apprentice indentured under a previous award. The case had to be tested, and it was taken to the Arbitration Court. The then president, Mr. Justice Rooth, and Mr. Somerville and the late Mr. Daghish agreed unanimously that the apprentice was entitled to the benefits of the second award; that is to say, that he was entitled to the increase of pay. Consequently, the lad won the case in the Arbitration Court. But that fact did not get over the difficulty. The next step was to sue in the Perth Local Court for the difference between the rates fixed by the two awards respectively. The Local Court magistrate decided on the same lines as the Arbitration Court. Thereupon the case was carried to the Full Court, which decided the opposite way, holding that Section 126, on which the union relied, did not apply. The section reads—

Subject to Section 39 no person shall be freed or discharged from any liability or penalty or from the obligation of any industrial award or agreement by reason of any contract made or entered into by him or on his behalf, and every contract, in so far as it purports to annul or vary such award or agreement, shall, to that extent, be null and void without prejudice to the other provisions of the contract which shall be deemed to be severable from any provisions hereby annulled.

That section has always been relied upon by industrial unions to prevent anybody contracting outside of an award, but the Full Court were unanimously of opinion that it did not apply to apprentices. By a coinci-

dence, just at the same time the engineers had a similar case under the Federal Act. The case went to the High Court which, in effect, reversed the decision of the Full Court. It was clear that if the men in the baking trade had gone to the High Court they could have secured a reversal of the finding of the Full Court; but they had not the money to spare. In any case, clearly it was the intention of the Legislature that apprentices should be entitled to all the privileges of the Arbitration Court and, the Full Court having decided against that, we claim that we have the right to come here and ask for an amendment. A deputation waited on the Premier, and it has since been stated in another place that he gave a definite promise to amend the Act. As one who introduced that deputation, I am not going to say that the Premier did anything of the sort; but certainly he rang up the Crown Solicitor and asked him to assist us in framing an amendment. I myself was under the impression that the Premier intended to bring forward that amendment, but I cannot recall his having definitely promised to do so. However, we sent one of our number to the Crown Solicitor, who drafted the amendment for us, and it is in the Bill to-night. Our legal advice is that the Full Court's decision must stand until reversed by the High Court, or alternatively, until the Act is amended.

Hon. H. Stewart: The High Court's decision was contrary to that of the Full Court?

Hon. A. H. PANTON: Yes, but that was in another case. Still, as I say, the facts in both cases were practically on all fours. We have relied on Section 126 right up to this case, but apparently we can no longer rely upon it. There is now a great deal of discontent among the boys. Almost without exception, whenever an organisation has gone to the court and obtained an increase, it has been held to apply to the apprentices. Since the finding of the Full Court, a few of the employers, only a few, have taken advantage of that ruling. In consequence, in the case of an industrial organisation which, let us suppose, secured an increase last year, an apprentice in that trade who was indentured in 1918, under the then existing award, is now getting little, if anything, more than the boy who was indentured in 1920. Naturally this gives rise to a great deal of discontent. I appeal to hon. members to allow the Bill to go into Committee and thoroughly discuss it from the point of view that arbitration is the law of the land and that, consequently, the workers, whether on piece work or wages or commission, are entitled to the full benefits of the law. In 1920 there was a ten weeks strike by the insurance canvassers because they had no legal redress. There are 180 of them in the one organisation, all on industrial work, and they are part and parcel of the Australian Clerical Association of this State. They put up their fight in order to obtain redress. We want in-

dustrial peace, and the best way to obtain it is to give any section of the workers who desire it—

Hon. J. J. Holmes: Everything they want!

Hon. A. H. PANTON: All I am asking is, not that they shall be given whatever they want, but that they shall have a right to go to the court. At present they can only go to their employers, who alone can determine what they shall have. That is not so in respect of any other class of industrial workers. I hope the Bill will be fully discussed in Committee. Particularly am I anxious that this apprentice clause should go through. I move—

That the Bill be now read a second time.

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

### BILL—LAND AGENTS.

In Committee.

Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

The MINISTER FOR EDUCATION: I move an amendment—

That the following be added to the interpretation of "land agent":—"but does not include public accountants acting in the discharge of their duty as trustees, liquidators or receivers."

It frequently happens that a public accountant appointed as trustee of an estate may require to sell land, and is allowed to charge commission. It is not intended that public trustees shall be required to register as land agents.

Hon. J. CORNELL: I agree with the amendment, but I suggest that after "acting," the word "exclusively" should be inserted. By the amendment, public accountants acting as land agents will be exempt from the provision.

The Minister for Education: No, this will not protect them.

Hon. J. CORNELL: So long as that is clear, I am content.

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

Clause 3—Land agents to be licensed:

The MINISTER FOR EDUCATION: Nearly all the amendments I have to move arise out of the fact that the Bill was not passed before the end of the year, and therefore the intention that the Bill should come into operation on 1st January has had to be abandoned. I move an amendment—

That in line 9 "January" be struck out and "April" inserted in lieu.

Hon. J. Duffell: Why should it be fixed for April? In all cases of alteration of dates, it has been the aim of the House to coincide

with the end of the financial year, namely, 30th June.

The MINISTER FOR EDUCATION: There is no necessity for deferring it until the end of June. The beginning of a quarter is a convenient time.

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

Clause 4—Application for license:

The MINISTER FOR EDUCATION: I move an amendment—

That "30th June" be struck out and "31st March" inserted in lieu.

That is in order that, in the case of a license applied for after the 1st April, only one-half of the fee will have to be paid for the period to the end of June.

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

Clause 5—License:

The MINISTER FOR EDUCATION: I move an amendment—

That in subclause 3 the words "as on the 15th day of January then last past" be struck out; that in subclause 4 the words "on the said 15th day of January" be struck out, and that in subclause 5 the words "was not registered on the date aforesaid" be struck out, and "is not registered" be inserted in lieu.

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

Clause 6—Licensee may transfer license:

The MINISTER FOR EDUCATION: I move an amendment—

That in sub-section 2 the words "sub-sections one and two of section 4" be struck out, and "section 4 (except as regards the payment of the license fee)" be inserted in lieu.

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

Clause 7—agreed to.

Clause 8—Application of trust-moneys:

Hon. J. J. HOLMES: I move an amendment—

That in subclause 1, line 2, after the word "land," the words "or in respect of rent collected by him" be inserted.

If it is necessary that the proceeds of the sale of land shall be paid into a trust account, it is equally necessary to do so in the case of rents.

The MINISTER FOR EDUCATION: The amendment is desirable, but I am doubtful if it should find a place in this Bill. People may be collecting rents all over the country who would not be covered by this Bill, which deals purely with land agents selling land.

Hon. E. H. HARRIS: It is desirable that this should be included in the Bill, although it will not cover any other but land agents.

There is no provision for sorting out the value of the land that may be sold from the value of the premises that may be on the land.

The Minister for Education: The point has not occurred to me, but it is intended to cover the whole of a sale.

Hon. H. STEWART: The point raised by Mr. Harfis is an important one. It must be intended that the Bill should cover the disposal of an entire property.

Amendment put and a division taken with the following result—

Ayes	..	..	..	..	12
Noes	..	..	..	..	4

Majority for .. 8

#### AYES.

Hon. R. G. Ardagh	Hon. J. J. Holmes
Hon. C. F. Baxter	Hon. J. Mills
Hon. J. Cornell	Hon. T. Moore
Hon. J. Cunningham	Hon. H. Stewart
Hon. J. Duffell	Hon. G. W. Miles
Hon. E. H. Harris	(Teller.)
Hon. J. W. Hickey	

#### NOES.

Hon. H. P. Colebatch	Hon. A. J. H. Saw
Hon. C. McKenzie	Hon. E. Rose
	(Teller.)

Amendment thus passed.

Hon. J. DUFFELL: Subclause 8 does not say what the charges that may be imposed shall be. I have before me a scale of minimum charges levied by members of the Auctioneers, Land, and Estate Agents Association of Western Australia. It is very important that something should be embodied in the Bill defining the scale of charges.

The MINISTER FOR EDUCATION: Although not committing myself to Mr. Duffell's suggestion, I think if a schedule of charges is to be embodied in the Bill it should be put in in the form of a schedule.

Hon. J. CORNELL: I move an amendment—

That subclause 2 be struck out and the following inserted in lieu: "for every breach of this section, penalty £50."

The Minister for Education: It will mean exactly the same thing.

Hon. J. CORNELL: If we fix the penalty at not exceeding £10 it will be tantamount to saying that those who have the interpretation of the Statute may fine the individual £1, but they cannot fine him more than £50. My intention is that there shall be only one penalty and that the magistrate shall have no option but to impose that penalty of £50. I want to see a hard and fast penalty fixed.

The MINISTER FOR EDUCATION: The proposed penalty will not mean anything different from that which is provided in the Clause as it stands. Under the interpretation Act when a penalty is mentioned, it

means a maximum penalty. This is not intended to apply to a person who misappropriates trust funds, but it will apply to the person who neglects to carry out the method prescribed by the Clause. Anything in the nature of fraud would subject the individual to a criminal prosecution.

Hon. J. J. HOLMES: I am inclined to think the amendment will have a moral effect, because everyone does not know the terms and conditions of the Interpretation Act. When a land agent sees that the penalty is £50 he will be cautious as to what he does with trust moneys. If a person appropriates trust moneys he should be fined £50.

The Minister for Education: He should go to gaol.

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

Clause 9—Account of moneys received, and their application:

Hon. E. H. HARRIS: If a registered land agent disposes of real estate he should be called upon to account in writing for the moneys he has received for the sale of the property, other than the land.

The MINISTER FOR EDUCATION: A man cannot sell land without selling what is on it, and he must give an account of all moneys he receives.

Hon. E. H. Harris: In respect of the sale of the land only.

The MINISTER FOR EDUCATION: He cannot split it up.

Hon. J. CORNELL: I move an amendment—

That sub-clause 2 be struck out, and the following inserted in lieu:—"For every breach of this section, penalty £10."

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

Clauses 10, 11—agreed to.

Clause 12—Disability of unlicensed agent:

On motion by Minister for Education the words "on or after the first day of January" were struck out and "after the 31st March" inserted in lieu.

Clause 13—Carrying on business without a license:

On motion by Minister for Education the words "on or after the first day of January" were struck out and "after the 31st March" inserted in lieu.

Hon. J. CORNELL: I move a further amendment—

That the words "is liable to a fine not exceeding £50" be struck out, and "shall be guilty of an offence, penalty £50" be inserted in lieu.

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

Clauses 14 to 16—agreed to.

First schedule—agreed to.

Second and third schedules were amended consequentially on amendments made to preceding clauses.

New Schedule:

Hon. J. DUFFELL: I move an amendment—

That a new schedule be added to the Bill to stand as the Fourth Schedule:

The new schedule provides for a scale of charges. The scale of charges set forth in the proposed schedule is the scale which has been recognised as the minimum charges levied by auctioneers and land estate agents in Western Australia. It can well be argued that what was the minimum charge under the old system would necessarily be raised owing to the fact that now these people have to pay a license fee and other charges incidental thereto. I desire that the scale of minimum charges should appear as the fourth schedule and become the charges as set forth in the Act. I propose that on city and suburban properties (leasehold or freehold)—up to £500 the commission shall be 5 per cent.; on the residue up to £3,000, or for the additional £2,500,  $2\frac{1}{2}$  per cent.; on the residue up to £10,000, or for the additional £7,000,  $1\frac{1}{2}$  per cent.; on the residue, 1 per cent. Minimum charge, £1 ls. On subdivisional sales—5 per cent. On country properties—viz., agricultural, pastoral, town and suburban land and buildings, sales up to £1,000, 5 per cent.; on the next £2,500,  $2\frac{1}{2}$  per cent.; on the balance up to £10,000,  $1\frac{1}{2}$  per cent.; on the balance, 1 per cent. If hon. members take the trouble to look into the scale of charges, they will realise that they are liberal indeed. These were the minimum charges before this measure came into force and I consider they are sufficiently liberal to be embodied in the Bill as a new schedule.

Hon. A. J. H. Saw: You want to make those charges the maximum ones?

Hon. J. DUFFELL: Yes, and I think they would be liberal charges. When hon. members realise that this schedule sets out what are the minimum charges, it is hard to say what unsophisticated people in various parts of the country may have to pay these people for their services.

Hon. H. Stewart: If you intend to include all those various charges in a new schedule to the Bill, will not some be foreign to the title?

Hon. J. DUFFELL: That may be so but, in any case, the title could be altered later on. The insertion of the whole of these charges will help to prevent profiteering.

The CHAIRMAN: I suggest that the hon. member should provide other members with copies of the schedule because it is quite impossible for me to read the whole of it at the present stage.

Hon. J. DUFFELL: I sent a copy of the schedule to the Premier and also one to the Leader of the House. The Premier was astonished to find that these were the minimum charges levied. If the Leader of the

House desires to report progress, I will endeavour to get sufficient copies for members.

The MINISTER FOR EDUCATION: There would be no difficulty in inserting the amendment on the Notice Paper for to-morrow but, personally, I think it would be unwise to insert a provision regulating fees or commissions in the Bill. It has not been done in other Bills and when we provided for the registration of dentists and other sections of the community, we did not prescribe the fees they could charge. It has been stated that the fees quoted represent the minima. If they are to be included as the maximum charges, it must be remembered that these rates are those fixed by an organisation and that there are many more land agents outside the ranks of that association than are included within its membership. Many cases may arise in which persons, having land to sell, may think it worth while to pay a land agent more than the specified fee. I do not think we would be justified in stepping in and saying that such persons should not be entitled to do so. Undoubtedly, the great proportion of the fees provided for in the schedule have nothing to do with a Land Agents Bill.

Hon. J. DUFFELL: I see the point which the Leader of the House endeavours to make, but the fact remains that very little is contained in this schedule to which one or other clauses of the Bill could not apply. The Leader of the House complains that the inclusion of the schedule will establish a precedent, seeing that no such provision has been made in other similar measures. The position is not on all fours, for land agents are in a totally different category. I will, if necessary, take steps to have the schedule placed on the Notice Paper but, in order to save expense, I am willing to procure sufficient copies for members to peruse. I am willing to meet the Leader of the House regarding the matter.

The MINISTER FOR EDUCATION: I ask Mr. Duffell to consider for a moment, whether the scale of fees and commission should find a proper place in this Bill.

Hon. J. Duffell: Those which do not find a proper place in the Bill, can come out, and I am willing to meet you from that standpoint.

The MINISTER FOR EDUCATION: Among other things, what has the selling of stock to do with a Land Agents Bill?

Hon. J. Duffell: The selling of stock is connected with the business of a land agent.

The MINISTER FOR EDUCATION: A man may sell stock every day of the year and yet not come under the Bill. In the same way, how does the sale of a business come under the Bill?

Hon. J. Duffell: It has everything to do with the Bill.

The MINISTER FOR EDUCATION: There is no reference in the Bill from the short title to the last clause which suggests any such thing. The same position arises regarding the great majority of the items.

referred to by Mr. Duffell and it merely resolves itself into this, that if we agree to include provision to deal with the fees and commissions, which I consider would be very unwise, only the first three or four items appearing in the schedule, would be included.

Hon. J. DUFFELL: I am sorry that the Minister does not open his eyes and look at the title of the Bill, which provides for the licensing of land agents. Do not Messrs. Learmonth, Duffy, Eben Allen and other land and estate agents deal with many of the activities to which the Minister referred as not coming within the scope of the Bill?

Hon. A. J. H. Saw: Not as land agents.

The Minister for Education: Those people engage in those activities as auctioneers, and if you desire to have fees and commissions prescribed in the manner you suggest, it should be by way of amendment to the Auctioneers Bill.

Hon. J. DUFFELL: In any case, I trust the Committee will agree to the proposal I have put before members. If these other things have nothing to do with this Bill, I do not know what it is for.

Hon. A. J. H. SAW: There is an axiom in Euclid that the greater includes the lesser. Mr. Duffell desires the lesser to include the greater. The whole principle, however, appears to be wrong, and we should not agree to include a schedule defining the maximum charges land agents may make. If we do this, where are we to stop? We shall have to define what profit a merchant should make, and what profit an orchardist should get, and why should not we regulate a man's business from the cradle to the grave? The principle is a most pernicious one.

Hon. E. H. HARRIS: I cannot agree with the whole of the schedule, but some sections of it should be adopted, unless the Bill is made to provide that a land agent shall deal in land and land only.

The MINISTER FOR EDUCATION: I do not see why the House should not divide on the question of the schedule being included. If it is included, which I hope it will not be, I shall be prepared to report progress in order that a schedule may be framed to meet the circumstances. I would point out to the hon. member that a person selling land by public auction will not be required to register under this measure. This is purely a measure affecting people selling land other than by public auction. If a number of the things mentioned in the schedule were included in this Bill, a land agent would be bound by this schedule, but other persons such as rent collectors, who would not come under the measure, could charge what they liked.

Hon. J. DUFFELL: I am willing to accept the Minister's suggestion. If it is decided to insert the schedule, I shall have it properly drafted by to-morrow.

Hon. T. MOORE: I oppose the proposed new schedule. We have more important matters to think about than the fixing of the fees of land agents. I would not care to set myself up as an authority as to what their fees should be. If we fix fees for land agents, other bodies may want schedules embodying their fees included in statutes.

Hon. J. CORNELL: No reference was made to the matter of fees in the Auctioneers Bill, the Architects Bill, or the Nurses Bill. If the proposed schedule is agreed to, it would be possible to fix fees only with regard to matters relevant to the Bill, and yet we know that land agents dabble in many things.

New schedule put and a division taken with the following result:—

Ayes .. .. .	2
Noes .. .. .	8

Majority against .. 6

#### AYES.

Hon. E. H. Harris	Hon. J. Duffell (Teller.)
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#### NOES.

Hon. H. P. Colebatch	Hon. J. Mills
Hon. J. Cornell	Hon. E. Rose
Hon. C. McKenzie	Hon. A. J. H. Saw
Hon. G. W. Miles	Hon. T. Moore (Teller.)

New schedule thus negatived.

Title—agreed to.

Bill reported with amendments.

### BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

#### Second Reading.

Order of the day read for the resumption from the 22nd December of the adjourned debate on the second reading.

Question put and passed.

Bill read a second time.

#### In Committee.

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

*House adjourned at 9.14 p.m.*