

able officer away from his position in order to suit their own requirements.

The Premier: It was necessary for the manager to go to Wyndham in connection with the purchase of cattle for the works.

Mr. JONES: Has he left yet?

The Premier: He is in Perth on leave.

Vote put and passed.

Votes—Albany cold stores, £1,010; Avondale and Harvey estates, £1,550; Butter factories, £19,259; Electricity supply, £39,662; Goldfields Water Supply undertaking, £120,945; Government refrigerating works, £3,455—agreed to.

Vote—Kalgoorlie abattoirs, £3,455.

Mr. LUTEY: On the last occasion that the Estimates were before us I referred to the question of the change house at the abattoirs. At that time the Premier promised to look into the matter, but the same state of affairs still exists. There is plenty of hot water and other conveniences, and with a little expense the men would be enabled to change comfortably instead of doing so in the dead house and having their crib in the dead house. I hope that something will be done to make things better than they are at present.

The Premier: I will promise you that.

Mr. LUTEY: The other promise was not carried out.

The Premier: If you remind me I will keep my promise.

Vote put and passed.

[The Speaker resumed the Chair.]

Progress reported.

House adjourned at 11.17 p.m.

## Legislative Council,

Tuesday, 25th November, 1919.

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

### RESOLUTION—PEACE.

His Majesty's Thanks.

The PRESIDENT: I have received from His Excellency the Governor the following Message:—

The Governor has the honour to inform the Hon. the President of the Legislative Council that a copy of the resolution passed by the Council on the 31st July last has been laid before His Majesty the King, and that he has been commanded to convey to the hon. members of the Council His Majesty's thanks for their message of congratulation. (Sgd.) William Ellison Macartney.

### BILL—PUBLIC ELEMENTARY EDUCATION ACTS AMENDMENT.

Introduced by the Minister for Education, and read a first time.

### STANDING ORDER SUSPENSION.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.34]: I move—

That for the remainder of the session the provisions of Standing Order No. 62 be suspended.

This is the Standing Order which prohibits the taking of new business after 10 o'clock. Question put and passed.

### SITTING DAY, ADDITIONAL.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.35]: I move—

That for the remainder of the session the House shall sit on Fridays in every week at 4.30 p.m., unless otherwise ordered, in addition to the usual sitting days as provided by Standing Order No. 48.

The object of this motion is to enable us to reach the end of the session as soon as may be practicable.

Question put and passed.

### BILLS (3)—THIRD READING.

- 1, Vermin Act Amendment. (Passed.)
- 2, Fruit Cases.
- 3, Pure Seeds. (Transmitted to the Assembly.)

### BILL—ROAD DISTRICTS.

In Committee.

Resumed from the previous sitting; Hon. J. F. Allen in the Chair, the Minister for Education in charge of the Bill.

Postponed Clause 154—Notice of subdivision to be given:

Hon. A. LOVEKIN: I move an amendment—

That in Subclause (2) the words "and if so required by the board" be struck out.

This Bill will apply to areas where there is abundance of land, and we should take this opportunity of preventing the creation of what may be termed slum areas. I suggest that we take away the discretion of a board to say that in the case of a small block there shall be no right-of-way. Where the block is small, there is all the more need for a right-of-way.

The MINISTER FOR EDUCATION: I am in sympathy with the hon. member's motive, but local circumstances are likely to arise rendering this discretion necessary. I do not think harm is likely to result from leaving the matter to the discretion of the local board.

Hon. A. LOVEKIN: Immediately across the road from this building we can see a small block, in Harvest-terrace, with no right-of-way, but only a side approach. In Subiaco owners have similarly cut up land into blocks which are too small. In connection with small blocks especially there should be a through way, if only for sanitary purposes. The sanitary service should not pass the dwelling house. If a block of land is very small, it should not be used for building purposes at all, but should be added to an adjoining block.

Hon. J. DUFFELL: In all probability the sewerage scheme will be extended through the greater portion of the metropolitan area in the near future; and, when that has been done, there will not be the same necessity as at present for sanitary curts. There are other districts in which rights-of-way are not required, and in such districts the matter should be left to the discretion of the local boards. The subclause should pass as printed.

Amendment put and negatived.

Hon. A. LOVEKIN: I move an amendment—

That in line 5 of Subclause 2 the word "ten" be struck out, and "twelve" inserted in lieu.

This will enlarge the rights-of-way so that two vehicles may pass.

The MINISTER FOR EDUCATION: If it is intended to increase the width of rights-of-way sufficiently to allow two vehicles to pass, what is the object of it?

Hon. A. Lovekin: The width of a vehicle is 4ft. 6in.

Hon. J. DUFFELL: The wider the right-of-way, the greater the quantity of rubbish that accumulates therein. In Subiaco, there are rights-of-way 20ft. wide and they are a nuisance. Ten feet is ample.

Amendment put and negatived.

The MINISTER FOR EDUCATION: I move an amendment—

That after "way" in line 5 of Subclause 3 the words "of twelve feet in width or under" be inserted.

Under the interpretation, "way" is defined as a road of less than 66ft. wide, and the "ways" referred to in the subclause are ways for convenience, mentioned in Subclause 2.

Amendment put and passed.

On motion by the Minister for Education, clause further amended by adding the following paragraph to Subclause 8—"Notice of appeal and of the time and place appointed by the Minister for the hearing shall be given by the appellant to the board and the board shall be entitled to be represented on the hearing of the appeal."

Hon. A. J. H. SAW: I move an amendment—

That the following subclause be inserted: "(10) The owner of any land subdivided into allotments shall if so required by the board assign a name to the subdivided area but such name shall be subject to the approval of the board. If the name assigned to an area subdivided into allotments either before or after the commencement of this Act, is in the opinion of the board misleading, or otherwise objectionable, the board may require the owner to change such name to a name to be approved by the board, and the name shall be changed by the owner accordingly, and the use of the name objected to shall be discontinued. Provided that the Minister may, on appeal, reverse or confirm any action of the board under this subsection."

The object is to give the road boards power to disallow any name of a subdivision which might be considered misleading or objectionable. The clause protects the owner inasmuch as appeal to the Minister may be made. We are all familiar with instances in which names confusing to the public have

been given to various areas. The Perth Road Board have asked me to move in this direction.

The MINISTER FOR EDUCATION: I do not see any objection to the first paragraph or to the proviso, but some injustice might be done if we agreed to the second portion making it retrospective. There should always be very strong reasons for making legislation retrospective.

Hon. J. DUFFELL: I agree with the leader of the House. The second portion of the amendment is certainly pernicious.

The MINISTER FOR EDUCATION: I move an amendment on the amendment—

That the amendment be amended by striking out the second paragraph.

Hon. A. J. H. SAW: I should prefer to delete the words "either before or" which would meet the objection raised by the Minister.

The MINISTER FOR EDUCATION: I ask leave to withdraw my amendment as the effect of Dr. Saw's suggestion will be the same.

Amendment on amendment by leave withdrawn.

The MINISTER FOR EDUCATION: I move—

That the amendment be amended by striking out the words "either before or."

Hon. A. LOVEKIN: If these words are struck out, will the second paragraph be necessary seeing that, after the commencement of the Act, the approval of the board will have to be obtained.

Hon. J. DUFFELL: Mr. Lovekin has pointed out the exact position. The second portion of Dr. Saw's amendment is certainly redundant.

Hon. J. NICHOLSON: The second portion of the amendment is necessary. The amendment, if amended in the direction moved by the Minister, will meet the case.

The MINISTER FOR EDUCATION: The second paragraph will limit the powers of the board somewhat. If the opening paragraph stood alone, the board could approve or disapprove of any name, but the second paragraph will make it necessary for the board to state on what ground they object to a particular name.

Amendment on amendment put and passed.

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

Postponed Clause 159—Powers of board:

The MINISTER FOR EDUCATION: I move an amendment—

That the following proviso be added to Subclause 15: "Provided that the board shall observe any order or direction the Minister may think fit to make or give for the prevention of any undue or unavoidable restriction of traffic."

Subclause 15 provides for the temporary closing of roads for repairs. There should be power to prevent any undue restriction of traffic.

Amendment put and passed.

Hon. A. J. H. SAW: I move an amendment—

That the following subclauses be inserted:—“(25) Limit the height of fences, hedges, walls erected or to be erected on or near the street or road boundaries of corner allotments. (26) Fix building lines and provide that a building shall not be erected between the building line and any public place or public reserve. (27) Fix the distance from the middle line of any public road within which buildings shall not be erected. (28) Fix the building line for various classes of buildings in respect of various public roads. (29) Fix the minimum area of land within which any building may be erected.

The object is to limit the height of fences and hedges. Many hedges on street corners block the view of traffic and thus accidents are caused. There are some dangerous corners in Perth and, though this Bill will not meet the difficulty, we have to look to the future of towns which come within the scope of this measure. In these days of increased traffic there is a great necessity for a clause of this kind. I have been approached by the town planning association to submit an amendment of this description.

The MINISTER FOR EDUCATION: Before debating the merits of the proposal I would draw the hon. member's attention to the fact that the amendment could be more appropriately moved in connection with Clause 195, which deals with restrictive powers. I suggest that he withdraw it at the present stage and submit it again.

Hon. A. J. H. SAW: With the permission of the House I will withdraw the amendment.

Amendment by leave withdrawn.

Clause as amended agreed to.

Postponed Clause 211—What shall be rateable property:

Hon. J. NICHOLSON: I move an amendment—

That the following proviso be added to the clause: "Provided further that nothing herein contained shall exempt the Crown or any trading concern under the State Trading Concerns Act, 1916, from liability from rates under this Act in respect of any land used or occupied by any such trading concern."

Subclause 1 exempts land the property of the Crown and used for public purposes or which is unoccupied. I do not think it is fair that trading concerns should be exempt, and therefore the object of the amendment is to include them in the rateable property.

The MINISTER FOR EDUCATION: I cannot accept the amendment. It is a well-established principle that the Crown does not:

pay municipal rates. The hon. member is trying to get in the thin edge of the wedge.

Hon. J. NICHOLSON: In many of the country districts there are lands within road board districts, particularly in the South-West, on which trading concerns are established, and the traffic from those concerns cuts up the roads to a considerable extent. The local authorities will have practically no redress if the trading concerns are to be exempt. If the Government desire to enter into competition with private enterprise they should also do as private enterprise does and pay rates. The other sawmilling concerns are compelled to pay rates in the districts in which they operate; therefore why should not the Government concerns do the same?

Hon. H. CARSON: I am in accord with the amendment, more particularly as the Government have withdrawn the payment of subsidies to local bodies.

Hon. A. SANDERSON: I support the amendment, but the only thing I am afraid of is that its passage here may prove fatal to the Bill. I hope, however, that will not be the case. The hon. member who submitted the amendment should preserve a little consistency in his attitude. When I asked, in connection with the Pure Seeds Bill, that its provisions should be made to apply to the Crown he voted against the proposal. The State trading concerns are spreading in various directions. Why, therefore, should they not contribute their fair share to the public burden?

Hon. J. DUFFELL: As Mr. Sanderson has pointed out, if the clause is carried the passage of the Bill may be jeopardised. I would not like to see that happen, because the measure is such an excellent one. Therefore, rather than sacrifice the Bill I will oppose the amendment.

Hon. J. EWING: I fail to see why an expression of opinion from this House should jeopardise the chances of the Bill going through. If a majority of members here think that the Government should pay rates, let that opinion be expressed, and let it be conveyed to another place. I intend to vote for the amendment. If the Government are going to use the people's money to compete against private enterprise they should take the full responsibility of the position.

Hon. H. MILLINGTON: I intend to oppose the amendment. The hon. member thought the example he quoted would gain sympathy for the amendment. I remember that not very long ago the Government had to take the full responsibility of mending the Perth-Fremantle road, in the heart of the metropolis.

Hon. J. NICHOLSON: And made the municipalities pay for it.

Hon. H. MILLINGTON: Notwithstanding the wail that all subsidies have been withdrawn, the Government have had to come to the assistance of local authorities in many other instances, and a great many roads have been built by Government subsidies. Now that the local authorities have drained the milch cow dry they shift their ground

with a view to coming at it in another way. The hon. member should be satisfied with the clause, instead of attempting to insert this insidious amendment.

Hon. J. NICHOLSON: The hon. member is on dangerous ground in quoting the Perth-Fremantle road, because it was not the Government, but the municipalities concerned, which paid for the construction of that road.

Hon. H. MILLINGTON: Did each of those municipalities pay their quota?

Hon. J. NICHOLSON: I think the Perth municipality alone paid over £4,000 toward it.

Hon. H. MILLINGTON: So they should; they took a lot of pressing.

Hon. J. NICHOLSON: However, that disposes of the hon. member's argument. As to putting the State trading concerns into the preferred position which the hon. member thinks they ought to enjoy, it is a question for hon. members to say whether or not once the Government enters into competition with private enterprise, they should bear the burdens attached to those enterprises, or alternatively relinquish them. It is at the instigation of people who have been served very badly by the roads in their district that I move the amendment.

Hon. A. LOVEKIN: It is the true function of the Government to govern and, while not trading themselves, to see that other people trade fairly. But if Governments do enter into trade, they ought to enter into it equitably and fairly. Other trading concerns have to pay rates, and, if the Government are to trade, there is no reason why they should be exempt from rates. I suggest to the hon. member that if he were to strike out from line 2 of the proposed proviso, the words, "the Crown or" it would render the amendment less objectionable to the Minister.

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

Ayes	..	..	..	11
Noes	..	..	..	11
A tie				0

#### AYES.

Hon. H. Carson	Hon. J. Nicholson
Hon. J. Cornell	Hon. E. Rose
Hon. J. Ewing	Hon. A. Sanderson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovekin	Hon. A. J. H. Saw
Hon. G. W. Miles	(Teller.)

#### NOES.

Hon. C. F. Baxter	Hon. C. McKenzie
Hon. H. P. Colebatch	Hon. H. Millington
Hon. J. Cunningham	Hon. J. Mills
Hon. J. Duffell	Hon. A. H. Pantou
Hon. J. A. Greig	Hon. R. J. Lynn
Hon. J. W. Hickey	(Teller.)

The CHAIRMAN: I give my casting vote with the noes.

Amendment thus negatived.

Hon. A. SANDERSON: In order to ventilate an important matter, I wish to draw attention to line 5, "Land belonging to any religious bodies and used—"

The CHAIRMAN: The hon. member is not in order. We have considered a proviso to be added at the end of the clause. It has been defeated. That disposes of the clause as it stands. The hon. member can only proceed by re-committing the Bill.

Clause put and passed.

Postponed clause 248—Who is liable for rates:

Hon. J. NICHOLSON: I move an amendment—

That all words after "Crown" in line 4 to "Agricultural Bank," inclusive, in line 6 be struck out.

The provision in regard to mortgages in favour of the Agricultural Bank and to road board rates is something new, seeking to give to the Agricultural Bank a protection which is undeserved. It seems to me that gradually, as industrial concerns merge into the control of the Government, road board districts will cease to have any income at all except from the ratepayers, who will have to maintain, not only the roads, but the Government. I have no objection to rates and taxes due to the Crown being a first charge and being preferred to rates due under the Roads Act, but I do object to the exemption of rates and taxes due to any Government department or agency of the Government.

The MINISTER FOR EDUCATION: Under the Act to amend the Agricultural Act, 1917, provision was made that the term "owner" in the Roads Act, 1911, should not from the commencement of the Act extend to the Agricultural Bank as mortgagee in possession or otherwise. In order to do what the hon. member desires, it would be necessary to repeal that section. It is only another attempt to put the Crown in a second position so far as local governing bodies are concerned. I hope the amendment will not be agreed to.

Amendment put and negatived.

Clause put and passed.

Postponed Clause 269—Application of proceeds of sale:

Hon. A. J. H. SAW: I move an amendment—

That in the paragraph beginning "thirdly" the words, "Thirdly, in payment of any moneys due under any mortgage to the Agricultural Bank" be struck out and "Thirdly, in payment of all unpaid rates due to or imposed by the Board in respect of the land at the time of the sale, and of all the Board's expenses of or incidental to the proceedings in the Local Court or the sale of the land, and subject thereto in payment of any unpaid

rates due to the Local Board of Health," be inserted in lieu.

Under this clause the Agricultural Bank is given the preference over the road boards, and it is with the object of reversing that position that I move this amendment. Another object is to provide for unpaid rates due to the local board of health.

The Minister for Education: I am making provision for that.

Hon. A. J. H. SAW: In the circumstances, I should like to withdraw my amendment.

Amendment by leave withdrawn.

The MINISTER FOR EDUCATION: I move an amendment—

That in the paragraph beginning "fourthly," after the word "board" in line 2, there be inserted, "and the local authority under the Health Act, 1911."

Hon. J. NICHOLSON: I am sorry that Dr. Saw has withdrawn his amendment. I do not know if the Minister knows the effect of his amendment. When land actually goes up for sale, the purchase money will be applied in the way set out here. It is possible that if a sale takes place under this Act in the country districts, the Agricultural Bank may step in and claim preference although they might only hold a second mortgage. The position is a serious one.

Hon. A. SANDERSON: Surely that question was decided, though I think quite wrongly, by this Chamber some time ago when it was brought up in connection with the Industries Assistance Board. To upset the considered decision of the House on this Bill would be unwise. I do not think more than a couple of thousand pounds is involved in the whole affair.

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

New clause:

Hon. J. A. GREIG: I move—

That the following be added to stand as Clause 151:—"The board may close a road from traffic and grant permission to the owner of the land adjoining to fence across such road without erecting gates, at the board's pleasure, when in the opinion of the board the road should not be permanently closed, but is not required for immediate traffic."

The chief reason for my moving this is that at present boards have power to close roads. Past experience has shown that a person may apply to have a road closed and some years afterwards may apply to have it opened again, having sold a portion of his land, or for some other reason. Road boards do not like to refuse such an application, especially when the land has been in the possession of a man for a number of years. The amendment provides for the temporary closing of roads and for their being reopened at any time that may be desired. The reference to gates will also overcome a difficulty.

The MINISTER FOR EDUCATION: As it stands the proposed new clause would be a dangerous one. I do not think any road should be closed, even temporarily, without the approval of the Minister for Lands. This proposal would have the effect of giving the owner of adjoining land a free run of the land contained within the area. Clause 150 gives general powers under which the board may close roads. The carrying of the amendment will mean practically taking from the Minister the control as regards closing of roads. At present anyone objecting to the closing of a road may appeal to the Minister, but under this clause there would be no such appeal, and the majority present at a road board meeting might close a road without the Minister's knowing anything about it. If Mr. Greig would insert at the beginning of the clause the words "The Minister for Lands on the recommendation of" I would accept the amendment. Otherwise I certainly must oppose it.

Hon. J. A. Greig: I am prepared to accept the Minister's suggestion.

The MINISTER FOR EDUCATION: I move an amendment on the new clause—

That the words "The Minister for Lands on the recommendation of" be inserted at the beginning of the new clause.

Hon. J. EWING: The Minister's amendment would frequently mean considerable delay. The new clause merely seeks to give road boards a temporary power, and the clause is better as it stands. The best men in the country are members of these road boards, and they know what is required. Although I think Mr. Greig is wrong in accepting the Minister's amendment, I shall not oppose it.

Hon. J. A. GREIG: I entirely agree with what Mr. Ewing has said regarding road board members, but it was really an oversight on my part not to include the words which the Minister has moved to insert. I have never yet known a Minister to reject the recommendation of a road board in such a matter. Ministers trust the road boards thoroughly.

Hon. H. STEWART: Should not the procedure under this new clause be in accordance with Clause 150? I think that is where Mr. Ewing foresees delay.

Amendment on the new clause put and passed.

Hon. J. NICHOLSON: I move a further amendment on the new clause—

That after "road" in line 1 of the new clause the word "temporary" be inserted.

In the absence of this amendment a road once closed will be closed permanently.

The HONORARY MINISTER: I do not think the amendment is necessary. The feeling of road boards for a number of years has been that a road should not be closed without the board having the right to re-open it. In the past there has been difficulty and expense in getting closed roads re-opened, and

that I believe is the reason for this amendment.

Hon. J. A. GREIG: I see no objection to the insertion of the word "temporary," though I do not regard it as necessary.

Further amendment on the new clause put and passed; the new clause as amended agreed to.

New clause:

Hon. J. MILLS: On behalf of Sir Edward Wittenoom I move—

That the following be added to stand as Clause 187:—"Where a fence adjoining a declared public road is the property of a landowner, and such landowner has cleared the land inside his fence so as to form an efficient fire-break, it shall be the duty of the board to clear the other side of the fence in a similar manner to the width of at least four feet from the fence. In default of the board so doing they shall be responsible for any damage caused to such fence by fire."

The amendment clearly explains its purpose.

The MINISTER FOR EDUCATION: I am afraid this amendment would impose impossible obligations on road boards. In heavily timbered country the clearing of roads might eat up the whole of the revenues of a board. The fire would probably come from the owner's side, but because the board had not exhausted their funds in clearing the road they would be responsible.

Hon. J. MILLS: I think Sir Edward Wittenoom had in view the scrub lands of the north, where scrub is allowed to accumulate on the road after it has been cleared inside the fence. Thus a man dropping a lighted match on the road might cause a fire.

Hon. J. J. HOLMES: In the north there may be a surveyed road 66 feet wide and fenced on either side, and the board clear about 15 feet in the middle. In clearing that they throw all the rubbish against the landowner's fence, and thus bonfires are created all along the track. The object of the amendment is to prevent the throwing of refuse against a man's fence, and that is a fair thing. The road boards should stack the rubbish at least four feet from a fence. Those in charge of this Bill are very anxious to conserve the rights of the Crown, but the private owner does not seem to receive any consideration at all from them.

Hon. J. EWING: This is quite an impossible clause. It may apply to some of the northern portions of the State, but its insertion would mean that there would be hardly one solvent road board in Western Australia within 12 months.

Hon. H. CARSON: I take it the new clause refers to the case where an owner has cleared his land, and where the board should do the same on the outside of the fence. Under Clause 186 the board have power to penalise a man who does not clear inside his fence. What is good for the man on the land should apply to the board.

Hon. G. J. G. W. MILES: In motoring through the country districts I have noticed where the land has been cleared up to the fence, but the scrub is allowed to grow and accumulate right alongside the fence. Some provision should be made compelling the road board to protect a man's fence in case of fire. In my opinion this provision would apply more largely in farming districts than in any others.

Hon. J. DUFFELL: I do not think the clause as it appears on the Notice Paper should be accepted. Conditions vary greatly in different parts of the State. In some of the fruit-growing areas there is cultivation right up to the road alignment, and young trees grow right up to the outside of the fence. These take away a great deal of the nourishment which the trees nearer the fence would otherwise receive. There should be some provision to safeguard orchardists whose lands are affected in this way; but the proposed new clause will be unworkable.

Hon. H. CARSON: Some such provision is very necessary. When there is undergrowth alongside a growing crop there is a risk of fire owing to cigar and cigarette ends being thrown from passing motor-cars. The railway authorities have to keep their property cleared.

The HONORARY MINISTER: The object of the railway fire breaks is to prevent fires from engine sparks. This is quite a different matter and, to give effect to it, road boards will have to increase their rates. In some districts the whole of the year's revenue would be insufficient to carry out this work of clearing. There is often more danger due to the neglect to strip the bark from fence posts than from the scrub outside the fence. The proposed new clause would inflict an injustice on local authorities.

New clause put and negatived.

Schedules, Title—agreed to.

Bill reported with amendments.

#### Recommittal.

On motion by the Minister for Education, Bill recommitted to further consider Clauses 5, 33, 90, 150, and 152.

#### Clause 5—Interpretation:

Hon. J. NICHOLSON: When the clause was previously considered, I moved to strike out of the definition of "owner" the paragraph making the trustee, attorney, or authorised agent responsible for rates.

Hon. J. Duffell: He could be responsible only to the extent of the money he had in hand.

Hon. J. NICHOLSON: No, Clause 248 gives the local authority power to recover rates from the owner, and the trustee, attorney, or authorised agent is just as liable as the owner. At common law, the trustee is liable only to the extent of the moneys in hand, and we should not carry his liability further under this measure. I move an amendment—

That to paragraph (d) of Subclause 1 of the definition of "owner" the following proviso be added: "Provided that no such trustee, attorney, or agent shall be liable under this Act for any sum in excess of the amount for the time being held by such trustee, attorney, or agent on behalf of his cestui que trust or principal."

If the attorney had not the money in hand, the board would still be able to sue the owner or sell the land.

The MINISTER FOR EDUCATION: Mr. Nicholson's amendment is an extraordinary one to make to a definition clause.

Hon. J. Nicholson: Not at all.

The MINISTER FOR EDUCATION: The definition is taken from the existing Act, and I believe it is similar to that in the Municipal Corporations Act. It is based on the principle that the local authority should not be prejudiced by the absence of the owner.

Hon. J. NICHOLSON: If the amendment is passed the local authority will not be in any worse position owing to the absence of the owner. The local authority will still have recourse against the owner.

The Minister for Education: If they can find him.

Hon. J. NICHOLSON: If they cannot find him, the local authority can sell the land. Why should a gratuitous attorney be made liable for that in which he has no interest? I cannot understand why the Government should seek to impose this obligation on an attorney or agent and, at the same time, display such an extraordinary desire to look after the interests of the local authority.

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

Hon. J. NICHOLSON: On reconsidering this amendment I think it will be advisable to move it as a new clause. I will therefore ask leave to withdraw it so that I may follow the other course at a later stage.

Amendment by leave withdrawn.

Clause put and passed.

Postponed Clause 33—Electors:

The MINISTER FOR EDUCATION: The amendment I propose to move to this clause is consequential on an amendment moved by another place to Clause 34. It will be found that the proviso to Clause 34 reads, "Provided that no person shall exercise more than four votes in any road board district." We have already set out the manner in which the voting shall be exercised. In order to bring the two clauses into harmony it is necessary to amend Clause 33. I therefore move an amendment—

That in Subclause 2, paragraph (b), the words "subject to the next following section" be inserted.

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

Postponed Clause 90—Disposal of ballot papers:

The MINISTER FOR EDUCATION: I move an amendment—

That in Subclause 1 the words "for four weeks after such delivery" be struck out. The reason for this amendment is that the ballot papers may be required in a court of disputed returns.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move a further amendment—

That in Subclause 2 the following words be added, "until such time that the election can no longer be questioned" be inserted.

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

Postponed Clause 150—Board may close the road permanently:

The MINISTER FOR EDUCATION: I move an amendment—

That in Subclause 1, paragraph (b), before the word "over" the word "or" be inserted.

This is purely a printer's error.

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

Postponed Clause 152—Board may close track not gazetted as a road:

The MINISTER FOR EDUCATION: I move an amendment—

That in the last line of paragraph (b) the word "closed" be struck out and "annulled" inserted in lieu.

This is also an obvious error.

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

Bill again reported with further amendments.

## BILL—CONSTITUTION ACTS AMENDMENT.

Received from the Legislative Assembly and read a first time.

## BILL—PRICES REGULATION.

In Committee.

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

Clauses 1, 2—agreed to.

Clause 3—Commissioners:

Hon. A. LOVEKIN: Mr. Cornell has given notice of an amendment very similar to one which I have on the Notice Paper. In his absence I will adopt his amendment. I move an amendment—

That all words after "appoint" in line 1 of Subclause (1) to the end of Subclause (5) be struck out, and "a judge of the Supreme Court as a commissioner for the purposes of this Act" be inserted in lieu.

The object of the amendment is to save expense. No good purpose can be served by creating a new department of three commissioners and two assessors. We have a precedent for the amendment in New South Wales, where a judge of the Supreme Court is fixing prices. Notwithstanding the price fixing, prices in that State are much higher than those in this State. The contemplated expense is not warranted, and I propose to help the Treasurer by limiting the appointments to that of one judge.

The MINISTER FOR EDUCATION: The amendment strikes at the very root of the Bill. I do not think a judge should be asked to undertake the inquiries that will be necessary.

Hon. A. LOVEKIN: Why do you put a judge into the Arbitration Court?

The MINISTER FOR EDUCATION: That is an entirely different matter. In any case, one of the most serious defects of the Arbitration Court is its constant delays. Moreover, the issues in that court are not so varied as will be those under the Bill. To have a judge of the Supreme Court as commissioner of prices would be altogether too cumbersome. If the amendment is carried and a judge appointed, it will be quite impossible to deal with the matters that will be brought before the commissioner. A judge is not a business man.

Hon. J. J. HOLMES: I support the amendment. The Minister's principal objection to it is that a judge is not a business man. Under my reading of the Bill it will be the Government, and not the commissioner, who will fix the prices. We have it on the word of the Minister himself that one of the principal reasons for the Bill is that it will satisfy the ungrounded suspicion of the public. No one is better qualified than a judge of the Supreme Court to arrive at a decision as to whether or not a suspicion is ungrounded. It would be unwise to set up a costly new department which it will be very difficult indeed to abolish.

Hon. J. EWING: I will support the amendment. I see a serious danger in building up a huge Government department, since the Bill is to continue only 12 months. A judge of the Supreme Court will be able to report to the Government on the question of whether or not profiteering exists. Many hon. members have asserted that there is no profiteering. For my part I think there should be some investigation, but not by a new Government department. The amendment will give the best result for the smallest outlay.

Hon. J. NICHOLSON: I will support the amendment. The object of the Bill is to have a thorough examination made into the questions to be decided. It will be necessary to have conducting those examinations some one thoroughly competent, and certainly no one could be better fitted for the post than a judge of the Supreme Court. In the examinations to be conducted under the Bill, the experience of a judge will be invaluable.



Only a few weeks ago we saw in the Press a report showing that in New South Wales a judge of the Supreme Court was acting as price fixing commissioner and making an examination into the affairs of, I think, the Vacuum Oil Company. Who better could we have for such a task than a man in the independent position of a judge? Under Clause 7 the commissioner may appoint assessors; therefore he will have all the assistance he can desire in carrying out the Act.

Hon. A. J. H. SAW: I will oppose the amendment, principally on the ground of expense, about which so many hon. members are concerned. Can we employ a more highly paid officer than a judge of the Supreme Court? Are we to take such a man away from his duties?

Hon. A. Lovekin: There is plenty of time now.

Hon. A. J. H. SAW: We never know when there will be a boom in the legal profession. Now that we have peace again, probably there will be plenty of litigation. The principle of bringing judges into these affairs is wrong. Nor do I think that a judge is best fitted to undertake the proposed investigations into business propositions. Mr. Lovekin said that a judge is presiding in New South Wales over these inquiries. Also the hon. member said that the prices in the Eastern States were much higher than they are here. Was he referring to New South Wales where the judge is officiating? If so, that is just what we want to avoid. If there is a judge fixing prices in New South Wales and the prices are not being lowered, it is not what we want here. Our desire here is to have prices reduced. I do not intend to support the amendment.

Hon. A. SANDERSON: Apparently the Government are going to decide this question and the Commissioner will only make recommendations to the Government. The responsibility, therefore, will be with the Government. Why not have the simplicity of one man only making the necessary recommendations?

Hon. A. LOVEKIN: The cases which the Commissioners would have to deal with would be very few, because we do not manufacture goods here and the prices are all made in the Eastern States. This Bill will authorise the payment of Commissioners and assessors and other people, who may enter upon premises and do other things in connection with the carrying out of the measure. All this means very elaborate machinery for fixing the few paltry prices over which we have any control in this State.

Hon. R. J. LYNN: If a judge were appointed there would inevitably occur delays because of the litigation which the judge would be called upon to attend to. Furthermore, because of his numerous duties he would doubtless delegate his authority to quite a number of other people in order that the work covered by the Bill could be done. The delays in connection with the carrying out of this work would result in the Act

proving futile. I am unable to support the amendment. If any additional expenditure is necessary, it will be far better that this expenditure should be incurred than that we should have costly delays and greater discontent.

Hon. H. MILLINGTON: I am opposed to the amendment. The whole of the brains in the community are not wrapped up in the legal fraternity. Whereas a judge can do many things, it does not follow that he will be a greater expert in this particular direction than some other people who specialise in these matters. If a business man wanted an inquiry held into his own business he would secure the services of an expert and not a lawyer. There will be a considerable amount of work in connection with the fixing of prices in this State, not only in the metropolitan area but throughout Western Australia. We want to know what the position is, and, in order that these elaborate inquiries may be made, it is necessary that we should have three expert energetic and independent Commissioners to carry out the duties required. The state of the commercial life in Western Australia proves the necessity for setting up this new department. There is a general demand for an inquiry to be held so that if prices are raised, evidence to justify such rise shall be presented. In addition, it would be necessary for the Commissioners to have more than a nodding acquaintance with book-keeping and accountancy. I see the necessity not only for three Commissioners but three pretty smart men, if they are going to contend successfully against the business combinations with which we are faced to-day.

Hon. J. DUFFELL: Apparently the idea is to have a Commissioner who, like a judge, is beyond political interference, but I am not sure that it would be in the best interests of the Bill if this amendment were carried. If the Bill passes, it will have to receive prompt attention, and I am not fully satisfied that it sets out the best form of machinery for carrying its purpose into effect. One capable man with the necessary assistance should be able to carry out all the work that is required. The proposal contained in the Bill would mean considerable expenditure, seeing that it involves the payment of remuneration to three Commissioners and assessors and numerous other people. It does not stop at that. There is also the appointment of a secretary, and of other officers. The Bill is going to create a very expensive department. A judge of the Supreme Court would not be the best appointee for the purposes of this measure.

Hon. G. J. G. W. MILES: I support the amendment, which would mean the saving of a considerable sum of money. A judge of the Supreme Court with two assessors can obtain all necessary information with regard to prices. I am opposed to the appointment of three Commissioners.

Hon. J. CUNNINGHAM: I oppose the amendment. Clause 2 will not prevent the appointment of a Supreme Court judge as a Commissioner if the Government want to appoint him. Members have expressed the

fear that unless the amendment is carried an expensive department will be created; but under the corresponding Act of 1915 three Commissioners were appointed, together with a secretary, and no huge department was built up and no very heavy expense was incurred. When Parliament decided not to re-enact the measure of 1915, the department simply disappeared. It is useless to introduce legislation of this nature unless the Government propose to administer it seriously. Some hon. members appear to attach very little importance to the passage of the Bill, but the people of Western Australia want this legislation carried, and want the work under it carried out expeditiously, and not in the leisurely legal fashion.

Hon. J. J. HOLMES: I am not surprised that the Committee looks upon the Bill as of no importance, since the second reading speeches one and all declared that the Bill was useless. What better qualified man can be found for the position of Commissioner than a Supreme Court judge? Such an appointment would have an excellent moral effect. The leader of the House has told us that one of the main reasons why this Bill should pass is that it may dispel unfounded suspicions of the public. The Commissioners apparently are to be a go-between, as between the Government and the assessors. A Supreme Court judge would deal with the evidence in a fraction of the time that any three laymen would take over it. I gather that the judges have time at their disposal just now; and that time would be well occupied in dispelling the unfounded suspicions of the public.

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

Ayes	..	..	..	9
Noes	..	..	..	10

Majority against .. 1

#### AYES.

Hon. J. Duffell	Hon. J. Mills
Hon. J. Ewing	Hon. E. Rose
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovekin	Hon. J. Nicholson
Hon. G. W. Miles	(Teller.)

#### NOES.

Hon. C. F. Baxter	Hon. R. J. Lynn
Hon. H. Carson	Hon. C. McKenzie
Hon. H. P. Colebatch	Hon. H. Millington
Hon. J. Cunningham	Hon. A. H. Pantton
Hon. J. A. Greig	Hon. A. J. H. Saw
	(Teller.)

Amendment thus negatived.

Hon. J. J. HOLMES: Shall I be in order if I move to strike out "three commissioners" with a view to inserting "one commissioner"?

The CHAIRMAN: Yes.

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

That in Subclause 1 the word "three" be struck out with a view to inserting "one."

The MINISTER FOR EDUCATION: I oppose the amendment. Different interests should have representation on the commission. It is not a job for one man. It will occupy the attention of three good men. It is entirely consistent that opponents of the Bill should endeavour to make such an amendment, but I cannot understand supporters of the measure agreeing to it.

Hon. G. J. G. W. MILES: As a supporter of the Bill I am opposed to three commissioners. One commissioner should be quite capable of carrying out the duties. He will have the right to appoint two assessors, and what more do we want? It seems the Government are out to fritter away the money of the taxpayers and create departments which are quite unnecessary.

The CHAIRMAN: The amendment is out of order, because the striking out of this word will practically have the effect of the amendment which has just been decided.

Hon. G. J. G. W. MILES: I do not agree with you.

The CHAIRMAN: Then the hon. member must move to dissent from my ruling.

Dissent from Chairman's ruling.

Hon. G. J. G. W. Miles: I move—

That the ruling of the Chairman be dissented from.

Hon. J. J. Holmes: I second the motion.

The Chairman: The question is—

Hon. J. J. Holmes: I think that under our Standing Orders the matter must be referred to the House.

The Chairman: Under Standing Order 257 the hon. member must put his objection in writing and I shall then report the matter to the President.

[The President resumed the Chair.]

Hon. J. F. Allen: I have to report that on Clause 3 an amendment was moved by the hon. Mr. Lovekin to strike out all the words after "appoint" in Subclause 1 down to the end of Subclause 5 with a view to inserting other words. The question was put and decided in the negative. The hon. Mr. Holmes then moved to strike out of Subclause 1 the words "three commissioners" with a view to inserting "one commissioner." I have ruled that the former amendment was in substance the same as the amendment by the hon. Mr. Holmes. The hon. Mr. Miles has dissented from my ruling.

The President: With regard to the objection to the ruling of the Chairman—

Hon. J. J. Holmes: One point has not been made clear—

The President: I am not giving my ruling. With regard to the objection, it is necessary for it to be stated at once in writing. The objection I have before me is simply a sort of notice of motion to disagree with the ruling of the Chairman. When the ruling of the Chairman is objected to the reasons must be stated. However, we shall

waive that as a formality. The Standing Order reads—

If any objection is taken to a decision of the Chairman of Committees, the objection must be stated at once in writing. The Chairman shall thereupon leave the Chair and the Council resume. The matter having been laid before the President, and members having addressed themselves thereto, shall be disposed of, and the proceedings in Committee shall be resumed where they were interrupted.

The hon. Mr. Miles, whom I understand objected to the ruling, is now at liberty to state his reasons for objecting.

Hon. G. J. G. W. Miles: The reasons are practically as set out by the Chairman in his explanation. Previously we dealt with the question that the words after "appoint" in Subclause 1 down to the end of Subclause 5 be struck out. I contend that the amendment by Mr. Holmes to strike out "three commissioners" with a view to inserting "one commissioner" is in order. The previous amendment sought to strike out the words so that a judge of the Supreme Court might be appointed but, by striking out the word "three" and inserting "one," as proposed under the amendment before the Committee, a business man or any other man might be appointed.

The Minister for Education: Mr. Lovekin, who moved the original amendment, was careful to point out to Mr. Duffell and others who objected to the appointment of a Supreme Court judge, that his amendment had nothing whatever to do with the appointment of a Supreme Court judge. It was directed against the appointment of three commissioners and, if it had been carried, it would have been competent for Mr. Duffell or anyone else to move for the appointment of one commissioner. Mr. Duffell voted accordingly for the striking out of those words. The whole amendment by Mr. Lovekin was directed against the appointment of three commissioners. The subclauses he proposed to strike out had no other meaning except the appointment of three commissioners. Consequently there can be no question of the accuracy of the Chairman's ruling.

Hon. J. Duffell: My reason for supporting the hon. member who disagreed with the ruling of the Chairman was that the amendment was designed to strike out the provision for three commissioners. That amendment was lost. I maintain that any subsequent amendment to strike out all the words to the end of Subclause 2 or to the end of Subclause 3 would have been in order. It stultifies my action, if I am not able to express myself further in regard to the amendment. I maintain that I should still have the right to move that all the words to the end of Subclause (4) be struck out, and that my amendment should have been placed before the Committee. Under the circumstances I am supporting the contention that the ruling be disagreed with.

Hon. J. J. Holmes: The amendment moved by Mr. Lovekin was before the Committee and the whole question hinged around the unsuitability of a judge to fill the position of Commissioner. Some members expressed the opinion that—

The President: The whole of that discussion was out of order. The amendment was to strike out certain words and the discussion should have been confined to the striking out of those words and nothing else.

Hon. J. J. Holmes: The object was to insert "a judge of the Supreme Court." The impression left on my mind by Mr. Lovekin's remarks was that if we failed to include the words "one judge" we might, at a later stage, move to provide for "one commissioner," but the ruling of the Chairman will prevent that being done.

Hon. J. Ewing: We were discussing the appointment of one commissioner and we were discussing also the suitability of a judge for the position.

The President: My ruling is that the amendment to strike out these words having failed, Clause 3 remains as it is and it is subject to further amendment. The amendment to strike out the words "three commissioners" is in order. The object is only stated as a guide to future events and must not be debated. When the amendment to strike out the word "three commissioners" is being discussed, that line must be followed. If the words are struck out, then the opportunity arises to replace them by certain other words, and at that stage only can the suitability of a Supreme Court judge, or anybody else, be debated. I have given my ruling that the amendment to strike out "three commissioners" is in order.

Hon. R. J. Lynn: Is it possible to dissent from the President's ruling?

The President: Yes; I think it can be argued at a future meeting of the Council if the hon. member wishes to do so.

Hon. R. J. Lynn: I was only just wondering what the procedure was.

The President: I have ruled that the amendment is in order.

Committee resumed.

Hon. R. J. LYNN: I will support the amendment, but, as a matter of fact, it will not reduce the expenditure one penny. The Commissioners will take the place of assessors to some extent. A certain amount of work is necessary and if one Commissioner is appointed it will unquestionably necessitate the appointment of assessors to assist him, considerably more than would be the case if three Commissioners are appointed.

Hon. J. EWING: I am satisfied that assessors will be appointed even though we have three Commissioners. The leader of the House cannot understand why we object to three. It is well known that when the Bill was introduced in another place, provision was made for one Commissioner, but influence was brought to bear upon the Government, and they, in deference to the wishes of a

certain party, agreed to the appointment of three. The Government must be satisfied that the expenditure will be greater by having three Commissioners than if only one is appointed.

Hon. J. DUFFELL: I will support the amendment. Hon. members must not forget that the whole purport of the Bill is to appoint a glorified select committee or a glorified Royal Commission without power to act. With all the expenditure that will be involved in the appointment of these Commissioners, and their retinue of officers, they will have no power to act.

Hon. J. J. HOLMES: We have had experience of three Commissioners and we have also had the experience of the Federal authorities dealing with the question of price-fixing in this State with one Commissioner who gave satisfaction to the public and to all parties concerned. I understood the idea was to get a man best qualified to fix prices. Yet the leader of the House a few minutes ago said that interests had to be represented on the Commission.

Hon. A. Lovekin: Why not? What is wrong with that?

Hon. J. J. HOLMES: The object of the Bill is to arrive at a fair price of commodities and neither the Trades Hall nor any other nominee should have a say in the constitution of the Commission.

Hon. J. NICHOLSON: The Government have announced that it is their desire to economise, and if they adopt the amendment it will mean economy. If I may refer to Clause 7, it will be seen there that each Commissioner is to have the assistance of two assessors, so that the three Commissioners will have six assessors, whereas if only one commissioner is appointed there need be only two assessors. In that way we shall save the cost which would have been entailed by the appointment of the other Commissioners and assessors. If it is found necessary afterwards to have other Commissioners they can easily be appointed.

The Honorary Minister: Under what authority?

Hon. J. NICHOLSON: By moving next session for additional power. I cannot conceive that one commissioner, assisted by assessors, will not be able to do all that is necessary.

The MINISTER FOR EDUCATION: The Committee have already decided this issue. They have been asked to strike out "three commissioners" and have decided not to do so. Now they are again asked to do so. While I do not question the ruling of the President, I say no argument has been advanced in this later debate which was not advanced in the earlier one, and therefore I see no reason why the provision should be struck out.

Hon. A. SANDERSON: The amendment is to strike out the words "three commissioners." My object will be to insert "one commissioner." I do not know whether this is the proper time to discuss what is to be inserted.

The CHAIRMAN: The hon. member has the ruling of the President that he shall not discuss what is to be inserted in lieu of the words to be struck out.

Hon. A. SANDERSON: I will support the amendment to strike out "three commissioners." I think one is sufficient. I expect that later we shall have an opportunity for giving reasons why "one commissioner" should be inserted.

Hon. A. J. H. SAW: I intend to support the provision for the appointment of three commissioners. The investigations which these commissioners will have to undertake will be of extremely wide range, and will have to be conducted over a considerable area. I am surprised at the attitude of my colleagues who represent the far North-West. I should have thought they would welcome the appointment of three commissioners, in order that one might go to the North-West to inquire into the cost of living there.

Hon. A. Lovekin: They will not fix prices there.

Hon. A. J. H. SAW: I am thinking not solely of the wealthy pastoralists in the North-West, but also of the men employed there, to whom the cost of living is a considerable item. If we wish the Bill to fulfil its functions we must appoint a proper staff. Three commissioners will be better able to attend to the work than will one commissioner.

Hon. G. J. G. W. MILES: I suggest to the leader of the House that he postpone the clause and give us an opportunity of getting a full Committee.

Hon. A. H. Panton: You could not hope for a bigger Committee than we have.

Hon. A. SANDERSON: It does not really matter very much how many commissioners there may be. Because we must have reports from all over the country and the Government will be responsible for getting those reports and submitting them to the commissioner or commissioners, who will report to the Government. I hope the clause will not be postponed for we have a very large Committee as it is.

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

Ayes	..	..	..	..	10
Noes	..	..	..	..	10

A tie .. 0

#### AYES.

Hon. J. Duffell	Hon. J. Nicholson
Hon. J. Ewing	Hon. E. Rose
Hon. A. Lovekin	Hon. A. Sanderson
Hon. G. W. Miles	Hon. H. Stewart
Hon. J. Mills	Hon. J. J. Holmes
	(Teller.)

#### NOES.

Hon. C. F. Baxter	Hon. C. McKenzie
Hon. H. Carson	Hon. H. Millington
Hon. H. P. Colebatch	Hon. A. H. Panton
Hon. J. A. Greig	Hon. A. J. H. Saw
Hon. R. J. Lyon	Hon. J. Cunningham
	(Teller.)

The CHAIRMAN: I give my casting vote with the Noes.

Amendment thus negatived.

Hon. J. J. HOLMES: May I say—

The CHAIRMAN: The hon. member can do nothing more than make an explanation.

Hon. J. J. HOLMES: I want to disagree with your ruling. Your decision has baulked any further discussion.

The CHAIRMAN: The hon. member cannot discuss the question which has been disposed of by a division.

The MINISTER FOR EDUCATION: I move an amendment—

That the following be added to stand as Subclause 8:—“(8) In case of illness or other incapacity or absence of a commissioner the Governor may appoint some person to be deputy commissioner during such illness, incapacity, or absence. Every person so appointed shall, until his appointment is terminated by notice in the ‘Gazette,’ have all the powers and perform all the functions and duties of a commissioner, and be deemed for the purposes of this Act to be a commissioner.”

The amendment is necessary, for without it there will be no provision against illness or absence.

Amendment put and passed.

Hon. A. LOVEKIN: Now that we have agreed to create another Government department we require to have an idea of the cost we are incurring. I move an amendment—

That the following proviso be added:—“Provided no commissioners shall be appointed under this section until their remuneration has been approved by Parliament.”

The amendment is all the more necessary in view of the proposed appointment of deputy commissioners at large salaries.

The MINISTER FOR EDUCATION: The amendment cannot be accepted. No Bill of this description has ever had a provision of that sort in it. The effect of it would be to make it impossible to appoint commissioners until the next session of Parliament.

Hon. J. NICHOLSON: I appreciate the necessity for Parliament knowing, and if possible fixing, the limit within which the Government shall act in respect to the remuneration paid to the commissioners. I would suggest a way of overcoming the difficulty by adding a proviso to the effect that such remuneration shall not in the case of such commissioners exceed a certain sum. We might impose some limit as to the amount.

Hon. H. CARSON: You want to fix the price.

Hon. J. NICHOLSON: I think that is quite right. The Government might appoint these commissioners at some excessive amount of which Parliament would not approve. The leader of the House might give hon. members some time to reconsider this proposal. Failing that I will probably move for recommittal of the Bill at a later stage.

Hon. A. SANDERSON: I cannot support the amendment. The Bill was carried on the second reading by an overwhelming majority. To bring forward an amendment of this kind seems to me to be making parliamentary government impossible. I am sorry I was unable with one of my colleagues to throw out the Bill altogether.

Hon. J. J. HOLMES: I think the amendment would be a vast improvement to the Bill. The opposition to this measure is growing in strength. On this very clause we won to the extent that it was only kept in existence by your ruling, Sir. I am sure that the more it is discussed and the more light there is thrown on it the more supporters we will have in favour of one commissioner.

The CHAIRMAN: I must correct the hon. member's statement when he says that he won on my ruling.

Hon. J. J. HOLMES: I meant on your vote.

Hon. A. LOVEKIN: This is by no means a new method of dealing with Bills. I could quote numbers of instances in which Bills have been passed by this House containing language very similar to this. The provision would enable Parliament to keep control over the finances, which at a time like this is very necessary.

Hon. H. MILLINGTON: There appears to be some idea of compelling the Government to employ cheap labour in this instance.

Hon. A. LOVEKIN: We want to know what the price will be.

Hon. H. MILLINGTON: The Government should not be limited in this respect. I do not want cheap and inefficient commissioners employed. They would probably, however, suit those who oppose the measure, as they would be easily bluffed and easily handled. What we want is commissioners who will be fully equipped to do battle with those who do fix their own prices.

Amendment put and negatived; the clause as amended agreed to.

Clauses 4 to 6—agreed to.

Clause 7—Evidence may be taken by a commissioner with or without assessors:

The MINISTER FOR EDUCATION: I move an amendment—

That a Subclause be added as follows—“Each assessor shall receive such fees and allowances for his services as may be prescribed.”

The intention is that the assessors may be appointed from time to time to deal with some special matter.

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

Clause 8—Proclaimed areas:

Hon. A. LOVEKIN: I move an amendment—

That in line 7 the words “by notice in the ‘Gazette’” be struck out.

These words are unnecessary. Why go to the trouble of putting these in the “Gazette” and spending money? If the Minister requires certain things to be done, why can

he not give notice and have them done at once?

**THE MINISTER FOR EDUCATION:** There must be some method by which a Minister shall require a thing to be done. If these words are struck out it will be necessary to provide some other method by which the person can be called upon to furnish a return. If a person fails to furnish a return when instructed to do so by notice in the "Gazette" he commits an offence under the Act. It may be required that every person holding more than a certain quantity of stuff shall furnish a return. The Minister does not know who these persons are, and there must be some public notice given instructing them to furnish these returns. This is the usual method of giving public notice.

**Hon. J. J. HOLMES:** I do not suppose one per cent. of the people of Western Australia see the "Government Gazette," especially in the North; yet all people will be liable to commit offences under this measure unless they read the "Gazette."

**THE MINISTER FOR EDUCATION:** For years and years past notice to furnish certain returns has been given through the "Government Gazette," though as a matter of practice these notices are also published in various newspapers. But to require the commissioners under this measure to publish their notices in every newspaper would involve heavy expense.

**Hon. J. NICHOLSON:** The Government are extravagant in appointing three commissioners, and then parsimonious in restricting publication of notices to the "Government Gazette." Not one man in a thousand reads the "Gazette." Notices should be published in a certain number of newspapers.

**Hon. A. J. H. SAW:** Mr. Lovekin appears to think that publication in the "Government Gazette" is too much publicity, while Mr. Nicholson thinks it is insufficient publicity. The "Gazette" is the recognised official channel through which these notices are promulgated.

**Hon. G. J. G. W. MILES:** Publication in the "Government Gazette" is sufficient. If people outback or in the North-West are affected, there would be publication of the notice in the local newspapers as well.

**Hon. A. LOVEKIN:** I do not want to see innocent people made criminals without notice. A farmer in the backblocks, with a few tons of chaff, may be turned into a criminal by a failure to see a notice in the "Government Gazette."

**Hon. H. STEWART:** I can understand Mr. Lovekin's attitude, but not Mr. Nicholson's. Notices in the "Government Gazette" are brought to the attention of the people concerned by gratuitous references to them in the press.

Amendment put and negatived.

**Hon. J. NICHOLSON:** I move an amendment—

That after the word "Gazette" in line 7 of Subclause (1) there be inserted "and

in such newspapers as he may think proper, and also by sending a copy of such notice to all such persons as may be known to be affected thereby."

Such an amendment would probably overcome the difficulty to which Mr. Lovekin has drawn attention. A safeguard can be provided only by greater publicity.

**The Honorary Minister:** You do not consider economy.

**THE MINISTER FOR EDUCATION:** I do not think the hon. member is quite pleased with his own amendment. It is quite meaningless.

**Hon. J. Nicholson:** No.

**THE MINISTER FOR EDUCATION:** Yes, it is absolutely meaningless, for the Minister might think it fit not to publish the notice in any newspaper. Such notices are given the greatest possible publicity; every effort is made to reach everyone concerned. What we have to arrive at is a legal form of notice so that a person charged with an offence cannot contend that he did not know this or that. Notice in the "Gazette" is the legal form. The hon. member says we should give notice to those who are affected. How shall we know who are affected? The amendment will merely provide a good deal of occupation for gentlemen of a certain profession on the ground that the Minister ought to have given certain notice or published a notice in a certain newspaper. By having something definite in the clause, we shall not be compelling people to fritter away their money on arguments by the legal profession.

**Hon. A. SANDERSON:** Will the Minister see that the "Government Gazette" is sent to every member?

**Hon. G. J. G. W. Miles:** Please don't.

**Hon. A. SANDERSON:** Unless we get the "Gazette" it is impossible to follow up our parliamentary work, owing to the way legislation is going. I suppose every member is voting against the amendment.

**THE MINISTER FOR EDUCATION:** In response to the request of another member, I made arrangements for the "Government Gazette" to be sent to every justice of the peace. If members wish to have it, there is no objection.

**Hon. J. EWING:** Personally I shall be glad to have the "Gazette," but are we to hand our copies around to every constituent? What the leader of the House said is quite correct; there must be some recognised legal form. If the Minister assures us that the great care which he mentioned will be exercised, I shall be satisfied, but we do not know that he will administer the Act and there may be some carelessness.

**Hon. A. J. H. SAW:** The commissioners will desire certain information for certain reasons. Consequently, it will be their duty to give the utmost publicity in order to obtain it. If they do not think the "Gazette" will reach the people, they will adopt other means. It is not necessary to debate and nauseate the question how they shall approach the people who will be affected. That is their business.

Hon. J. NICHOLSON: Dr. Saw has overlooked the very important fact that all that is necessary, in order to get the required returns, is to publish a notice in the "Gazette" and any person who fails to furnish such returns shall be guilty of an offence punishable by imprisonment with or without hard labour for one year. In reply to the leader of the House, the amendment is full of meaning. The least we can do is to lay down in the measure that a proper notice shall be sent to the persons interested, and then there can be no question of guilt. Apart from the "Government Gazette," there are other means by which the notices might be circulated. I believe there is a certain paper published in Northam. Would the leader of the House say it would be meaningless to mention that as a medium through which notices might be given? I wish to protect the people who will be affected and see that they are not punished on grounds such as are possible under the clause as it stands.

Hon. A. LOVEKIN: Dr. Saw has missed the point. I want to guard against the man in the back blocks being brought in as an offender without having received notice. There should be direct notice before any man is rendered liable to imprisonment for failing to supply returns.

Amendment put and negatived.

Clause put and passed.

Clauses 9, 10—agreed to.

Clause 11—Contravention of prices and rates:

Hon. J. J. HOLMES: The clause states, "Any person who in a proclaimed area sells or offers for sale, etc." Assuming an employee, in order to get square with an employer, sold articles at a higher price than he was instructed, the employer would be held liable. Provision should be made to charge the employee if he acted against instructions.

The Minister for Education: There is nothing unusual in making an employer liable.

Hon. J. J. HOLMES: There is something unusual in sending an employer to prison. This provision is different from any we have been accustomed to.

The MINISTER FOR EDUCATION: If an employer can establish effectually that the price has been wrongfully charged and has been charged against his instructions, the court will view the case accordingly. The penalties provided are the maximum penalties.

Hon. A. LOVEKIN: I move an amendment—

That all the words after "Act" in line 9 be struck out and the following proviso be added: "Provided that this part of the subsection shall not operate where Section 16 of this Act has been complied with."

This is a most drastic and unfair clause. It would be possible in a factory where there might be the Bolshevik element for an employee to do a bad turn to the employer. A price could be fixed for a certain article and

the employee could sell it for a higher price and the employer would know nothing at all about it. Clearly it would be wrong to punish the employer in a case such as that. The proviso which I have suggested would guard against that.

The MINISTER FOR EDUCATION: The wording of the suggested proviso is very unusual.

The CHAIRMAN: We are not discussing the proviso. We are discussing the striking out of certain words.

The MINISTER FOR EDUCATION: I oppose the striking out of those words because they are essential to the clause.

Hon. J. Nicholson: Why not leave the words in and insert the proviso?

Hon. A. LOVEKIN: Very well, I will do that. I withdraw the amendment with the view of moving to insert the proviso only.

Amendment by leave withdrawn.

Hon. A. LOVEKIN: I move an amendment—

That the following proviso be added to the clause—"Provided that this part of the Subsection shall not operate where Section 16 of this Act has been complied with."

The MINISTER FOR EDUCATION: The effect of the proviso will be to make it difficult to obtain a conviction against an offender. All an employer would have to do would be to post up the notice and the employees could then charge what they liked. The employer could then say that the employees imposed the charge against his will and he could pocket the proceeds and nothing further would be done. We must make the employer responsible for the act of his employees just as we do at the present time under the Licensing Act.

Hon. J. J. HOLMES: The majority of members are most anxious that if an employer or a merchant storekeeper does act contrary to the instructions of the Commissioner he shall be liable, but it is not a fair thing that the employer should be liable for the act of his servant without putting some responsibility on the servant. The employer and the servant must abide by the decision when a price is fixed. We are on dangerous ground when we put the employee in this position that he can make his employer a criminal.

Hon. A. Lovekin: Quite contrary to the employer's instructions.

Hon. J. J. HOLMES: I think we should report progress on this clause so that we may consider something by which we could catch the employer and the employee as well.

Hon. J. J. NICHOLSON: I agree with that view. It is the duty of the Government to treat everyone fairly. We cannot overlook the fact that any breach of the section immediately becomes an offence. An employer is held liable, but there are cases where he is excused. The Licensing Act is totally different from this measure, and

moreover, the penalties under the Licensing Act are small compared with the penalties proposed in the Bill.

**The MINISTER FOR EDUCATION:** If we were introducing in this clause any novel provision I would at once agree to the suggestion that the further consideration of the clause be postponed, but we are simply indicating provisions which appear in all legislation of the kind. If hon. members can find any justification for the course they suggest, it will be possible to recommit the clause and I shall offer no objection to that. In connection with a breach of the Licensing Act hon. members know that a hotel-keeper can have his livelihood taken from him. There is nothing more serious than that, but if an employer is able to prove to the bench that it was against his instructions that his employee did a certain thing, the bench deals with the case accordingly.

**Hon. J. Nicholson:** The words of Sub-clause (2) are not in the Licensing Act.

**The MINISTER FOR EDUCATION:** I am aware of that. But the hon. member knows that if the offence is committed under the Licensing Act it is not an excuse on the part of the licensee to say that the employee did it without his knowledge, although that may be taken in mitigation of the offence. The words in the clause simply make it an offence, and therefore the seller cannot set up as a defence that it was against his instructions, but he is quite at liberty to plead that in mitigation.

**Hon. G. J. G. W. MILES:** I venture to say that the Minister cannot show us in any Act a provision under which the employer is liable to imprisonment for an action of his employee, although he may be liable to a fine. Unintentionally, the Minister is misleading the Committee.

**Hon. A. H. PANTON:** One would think the employee was the only person the Bill would have to catch. What the Minister says is quite correct. Day after day we see employers being charged for the actions of the employees. What benefit would it be to the employee to sell an article at a higher price than is permitted? The employee is bound by the regulations of the house to issue a receipt, which makes it impossible for him to sell at a price other than is provided in the price list.

**Hon. A. Lovekin:** Suppose he has a grudge against the employer.

**Hon. A. H. PANTON:** I do not think a man would risk his situation to vent a grudge against his employer. It is a poor old argument to put up in favour of the amendment.

**Hon. H. CARSON:** I scarcely think the amendment is necessary, because in Clause 16 it is definitely stated that the dealer has to prominently display his price list. Surely no employee would overcharge a customer in face of that. Therefore, what necessity is there for the amendment?

**Hon. A. Lovekin:** But if Clause 16 is not complied with would you send the employer to gaol?

**Hon. H. CARSON:** I will support the clause as it stands.

**Hon. J. J. HOLMES:** I think there is need for the amendment. In spite of what the Minister says, I do not think I have ever seen such a provision in any other legislation. It is providing for sending an innocent employer to gaol for the action of his disobedient employee.

**Hon. A. LOVEKIN:** The object of the amendment is to save the employee. If the price list is displayed the employee is excused from departing from that list. I challenge the Minister to point to any other legislation carrying a provision which makes the employer liable to imprisonment for an act of the employee contrary to the employer's instructions. This is a very serious provision, and I ask the Minister to report progress until to-morrow.

**The Minister for Education:** I have already explained that to-morrow I shall offer no objection to a recommitment of the clause.

**Hon. A. SANDERSON:** I do not see why we cannot decide the question to-night. I shall have no hesitation in supporting the amendment. To say that the provision appears in any existing Act is a very good reason for putting it out of the Bill.

**Hon. J. EWING:** I fail to see why the Minister should not report progress on this clause. I agree that the onus should not be on the employer.

**Hon. R. J. LYNN:** It is just as reasonable to assume a dishonest employer as to assume a dishonest employee. If the employer were to enter into collusion with his employee, between them they could take down the public, and the employer would be exempt from prosecution.

**Hon. A. Lovekin:** But the public would see the price list.

**Hon. R. J. LYNN:** In which case the public will pay no more than the price marked up. In the event of collusion, the employer must not be held exempt. If the employee were to overcharge a customer merely to vent a grudge against the employer, what would he get himself? He would certainly lose his employment, and would be black-listed virtually throughout the State. If it could be shown to the court that the employee was so dishonourable as to charge an unfair price merely to secure a prosecution against the employer, the court would not punish the employer; at most, the court would fine him 1s.

**Hon. A. Lovekin:** Is that just?

**The Minister for Education:** The court is not bound to fine the employer at all.

**Hon. R. J. LYNN:** In any case it seems like making a mountain out of a molehill.

**Hon. A. LOVEKIN:** What I contend is that an employer should not be liable to conviction and even imprisonment for the action of a disobedient employee. Under the clause, if the case is proved, a conviction must be recorded, notwithstanding that the employer's instructions were disobeyed. It is quite contrary to British justice.



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

Ayes	9
Noes	8
Majority for	1

## AYES.

Hon. J. Ewing	Hon. J. Mills
Hon. J. A. Greig	Hon. J. Nicholson
Hon. J. J. Holmes	Hon. A. Sanderson
Hon. A. Lovekin	Hon. E. Rose
Hon. G. W. Miles	(Teller.)

## NOES.

Hon. H. Carson	Hon. H. Millington
Hon. H. P. Colebatch	Hon. A. H. Pantou
Hon. J. Cunningham	Hon. A. J. H. Saw
Hon. R. J. Lynn	Hon. C. McKenzie
	(Teller.)

Amendment thus passed.

Hon. A. LOVEKIN: I move a further amendment—

That in line 9 the word "and" be struck out, and the following added to stand as Subclause 3:—"any purchaser may by action in a court of competent jurisdiction recover from the seller the excess price of any foodstuffs or necessary commodities purchased by him."

Amendment put and passed.

Hon. A. LOVEKIN: I move a further amendment—

That in line 7 of Subclause 3 after the word "defendant" there be inserted, "unless the contrary be proved."

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

Clause 12—agreed to.

Clause 13—Prices fixed will apply to sale under contract:

Hon. A. LOVEKIN: I move an amendment—

That in line 3 after the word "date" there be inserted "unless the seller establishes proof that he cannot sell otherwise than at a loss or."

Consignments may come along after the price has been fixed, and if the seller is obliged to sell them at the price which has been fixed he may make a loss. I want to protect him from such loss.

The MINISTER FOR EDUCATION: The protection already provided in the subclause is quite sufficient. The effect of the amendment would be that certain persons would be required to sell at one price and others would be entitled to charge a higher price.

Hon. A. LOVEKIN: I do not want a man to be forced to sell if by selling he will sell at a loss.

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

Ayes	8
Noes	9
Majority against	1

## AYES.

Hon. J. A. Greig	Hon. J. Mills
Hon. J. J. Holmes	Hon. J. Nicholson
Hon. A. Lovekin	Hon. A. Sanderson
Hon. R. J. Lynn	Hon. G. W. Miles
	(Teller.)

## NOES.

Hon. H. P. Colebatch	Hon. A. H. Pantou
Hon. J. Cunningham	Hon. E. Rose
Hon. J. Ewing	Hon. A. J. H. Saw
Hon. C. McKenzie	Hon. H. Carson
Hon. H. Millington	(Teller.)

Amendment thus negatived.

Clause put and passed.

Clause 14—Refusal, etc., to sell at fixed price:

Hon. A. LOVEKIN: This clause compels a person to sell except under certain circumstances. I suggest that we have not yet reached the stage when we can confiscate the goods or property of a person. I move an amendment—

That at the end of Subclause 2 the following be added to stand as paragraph (c) "that by selling he would suffer loss."

The MINISTER FOR EDUCATION: I think that is exactly the same amendment as we have already disposed of.

Hon. J. J. HOLMES: This clause bears an entirely different aspect. It is confiscation pure and simple. If we can compel a man to sell his goods, we can compel a man to sell his labour, and that is slavery.

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

Ayes	8
Noes	9

Majority against .. 1

## AYES.

Hon. J. J. Holmes	Hon. J. Mills
Hon. A. Lovekin	Hon. J. Nicholson
Hon. R. J. Lynn	Hon. A. Sanderson
Hon. G. W. Miles	Hon. J. A. Greig
	(Teller.)

## NOES.

Hon. H. Carson	Hon. H. Millington
Hon. H. P. Colebatch	Hon. A. H. Pantou
Hon. J. Cunningham	Hon. A. J. H. Saw
Hon. J. Ewing	Hon. E. Rose
Hon. C. McKenzie	(Teller.)

Amendment thus negatived.

Clause put and passed.

Clause 15—Sale subject to conditions in restraint of trade prohibited:

Hon. J. NICHOLSON: I move an amendment—

That the following proviso be added to the clause:—"Provided always that where any condition, stipulation, or agreement as aforesaid, is approved in writing by the Commissioners, then the same shall be law-

ful and shall not be deemed to be in restraint of trade nor be an offence under this Act."

If any condition is imposed, it should be approved by the Commissioners.

The MINISTER FOR EDUCATION: I see no objection to the amendment.

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

Clause 16—agreed to.

Clause 17—Percentage of profit to be ascertained:

Hon. A. LOVEKIN: The clause reads—

The Commissioners may ascertain, and may state in any report upon which their recommendation for the fixing of prices is based, the percentage of profit made during any specified period by any trader in any business to which the report relates, on the amount of capital (including borrowed money) employed by the trader in such business.

I move an amendment—

That all the words after "Commissioners," in line 1, be struck out, and the following inserted in lieu:—"in recommending the fixing of any price under this Act may in their report to the Minister state the basis on which such price was arrived at."

Business cannot be carried on under the clause as it stands. What has the capital embarked in a business to do with the product of that business? A lady who is endeavouring to establish the use of whole wheaten foods, demanding a capital of perhaps £50, would require a very large percentage indeed of profit in order to exist at all, whilst a factory with a capital of, say, £50,000, could do very well on a percentage which in comparison would be trifling. The Commissioners must have discretion to take into account all the circumstances and all the conditions. The clause as it stands will not do at all.

The MINISTER FOR EDUCATION: These powers of the Commissioners are purely permissive. The Commissioners are not bound to state the profit, and consequently they would not state it in such cases as Mr. Lovekin has suggested. I would not object to the adding of the words of the amendment to the clause if the hon. member thinks that the hands of the Commissioners are tied by the clause in any way.

Hon. A. LOVEKIN: Why lead the Commissioners even to think that they have to consider the percentage of profit on capital? Why not give them a free hand and full discretion to make any report they please? What has "borrowed money," for instance, to do with the question?

The MINISTER FOR EDUCATION: Members who have read the report of the Interstate Commission on clothing will recognise that one of the most pertinent features was the percentage of profit on the

capital invested. There might be many cases in which the percentage of profit would have little, if any, bearing on the prices to be fixed, but it is only right that the commission should have the power to ascertain and report on that point, if desired.

Hon. G. J. G. W. MILES: I think Mr. Lovekin is wrong in his contention that capital and turnover are not factors in fixing prices. They are the main factors, and the commissioners should have the power to ascertain what they are. Where the turnover is limited, the price must be higher than in the case of a big turnover, and the amount of capital must be considered so that the commissioners shall see that traders make only a fair profit on the capital invested.

Hon. J. J. HOLMES: Capital and turnover play a very important part in the fixing of prices. If prices are fixed on this basis, the small trader will be wiped out and the big trader will be established. For instance if the firm of Jones supplied a big merchant with 500 cases of jam at a specified price, they would sell a smaller merchant 50 cases at a higher price, and a storekeeper who wanted five cases would have to pay still more. If the commission considered the turnover on the basis of the big merchant's purchases at the lower price, the smaller traders must be wiped out, thus resulting in a monopoly of trade, and the last stage would be worse than the first. Then the commission will have to consider the man who can borrow money at 5 per cent. as against the smaller man who has to pay 8 per cent. Some members claim that this is a democratic House; I think it is just the opposite. The amendment is desirable.

Hon. R. J. LYNN: The amendment should appeal to Mr. Miles because the Commissioner, in recommending the fixing of any price, may state the basis on which such price is arrived at. That is exactly what we want. In fixing the basis in the outback districts, the commissioners will have to consider the landed cost and the percentage requisite to give a reasonable living on the turnover in that district. The amendment will not interfere with the Bill.

Hon. A. LOVEKIN: The Minister will see that the grantor includes the less and that the Commissioners should have the wider power to state the basis.

The MINISTER FOR EDUCATION: The clause gives the commissioners power to ascertain these things and, if that power is struck out, there is no other provision under which they may ascertain the profits. If the powers are not wide enough, I do not object to the addition of words which will make them wider, and enable the basis to be stated, but I object to striking out the words providing for the basis on which the commissioners shall work.

Hon. A. Lovekin: In the earlier clauses, the commissioners have complete power to ascertain everything.

Hon. J. J. HOLMES: Another dangerous feature of the clause is that all these reports are to be laid on the Table of the House. If the business of traders relating to capital

and turnover and borrowings is to be made public in this way, some traders might be ruined.

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

Ayes	..	..	7
Noes	..	..	9
Majority against			2

#### AYES.

Hon. J. Ewing	Hon. J. Nicholson
Hon. J. J. Holmes	Hon. A. Sanderson
Hon. A. Lovekin	Hon. R. J. Lynn
Hon. J. Mills	(Teller.)

#### NOES.

Hon. H. Carson	Hon. A. H. Pantou
Hon. H. P. Colebatch	Hon. E. Rose
Hon. J. Cunningham	Hon. A. J. H. Saw
Hon. C. McKenzie	Hon. H. Millington
Hon. G. W. Miles	(Teller.)

Amendment thus negatived.

Clause put and passed.

Clause 18—Pending determination of prices, dealers to notify intention to increase:

Hon. A. LOVEKIN: Under this clause seven days' notice is required. If, owing to circumstances over which the merchants have no control, it is necessary to increase the price of butter, must the butter be held for seven days while notice is given to the commissioners to think about it?

The MINISTER FOR EDUCATION: No such emergency is likely to arise. This is merely to protect the public against increases pending the commissioner's decision.

Hon. A. Sanderson: Does it mean that directly this Bill becomes law, the clause shall be put into operation?

The MINISTER FOR EDUCATION: When the measure has been passed and districts have been proclaimed, the price of any article prescribed by regulation may not be increased without notice having been given.

Hon. A. LOVEKIN: What would happen in the case of butter brought over by railway to meet a scarcity? It might be necessary to increase the price to meet the heavier freight charges, and the merchants could not sell it until seven days' notice had been given, when the butter would probably be bad.

The Minister for Education: That would not be the case. The Commission could at once alter the price.

Hon. A. J. H. SAW: Mr. Lovekin missed the opening words of the clause, "pending the determination of prices as aforesaid."

Clause put and passed.

Clause 19—Declaration of secrecy:

Hon. A. LOVEKIN: I move an amendment—

That the following words be added to Subclause 2:—"Penalty £100, or twelve months imprisonment.

The MINISTER FOR EDUCATION: There is no need for the amendment. The next clause provides that any person guilty of an offence against this Act shall on conviction be liable to a fine not exceeding £500 etc.

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

Clauses 20, 21—agreed to.

Clause 22—Duration of Act:

Hon. A. LOVEKIN: I move an amendment—

That the words "thirty-first day of December" be struck out and "thirtieth day of September" inserted in lieu.

If we alter the date to the end of September, Parliament will then have been in session for two or three months, and by that time we shall know how the measure has worked. If the measure has not proved useful, then it can be ended.

The MINISTER FOR EDUCATION: I hope the amendment will not be agreed to. The hon. member apparently has forgotten that the House carried the second reading of the Bill by 19 votes to 4, and moreover it is desirable to have uniformity in regard to all Acts which have a limited life. In addition the date, 31st December, is one of convenience.

Amendment put and negatived.

New clause—Secretary and other officers:

The MINISTER FOR EDUCATION: I move—

That the following new clause be added to the Bill:—"The Governor may appoint a secretary to the commissioners and such other officers to assist in the execution of this Act as may be deemed necessary."

This was an omission on the part of another place.

New clause put and passed.

New clause:

Hon. A. SANDERSON: I move—

That the following new clause be added to the Bill to stand as Clause 23:—"The provisions of this Act shall apply to all State trading concerns."

If the Minister assures me that the Bill will apply to State trading concerns without this new clause I will not press it. The object is to put all traders on terms of equality.

The MINISTER FOR EDUCATION: I can assure the hon. member that the provisions of this measure will apply to all State trading concerns. The Minister fixes prices in regard to all State trading concerns now.

Hon. A. SANDERSON: Unless such a clause is put in, the commissioners for their own protection, will not make recommendations with regard to State trading concerns.

New clause put and negatived.

Schedule—agreed to.  
Bill reported.

### BILLS (3)—FIRST READING.

- 1, Coolgardie Goldfields Water Supply Loan Act Amendment.
  - 2, Treasury Bonds Deficiency.
  - 3, Industries Assistance Act Amendment.
- Received from the Assembly.

*House adjourned at 11.15 p.m.*

## Legislative Assembly,

*Tuesday, 25th November, 1919.*

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

### RESOLUTION—PEACE.

His Majesty's Thanks.

Mr. SPEAKER: I have received the following message from His Excellency the Governor:—

The Governor has the honour to inform the Hon. the Speaker that a copy of the resolution passed by the Legislative Assembly on the 31st July last, has been laid before His Majesty the King, and that he has been commanded to convey to the members of the Legislative Assembly

His Majesty's thanks for their message of congratulation. (Sgd.) William Ellison-Macartney.

### QUESTION—RAILWAYS, FIREWOOD HAULAGE.

Mr. MUNSIE asked the Minister for Railways: 1, On what date was the agreement signed between the Government and the Kurrawang Firewood Company to lay a tram line from Kurrawang to Lakeside, and for what period? 2, The period with regard to the concession to the Lakeside Company to run over the Government line from Lakeside to Kamballie?

The MINISTER FOR RAILWAYS replied: 1, The agreement is not yet signed, although the conditions have been complied with. 2, At the will of the Government.

### QUESTION—NATIONAL WORKERS, COMPENSATION, ETC.

Mr. TROY asked the Colonial Treasurer: 1, What amount has been expended to date on National volunteer workers, compensation, wages, and other expenses? 2, How was the money disbursed, and through whom? 3, What were the amounts paid to agents, if any, for disbursement?

The COLONIAL TREASURER replied: 1, (a) Compensation, wages, and other expenditure, £3,282 15s. 11d.; (b) cost of Royal Commission, £360 11s. 3d.; total, £3,643 7s. 2d. 2, Paid in lump sums on production of receipts by Robinson, Cox, Jackson, and Wheatley, solicitors. 3, Answered by (1) and (2).

### QUESTION—POSTPONEMENT OF DEBTS ACT.

Payment to Commissioner.

Mr. TROY asked the Colonial Treasurer: 1, Is he aware that the sum of £150, provided on the Estimates for the year 1918-19 for payment to the commissioner under the Postponement of Debts Act, 1914, was struck out by Parliament? 2, Has the amount been paid? 3, If so, to whom was it paid, and why was the expressed decision of Parliament contemptuously set aside?

The COLONIAL TREASURER: 1, Yes. 2, Yes, and the item continued by Parliament on the current Estimates. 3, To Mr. L. E. Shapecott, on the instruction of the Government of the day.

### BILL (3)—FIRST READING.

- 1, Ajana—Geraldine Railway.  
Introduced by the Minister for Works.
- 2, Roads Closure.  
Introduced by the Premier.
- 3, Factories and Shops.  
Introduced by the Minister for Mines.