

Legislative Council,

Wednesday, 21st September, 1938.

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

QUESTION—SUSTENANCE, UNEMPLOYMENT RELIEF.

Number of Recipients.

Hon. H. SEDDON asked the Chief Secretary: How many persons received sustenance or other unemployment relief during each of the months May, June, July and August, 1938?

The CHIEF SECRETARY replied: May, 6,574; June, 6,634; July, 6,627; August, 6,861.

MOTION—ABATTOIRS ACT.

To Disallow Regulation.

Debate resumed from the previous day on the following motion by Hon. C. F. Baxter (East)—

That No. 34 of the regulations made under the Abattoirs Act, 1909-1931, as published in the "Government Gazette" on the 14th April, 1938, and laid on the Table of the House on the 9th August, 1938, be and is hereby disallowed.

HON. G. B. WOOD (East) [4.35]: I understand that the mover of the motion desires to have it withdrawn. Therefore, I have nothing to say on it.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [4.36]: With regard to the motion, I wish to state that monthly sales are held at Mundijong, Armadale, Serpentine and Pinjarra, and that if supplies warranted it, sales would be held in other districts. As to slaughter houses, on the 22nd June last the Agricultural Depart-

ment wrote to the Wanneroo, Chittering, Swan, Mundaring, Armadale-Kelmscott, Serpentine-Jarrahdale, and Rockingham road boards—these being the districts affected by the proclamation—requesting them to notify the department of the names of all persons having slaughter-houses in their respective districts. Replies were received indicating that only three slaughter-houses were affected by the proclamation. Those at Mundijong and Serpentine have been given permits, while a permit will shortly be issued to the third slaughter-house, that at Wooroloo. These facts dispose of the arguments used by the mover in opposition to the regulation.

HON. C. F. BAXTER (East—in reply) [4.38]: Meeting the Solicitor-General in the street ten days ago, I was informed by him that the disallowance of regulation No. 34 would mean that slaughtering could be done in any part of the area. On his advice I investigated the whole of the regulations involved, and came to the same conclusion. Unfortunately, I let the matter go last night, though I interjected to the Chief Secretary, when that hon. gentleman was speaking, that I found the whole of the regulations would be repealed if my motion was carried. I am objecting to No. 34 only. However, the disallowance of that regulation would result in an unfortunate state of things, one which I certainly do not wish to see brought about. Therefore I ask leave to withdraw the motion.

Motion, by leave withdrawn.

MOTION—HEALTH ACT.

To Disallow Rescission of Schedule to Regulations.

Debate resumed from the previous day on the following motion by Hon. C. F. Baxter (East):—

That the amendment rescinding Schedule B of the regulations under the Health Act, 1911-1937, as published in the "Government Gazette" on the 15th July, 1938, and laid on the Table of the House on the 9th August, 1938, be and is hereby disallowed.

HON. A. THOMSON (South-East) [4.40]: When speaking to the motion, Mr. Fraser said there was much confusion and misunderstanding about the health regulations. In my opinion, much of the confu-

sion is due to the fact that insufficient information was furnished to members. For instance, the regulations we are now discussing are made under the Health Act, 1911-1937. The notification in the "Gazette" states—

..... His Excellency the Lieut.-Governor, by and with the advice and consent of the Executive Council and on the advice of the Advisory Committee, doth hereby amend the regulation published in the "Government Gazette" on the 1st day of November, 1935, and the 14th day of February, 1936, as follows:—Schedule B is rescinded and the following substituted in lieu

Members would be much assisted if, on future occasions when a regulation is being altered, the regulation sought to be amended were placed in the file. For instance, I could not find Schedule B to the Health Act. I turned up the Act and found that there were only two schedules to it, but no Schedule B. The explanation, of course, is that Schedule B is a schedule to the regulations. I suggest to the Chief Secretary that matters would be simplified if he adopted the suggestion I have made.

The Chief Secretary interjected.

Hon. A. THOMSON: Hon. members make what they deem to be reasonable objections to the regulation, then the Minister makes an explanation, and between the multiplicity of opinions members become confused. They are unable to vote intelligently on the motion.

The Chief Secretary: I told the House that the motion would not have the effect the mover said it would.

Hon. A. THOMSON: We have the opinion of the Minister and also the opinion of Mr. Baxter. Had the regulations been placed before us, we would have been able to understand the matter more clearly. I honestly believe no member desires that the inspection of meat should in any way be relaxed. Apparently there has been a good deal of misunderstanding. In the opinion of some members, the extension of the abattoirs area by proclamation would inflict hardship on some people living within the area. We should do our utmost to conserve and protect public health, but should not by regulation impose hardships on people living further out and yet within the 12-mile radius.

HON. C. F. BAXTER (East—in reply) [4.45]: This motion, and the one that preceded it, have been fully discussed. The

previous motion for disallowance, on which we voted a week ago, was passed by a two to one majority, and by that motion the area for inspection and branding has been increased to a radius of 25 miles from the General Post Office. The only difference is that the present regulation takes in the area proclaimed under the Abattoirs Act, that is, the 25-miles radius, plus the extension to the extremity of any road district through which the circumference of the circle passes. The difference is that this regulation takes in any road district outside the 25-mile radius that strikes on to that line. I trust members will stand four-square and reject the regulation and so protect the local governing bodies in their desire to control slaughtering within their districts. Thus the interests of the local producers will be protected. Regulations can be framed under the Abattoirs Act to prevent dealers from taking cattle into those areas.

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

Ayes	14
Noes	9

Majority for .. 5

AYES.

Hon. C. F. Baxter	Hon. V. Hamersley
Hon. L. B. Bolton	Hon. J. M. Macfarlane
Hon. J. Cornell	Hon. W. J. Mann
Hon. J. A. Dimmitt	Hon. H. V. Piesse
Hon. J. T. Franklin	Hon. A. Thomson
Hon. G. Fraser	Hon. G. B. Wood
Hon. E. H. H. Hall	Hon. H. Tuckey

(Teller.)

NOES.

Hon. E. H. Angelo	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. H. S. W. Parker
Hon. E. H. Gray	Hon. H. Seddon
Hon. W. R. Hall	Hon. T. Moore
Hon. J. J. Holmes	

(Teller.)

Question thus passed.

BILLS (3)—THIRD READING.

- 1, University Building.
 - 2, Pensioners (Rates Exemption) Act Amendment.
 - 3, Mullewa Road Board Loan Rate.
- Passed.

PAPERS—IRON ORE DEPOSITS NORTH OF DERBY.

HON. W. J. MANN (South-West) [4.54]: I move—

That all papers and files (including correspondence, applications, agreements, etc.) received and/or dealt with by the Government in

connection with iron ore deposits north of Derby be laid on the Table of the House.

My reason for moving the motion is that there appears to be a good deal of ignorance in the public mind as to the real position regarding the Yampi Sound iron ore deposits. The Premier, in moving the motion in another place, painted a lurid word picture of the effect that the embargo would have upon this State. He alleged iniquitous misuse by the Commonwealth Government of its powers; he referred to a terrific blow aimed at the welfare of the State; he spoke of a deathblow to the North and of the prevention of an industry that would have had a tremendously important effect upon the life of the State. Then he proceeded to submit estimates of probable returns, but beyond that we have no particulars. Surely there is much more information that could have been supplied and of which Parliament and the people could be apprised.

The Chief Secretary: What sort of information?

Hon. W. J. MANN: The files will disclose that.

The Chief Secretary: They have been laid on the Table of another place.

Hon. W. J. MANN: I understand that only the applications were tabled in another place in 1936, but I presume there must have been a number of additional communications since then. I am not asserting that the papers contain anything of an unworthy nature, but I do suggest that there must be a quantity of important information on the subject. The Federal Government, belatedly I admit, gave as one reason for imposing the embargo, the fact that it was unaware of the extent of these important ore deposits within the Commonwealth, and that until the actual position had been ascertained, no further export of iron ore would be permitted. Some people might have concluded that the embargo was aimed particularly at this State, but that cannot be so because it refers to the whole of the Commonwealth and not particularly to Western Australia. Members must agree, I think, that that is a valid reason for the Commonwealth's action, although the justification was advanced somewhat belatedly. I have searched the various avenues open to me to ascertain whether there is any estimate of the iron ore deposits in Australia, but I have been unable to find any. Maybe a perusal of the papers

sought will throw some light on the position and enlighten us as to the calamities mentioned by the Premier. On the other hand, it may be demonstrated that the Federal Government has made a mistake as regards this State, and we may even find something in the files to cause some members of this House to change their opinions. Whatever the position may be, Parliament and the people are entitled to the fullest information, and I hope members will support me in the endeavour to procure all the facts that are available.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.0]: The hon. member will not require the support of other members in this matter. The Government has no objection to placing the papers on the Table of the House, and I shall make them available at the next sitting.

Question put and passed.

BILL—FAIR RENTS.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [5.1] in moving the second reading said: The Bill represents a further attempt to place on the statute-book legislation affording a measure of protection to a section of the community that is compelled to pay rent.

Hon. A. Thomson: Are you sure it is not a bit of kite-flying?

The HONORARY MINISTER: No member can accuse the Government of kite-flying. Ministers have been most consistent in their endeavours to place legislation of this description on the statute-book. The Bill is similar to the measure introduced last session. Its purpose is to enable tenants to apply to the local court to have fair rents determined for the houses they occupy. The last census disclosed that approximately 39 per cent. of the private dwellings and tenements in the various States of the Commonwealth were let to tenants. The return also revealed that in this State 31,398 private houses and 2,725 tenements and flats were occupied in this manner. Members will realise, therefore, that the rent question is a matter of vital concern to a large proportion of our population. The Bill has been brought forward only because so many

workers are unable to obtain a tenancy at a reasonable rental.

We have been told from time to time that the solution of the housing problem is bound up with the construction of homes for the people. If we could guarantee security of employment for the worker and eliminate the conditions that necessitate the transference of labour from one part of the State to another, that contention would be amply justified, but so long as present conditions persist, a large percentage of our population will be compelled to live in rented dwellings, and opportunities will continue for their exploitation by greedy landlords. As members are aware, the Arbitration Court, in determining the basic wage, takes into consideration the average rentals for four- and five-roomed houses. Naturally it follows that where the rent paid by the breadwinner is in excess of the average accepted by the court, the worker's standard of living is correspondingly reduced below the level to which the court says he is entitled. Considerable discrepancies sometimes exist between the minimum and maximum rents on which the average is fixed. A number of factors may enable the landlord to exact a rental well above the average of the division concerned.

Where a worker is compelled by circumstances to live near his work, he may have to pay a much higher rate than if he were able to take advantage of the full supply of houses in, say, the whole of the metropolitan area. Advantage is also taken of conditions that arise from a sudden transference of labour from one part of the State to another. In the goldfields districts, for example, the influx of workers and their dependants that followed the revival of the mining industry has resulted in an acute housing shortage. That phase cannot fail to induce members representing goldfields areas to support the Bill. They know from actual experience that extortionate rents are being charged for houses in Kalgoorlie and Boulder, and will be able to give the House some indication of the impositions by landlords who care little for the lives and comfort of those to whom they let their houses. They are content to exact from miners and other workers the highest rentals possible; their attitude has given rise to grave injustices and has lowered the standard of living on the goldfields. This unsatisfactory condition of affairs is exempli-

fied more on the goldfields than elsewhere in Western Australia.

Hon. W. J. Mann: Is the Bill to apply to the goldfields areas only?

The HONORARY MINISTER: No; such legislation is required in Perth and Fremantle and also in at least some portions of the country areas. When I was in the North, I was surprised to learn of the high rentals charged for houses that were merely tenements. Members will appreciate, therefore, that the housing problem more or less affects workers all over the State. There is a definite shortage of houses in Perth and Fremantle, and that enables landlords to charge high rentals. The passing of legislation of this kind will not affect all landlords, because many are content to charge fair rentals, but others seek to extract the last penny possible from their tenants. As a result, landlords have been able not only to ask extortionate rentals from new arrivals, but also to force lessees of long standing to accept much more burdensome terms than those provided in former agreements. Other cases may be cited to show how circumstances have so favoured the landlord that he can demand and obtain a rental bearing no reasonable relationship to the capital value of his house. That applies particularly to premises on the goldfields. Whichever way we view the question of rents, the fact remains that in the matter of bargaining the landlord has a distinct advantage over the tenant class.

Hon. A. Thomson: Not always.

Hon. J. J. Holmes: In what way?

Hon. H. V. Piessé: That statement is very questionable.

The HONORARY MINISTER: Workers must have houses, and if there is a shortage in particular areas, the landlords can demand the highest rentals possible.

Hon. H. V. Piessé: But they cannot always collect their rentals.

Hon. J. J. Holmes: When they try to collect their rentals, they then find out who is in the better position—the landlord or the tenant.

The HONORARY MINISTER: There are instances of tenants neglecting to pay their rents, but the landlords generally receive their dues.

Hon. H. Seddon: Tell us some of your own experiences.

The HONORARY MINISTER: I am regarded as a good landlord—from a landlord's point of view! Before collective bar-

gaining became general, the employer enjoyed a similar advantage over the unorganised workers, and was able to exploit the position to the limit. The law of supply and demand operated in those days, too, but because there was no elasticity in the supply of labour, wage rates were dictated by the employer. To-day we find the same general lack of elasticity in the demand for houses. The tenant must have a roof over his head whatever the rent may be. This problem has not escaped recognition in other parts of the world, and various countries have from time to time initiated fair rents legislation. On previous occasions the experience gained in New South Wales has been mentioned as affording striking evidence in support of the case for the regulation of rents. In a letter received by the Crown Law Department some years ago the Registrar of the Fair Rents Court in that State said—

There is no question that the Fair Rents Act has been of great benefit to a very large number of tenants, of whom those actually applying to the court may be taken to be a very small number. Many landlords treat their tenants with regard to rent and other matters with due regard to the moral obligations imposed upon them as owners of property in which human beings live; but there are others, unfortunately, who, as a hard business proposition, appear to consider themselves justified in exacting the last shilling in the way of rent and spending the smallest sum in keeping their houses in order and providing for the health and convenience of their tenants. Some of the agents victimise the tenants by raising the rent out of all proportion to the value of the property, in order to procure the sale of properties by guaranteeing the purchaser a larger net return than he is entitled to under the Act. There is no doubt that the Act gives a certain measure of relief to such tenants.

The Bill proposes to vest jurisdiction in local courts to determine rents and exercise other powers conferred under the measure, the application of which is confined to dwelling houses when the fair rent does not exceed £156 per annum. Calculation of the fair rent will be based on the capital value of the dwelling house at the time of the receipt of the application. Such capital value shall be the capital sum which the fee simple of the property comprising the house and land might be expected to realise if offered for sale upon such reasonable terms and conditions as a bona fide seller would require. The fair rent determined

on this basis will be equivalent to a return on the capital value of not less than $1\frac{1}{2}$ per cent. above the current rate of interest charged upon overdrafts by the Commonwealth Bank.

Hon. A. Thomson: What is the current rate of interest charged on overdrafts by the Commonwealth Bank?

The HONORARY MINISTER: I am not quite sure, but I think it is $4\frac{1}{2}$ per cent.

Hon. C. F. Baxter: It is more like 6 per cent.

The HONORARY MINISTER: It may be 5 or 6 per cent., but it must be remembered that, while the fair rent to be determined must be equivalent to a return on the capital value of not less than $1\frac{1}{2}$ per cent. above the current rate of interest charged upon overdrafts by the Commonwealth Bank, it must also include allowance for annual rates, maintenance, repairs and renewals and insurance on buildings, as well as an allowance for depreciation if such depreciation diminishes the letting value of the house.

Hon. J. J. Holmes: Is any allowance to be made for houses not occupied?

The HONORARY MINISTER: Of course, that will be taken into consideration.

Hon. J. J. Holmes: You have not said so.

The HONORARY MINISTER: I have indicated the basis upon which the rental will be determined, and other factors will be placed before the magistrate. At any rate, it would be almost impossible to find a decent house unoccupied in the metropolitan area.

Hon. H. Tuckey: The landlord will get a return of less than 6 per cent. on his outlay.

The HONORARY MINISTER: The landlord will get at least $1\frac{1}{2}$ per cent. above the Commonwealth Bank overdraft interest rate. Does the hon. member require more than 6 per cent. on his outlay?

Hon. G. B. Wood: Of course, on house property.

Hon. H. Tuckey: There is the question of depreciation.

Hon. J. J. Holmes: And rates and taxes.

The HONORARY MINISTER: Allowance is made under those headings.

Hon. G. Fraser: The landlord will get 6 per cent. clear.

The HONORARY MINISTER: According to the statements of some members regarding the Commonwealth Bank interest rate, he may get 10 per cent.

Hon. C. F. Baxter: I would not like to build houses with this threat over my head.

The HONORARY MINISTER: Applications for determination may be made by any lessor or lessee. To be eligible to apply to the court, lessees must have paid all rent due, unless they can show that any failure to pay is justifiable in the circumstances. Any mortgagee shall be entitled to notice of the application and to be a party to the proceedings. The duration of the determination shall be for 12 months, and while it is in force no application shall be made for a variation unless the applicant, where he is a lessor, can show that he has made substantial alterations or additions, or that his outgoings have increased; or, in the case of a lessee, that repairs to the amount allowed for have not been effected.

The Bill provides that no dwelling house shall be let at a rate exceeding the fair rent determined by the court. Contracting out of the proposed Act will be void. Threats against lessees or lessors, boycotts, and similar acts to the detriment of either party will be offences punishable on summary conviction. While any determination is in force, the lessee will be entitled to enjoy security of tenure so long as he duly pays his rent, performs the conditions of his lease, and behaves in a tenant-like manner. Any breach of these conditions may result in the tenancy being terminated at 28 days' notice. We provide, however, that the court may declare the lessor entitled to possession at any time in any circumstances that appear to the court to be just, or where the lessor has sold the house, or requires the premises for his own occupation.

Those are the main provisions of the Bill. Many attempts have been made to place legislation of this kind on the statute-book. I remind members that the people entitled to our protection comprise a large proportion of the community. The proposed Act will not affect the decent landlord, but it will give protection to the workers that are unable to buy dwellings for themselves and are forced by circumstances to pay rent. Such people have a right to demand protection from Parliament. As a result of the debates that have taken place in the Chamber on similar measures, members should by this time realise their responsibility to the rent-paying section of the community, and particularly to those on the goldfields. I trust that the Bill will receive the serious

consideration of all members, and that it will prove acceptable. I move—

That the Bill be now read a second time.

HON. E. H. H. HALL (Central) [5.19]: I intend to support the Government's endeavour to provide that reasonable rents shall be paid by those of the community whose circumstances do not permit them to meet the exorbitant charges that are being made. I supported a similar measure last year, and make no apology for approving of this Bill. I only wish the Government had followed the fine example set by the Government of New South Wales, which introduced legislation to provide for a co-operative scheme of house building. I am indebted to Senator R. V. Keane for a brochure dealing with the subject of housing. Probably all members have received a copy of the brochure, but some may not have done so, and others may not have had time to read it. I therefore ask the indulgence of the House while I read a few quotations. Senator Keane states—

Nearly 40 years ago it was possible for a wage earner in the principal Australian cities to rent a reasonably comfortable cottage with three bedrooms for 8s. a week.

That statement seems to be almost incredible, but there is no doubt that house rents are very much higher now than they were 20 years ago.

Several members interjected.

The PRESIDENT: Order! I must ask members to allow Mr. Hall to proceed.

Hon. E. H. H. HALL: If members have finished interjecting, I will continue. Senator Keane proceeds—

Although wages were then much lower—

Members: That is better!

Hon. E. H. H. HALL: The writer continues—

Although wages were then much lower, rent took a much smaller proportion of the family income than it does to-day. Property, like most other commodities, fluctuates according to the demand; high rents are inseparable from house shortage, and house shortage tends to drive people in increasing numbers to sub-standard dwellings. Is it true that there are thousands of people who would take up the opportunity of house acquirement if they could do so and so diminish the number of rent-payers? We shall see by examining the recent experience in New South Wales, which is dealt with in later pages.

Senator Keane relates what the Victorian State Savings Bank has done. Victoria has a very fine record. He then deals with the splendid scheme in operation in New South Wales, which is not away in Mexico, the United States of America or some other part of the globe, but is right here in the Commonwealth. Unfortunately, although the Labour Party has been in office for six years, the inauguration of a scheme of that kind has not been considered worthwhile. Members of the Government have paid visits to the Eastern States and thus have been able to witness for themselves what has been done there. Highly paid officials, too, have gone gallivanting over the Commonwealth, and in the process have involved the taxpayers in unnecessarily high expense; but none of them has brought back suggestions for a scheme similar to that operating in New South Wales. Senator Keane states—

There are now over 150 co-operative building societies working under the Government scheme, all of which have been formed since the beginning of 1937. Of these there are about 90 in the metropolitan area of Greater Sydney and about 60 in the provincial towns. Belonging to these are about 16,000 members holding some 180,000 shares, but at the time this was written the experience of members already in had caused a potential influx greater than the societies could handle. During the first year about £8,500,000 was granted to the societies by lending institutions and of this all but £1,000,000 has been allocated or earmarked for specific allocation. The secretary of the largest group, one in which there are, as this is written, 1,250 members and which has already lent out more than £500,000, reported that it was remarkable how promptly and regularly the members paid. In closing accounts in June, 1938, he advised that in the first group to be balanced where there were 300 members and where over £100,000 had been loaned, there was but one member in arrears on the day of closing accounts. This member owed £2, had met with unexpected adversity, and had since discharged his arrears.

I do not desire to quote further from the booklet, but the statements of Senator Keane show means that the Government of this State could have adopted to help those we are all anxious to assist had it been really desirous of so doing.

The Chief Secretary: Is that a Government scheme?

Hon. E. H. H. HALL: It is a scheme introduced by the New South Wales Government. The legislation brought down by that Government enabled the scheme to function. Perhaps the Minister has not had time to

read the booklet; I know he is a busy man. I mean what I say and I am not being sarcastic. Senator Keane also states—

Speaking at a function which the Premier attended on the 19th January last, the Registrar of Co-operative Societies, Mr. B. P. McEvoy, said:—

The Premier expected him to form 50 societies in the first six months. This appeared to him a very tall order. But at the end of six months nearly 100 societies had been established. They could, of course, have many more societies on the register than there were at present. He had for some considerable time adopted the policy of examining very closely the prospect of success of societies proposed to be formed by people who seemed to have nothing behind them but their own enthusiasm. Their progress had been phenomenal and greater than anyone could have anticipated. For example, that great gathering could not have been contemplated six months ago.

At the same gathering, the Premier, Mr. Stevens, said—

The societies were in an excellent way of financing people into their own homes. If the work were well done, and it was being well done, it would provide social contentment and progress and, he believed, a measure of economic stability. The development had been so rapid that it had become necessary to amend the original Act, widening the scope within which societies could obtain finance and increasing the volume and flow of money into home building through the agency of the building societies.

The Chief Secretary: Can you tell us the difference between that scheme and the one that has been in operation in this State for years?

Hon. E. H. H. HALL: This is a very short pamphlet and from it the Minister can obtain all the information he seems so very eager to secure. I do not want to occupy the time of the House in trying to tell the Minister about something of which I know no more than he, but the information can be found in the booklet.

The Chief Secretary: I have read it, and I put upon it a construction different from yours.

Hon. E. H. H. HALL: If the Minister has read the booklet I am surprised that he is so ignorant of what Senator Keane is trying to bring under notice. The facts are there so that all who run may read. We have been told that if this measure becomes law, it will have an effect the reverse of what the Minister hopes. That statement has been

made by men to whose opinions some weight can be attached. While I agree that there may be some danger from passing the Bill, I am anxious to give the Government an opportunity to try out this legislation, and for that reason I intend to support the measure, just as I did last year.

When speaking on the Address-in-reply, I quoted the statements of men who are in a position to know the facts and whose views should be regarded with respect. They said that the slum conditions under which so many people were compelled to live were responsible for most of the juvenile crime. If people were placed in decent homes—and I do not mean thousand-pound dwellings—there would be less youthful delinquency. I was not a member of the Royal Commission that inquired into housing conditions in Perth, but I can speak about the position in Geraldton. In that town are houses owned by highly-placed people in this State, and those dwellings contain no conveniences of any kind for the housewife.

Hon. H. S. W. Parker: Surely!

Hon. E. H. H. HALL: Mr. Parker may be funny if he chooses. I enjoy a joke as much as anybody; but I do not think this a time for joking, though I am reminded that a little nonsense now and then is relished by the wisest men. The only conveniences provided at those places in Geraldton, have been made available by the foresight of the municipality. The houses contain no wash troughs. Every drop of water a woman requires for washing the clothes or her children has to be emptied into an ordinary bath. Wash-houses and wash-troughs are not provided. It is to our shame that such conditions have been allowed to continue.

Hon. G. Fraser: Did you say there was no bath?

Hon. E. H. H. HALL: The people concerned may have had a bath, but I do know of some families who have had to manage without one. This is not an occasion for hilarity. We have to face the position. My desire is to assist the Government, though expressing my regret that it has not seen fit to bring down a scheme similar to that introduced by the New South Wales Government with such successful results. If the Government of this State will bring down legislation of that type, it will have nothing to fear from this Chamber. In support of that

point, I would like to read one more extract from the pamphlet "Housing."—

The great merit of the New South Wales housing legislation is that it will involve the Government in very little expenditure, and such expenditure will be almost wholly for supervision.

The Government is always complaining of lack of money for this or that object. This House is very firm in its attitude to Government enterprises. Here is a scheme based on co-operative principles, but requiring legislation to enable it to function. For years Labour Governments have shown open hostility to the co-operative movement, and have given it but little assistance. Notwithstanding the wonderful achievements that have resulted from co-operative efforts throughout the world, the Labour Government, when it had the chance to hold out a helping hand to this great movement, has not seen fit to do so. With these remarks I intend to support the second reading of the Bill.

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

MOTION—LANDS, CASE OF A. J. ADDIS.

To Inquire by Select Committee.

Debate resumed from the 14th September on the following motion by Hon. A. Thomson (South-East)—

That a select committee be appointed to investigate and report upon the circumstances in which A. J. Addis, a farmer of Pingrup, was dispossessed of his holding and to make such recommendations as the committee may think fit in regard to this man and what action should be taken in his case.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.33]: I would have great difficulty in dealing satisfactorily with this subject except at great length. I propose, therefore, briefly to refer to some of the points raised by Mr. Thomson when moving his motion. The hon member stated that this case went back to 1929/30, some seven or eight years ago. He quoted from certain records, and more particularly from correspondence received from A. J. Addis. I find on looking into the matter that if I attempted to give the House a complete summary of what has taken place during that period, I would have to speak

for a considerable time. It is, therefore, preferable that I should lay on the Table of the House the files dealing with the matter so that members may peruse them. Failing that course, I would be filling "Hansard" with a volume of detail for which there was no real necessity.

Hon. A. Thomson: An inquiry by select committee would obviate that.

The CHIEF SECRETARY: The select committee would be asked to make such recommendations as it might think fit in regard to this man, and the action that should be taken in this case. Thus a precedent might be established that would have unfortunate results in the future. I have not had much to do with matters of this kind, but I do know of a number of instances in which men have been dispossessed of their holdings and have felt they have not received a fair deal.

Hon. T. Moore: I think nearly all of them feel that.

The CHIEF SECRETARY: Any man who was dispossessed of his property would argue that he was in the right, that someone else was in the wrong, and that he should still be allowed to retain his holding. We should be careful how we deal with a motion of this kind. From what I have seen of the files and from the information supplied to me, this man apparently has received all the consideration he could expect.

Hon. A. Thomson: His neighbours do not think so.

The CHIEF SECRETARY: I do not know whether that statement can be substantiated. Both Mr. Thomson and Mr. Piesse spoke of this man being in a terrible state of mind as a result of the dispossession, and indicated that the appointment of a select committee would probably improve his mental condition. I wonder if it would have the opposite effect. Would it not raise false hopes in the man's mind? Would he not think that once a select committee was appointed, he would at last get what he considered to be justice?

Hon. A. Thomson: He wishes to submit his case.

The CHIEF SECRETARY: If the facts were investigated by a select committee I feel sure that its members would be able to come to no other conclusion than that which

has been arrived at by authorities who have dealt with the case.

Hon. H. V. Piesse: If that decision was arrived at, I think Addis would be perfectly satisfied.

The CHIEF SECRETARY: That has not been our experience in the past. I have here a few notes that have been prepared for me, and will read some of them to give members a general idea of the position. In the first place, Mr. Thomson argued that civil servants and railway officials were provided with a court of appeal; if what appeared to be a grave injustice was perpetrated in the case of civil servants or railway employees who belong to powerful organisations, those organisations would take up the grievances and have the wrongs rectified. The case of Addis was handled by the Wheatgrowers' Union, which went to a tremendous lot of trouble. The records show that the union could hardly have done more than it did in the interests of this man.

Hon. A. Thomson: The union is very keen to have the select committee appointed.

The CHIEF SECRETARY: If a select committee is appointed and examines all the files and the details of the case, a good deal of time must elapse before it can conclude its labours, and the expenditure will be fairly considerable. If I had endeavoured to obtain information on all the points raised by Mr. Thomson in his speech, I am afraid it would have taken a long time for the Bank officials to compile it. I understand that this case was inquired into by a judge of the Supreme Court, to whom Addis appealed against the action of the Bank in taking proceedings to secure possession of his land. When the judge delivered his decision he stated, *inter alia*, that he was perfectly satisfied the Bank had behaved correctly, commercially in relation to the other creditors, morally in relation to the defendant, and legally. Not often does a judge express himself in such definite terms as His Honour did on that occasion.

Hon. A. Thomson: Addis maintains that his neighbours, who owe more money than he does, are still in possession of their properties.

The PRESIDENT: Order! The hon. member will have an opportunity to reply later.

The CHIEF SECRETARY: A deputation placed the case before the Minister for Lands (Hon. M. F. Troy), who refused to

take any action on behalf of Addis. This man then presented his case to the Agricultural Bank Royal Commission. Mr. Thomson quoted certain extracts from the proceedings before that body, but did not quote all he might have done. The Commission, after closely inquiring into the various matters raised by Addis, made no recommendation. The case has also been considered by the Returned Soldiers' League, and Addis has submitted it to many other people in authority. No case could have received closer inquiry or consideration. To give members a brief outline of the salient facts, I will read some of the details that have been supplied to me, and will connect them with Mr. Thomson's remarks. Mr. Thomson quoted from a letter—

When Addis came to see me he had a tractor, but the Bank refused to allow him to procure oil to work it and to meet the payments on it. The amazing thing, however, is that the Bank agreed to supply Addis with horses.

In 1930 the branch manager of the Bank reported—

Settler has a Case tractor on which nothing has been paid.

In 1931 he reported—

No funds are available to meet the procurement order held by a certain company, £50; this is dated 30/3/31.

On the 1/10/1931 branch reports state—

Nothing has been paid on the tractor and £160 is owing on the truck; both tractor and truck are in danger of being re-possessed. Trustees approved of £170 for purchase of horses, but Addis expended £185 19s. Bank found £185.

Mr. Thomson went on to quote from Addis's letter—

But the queer thing about it was that the Bank did not want any of the wheat. The proceeds were freely paid out to my creditors and very generously paid to myself. It was not until the head office of the Bank was satisfied that all my wheat was delivered and proceeds distributed that a demand for interest was made.

The following supplies and advances were made to Addis under crop lien to enable him to carry on:—

	£	s.	d.
Superphosphate	103	13	10
Sustenance and other advances	342	18	10
	£346	12	8
One year's interest	52	10	1
	£399	2	9

On his own admission Addis paid everyone but the Bank, although the wheat was under lien to that institution. Mr. Thomson read a portion of the Agricultural Bank Commissioner's evidence dealing with the case and the Bank officials, in reply, state—

The Agricultural Bank Royal Commission closely inquired into the Addis case and heard evidence from Mr. Addis, the branch manager, field inspector, and settlers, and was unable to make any recommendation in Addis's favour.

Then the hon. member declared that he had been informed by the member for Kataning that relatives in Ireland would have advanced £1,000 to Mrs. Addis to repurchase the property, and that it was therefore difficult to understand the Bank's action in refusing the tender. To this the Bank replies by quoting Mrs. Addis's letter dated the 28th October, 1933, addressed to the district inspector of the Agricultural Bank at Kataning. I have the letter but I do not propose to read it to the House. In this letter she asked the Bank to accept her tender and added that no further advances would be expected from the department, as she would be able to finance all the other necessary improvements. No deposit, however, was paid, and there was no reference in the letter to the payment of £1,000 cash for the property. Mr. Thomson next said that the field inspector was dismissed soon afterwards. The Bank states that that assertion is not correct. The field inspector was not dismissed; he resigned of his own free will and accord.

Hon. A. Thomson: Then I apologise.

Hon. J. Cornell: I know why he resigned.

The CHIEF SECRETARY: I do not; I only know what I am told. Mr. Piesse made a number of general statements to which I do not propose to reply. To do so would take considerable time. Returning now to the earlier history of the case: The property was transferred to Addis subject to a mortgage to the Bank for £75. That was on the 16th May, 1929. In 1930 the position of the account was as follows:—Principal, £872 10s. 3d., interest £45 0s. 2d., a total of £917 10s. 5d. Next we have his 1930-31 programme. In that year he cropped 300 acres and stripped 500 bags. He retained for seed 130 bags and handed over 74 bags as payment for hire of a harvester, and had 296 bags to be carted. Cornsacks were to be paid for and the Cresco Company had a lien for £118 for superphosphate supplied in the previous season. Up

to the 25th March, 1931, the wheat had not been marketed, the reason being, as Addis stated, that the Cresco Company had a bill of sale over the crop and would have taken the wheat.

Hon. A. Thomson: I do not think that is correct.

The CHIEF SECRETARY: I am quoting the statement of the Bank. The Cresco Company had advanced the previous year's supply of super and the wheat was disposed of without Cresco's authority. In the 1931-32 season the Agricultural Bank supplied 20 tons of super and approved of 38 weeks' sustenance at 30s. per week, which came to £57. Then there is the estimate of the crop yield and the advance made by the Bank. On the 12th March, 1932, the branch manager reported that he went to the property early in the previous December and Addis was to commence harvesting immediately. Later Addis rang up and stated that one of the horses had broken down, and approval was given for the release of £26 to purchase two more. The branch manager pointed out that everything possible had been done to help Addis and that, although it was nearly seeding time, the wheat had not then been carted. The indebtedness on the security on the 31st December, 1931, amounted to £1,316 7s. 9d. plus £110 10s. 11d. for interest. Addis visited Perth and requested the release of £10 to purchase stores. The application was refused unless he repaid the seasonal advances. However, £5 was granted. On the 23rd March, 1932, the branch manager reported that Addis had, in the previous year, given his wheat away right and left to pay accounts, and that the Cresco Company, which had a lien over the crop, did not receive anything. It appeared that the settler was attempting, by releases, to do the same thing again that year. The branch manager added that the Cresco Co. had been good enough to find the cornsacks for the harvest, but till then Addis had not carted sufficient wheat to cover the lien. Then the branch manager, in submitting a proposal respecting Addis, reported—

I felt all along that he would try to force the issue for payment on truck before he would cart his wheat, and this is what apparently he is trying to do. Addis blames everybody but himself for his troubles, but I am satisfied he is not fair to the Bank or the Cresco Company, and should be pulled up with a round turn.

On the 7th April, 1932, the trustees decided that as Addis had given the Bank a very raw deal, they were not prepared to grant him further assistance, and action would have to be taken to enforce the security. On the 18th April, 1932, the field inspector reported—

The settler has up to date delivered only 481 bags of wheat. He states there will be approximately 390 more for sale. I am doubtful if any more wheat will be delivered in any case unless we are willing to meet truck payment due and guarantee sustenance for the coming year.

The trustees decided that no consideration was due to Addis and that his record as a farmer was disgraceful and action to enforce the security should be taken. On the 12th May, 1932, notices were issued. His indebtedness at the time was as follows:—

	Principal.			Interest.		
	£	s.	d.	£	s.	d.
Agricultural Bank						
A/c.	975	19	10	106	14	4
Super and sustenance	341	7	11			
Ex-Imperial soldiers' advance	50	0	1	3	16	7
	£1,367	7	10	£110	10	11

Next the Crown Law Department was requested to take the necessary action to obtain an ejection order and enforce it. That department advised the Bank to take action to recover possession of the land mortgaged to the Bank. When the case came before the court, Addis amended his defence and counter-claimed against the Bank. Mr. Justice Dwyer heard the Bank's claim to repossess certain lands at Pingrup held by Addis and, in giving judgment in favour of the Bank, stated that he was perfectly satisfied the Bank had behaved correctly both commercially (in relation to other creditors), morally (in relation to defendant), and legally. Judgment was entered in favour of the Bank and the counter-claim was dismissed. The case was summed up by the ex-Managing Trustee of the Bank, Mr. McLarty, in a minute to the Minister for Lands. I do not propose to read everything that is on the file because, if a select committee is appointed, the members of the committee will be able to peruse all the documents. Mr. McLarty reported inter alia to the Minister—

We have many unworthy clients, but I know of none who deserves less consideration than Addis. The trustees are not prepared under

any condition to again accept Addis as a client, and this could not be done without stultifying ourselves. The Wheatgrowers' Union has done everything possible to nullify the Bank's powers and having failed to do so are appealing to you as a final effort. A perusal of the file will, I am sure, satisfy you that Addis has received far more consideration than he deserves.

Hon. J. Cornell: It must have been a very bad case if Mr. McLarty turned it down.

The CHIEF SECRETARY: I am inclined to think so. The assistant general manager, Mr. Grogan, who is well known for his sympathetic consideration in cases of this kind, had this to say—

Addis has had exceptionally helpful treatment from the Bank, but has made no endeavour to respond, and the trustees cannot see that the position would be improved by transferring the land into Mrs. Addis's name.

A deputation on behalf of Addis waited on the Minister for Lands, but the Minister was not prepared to support Addis's claim against the Bank. His indebtedness on the 30th June, 1933, was—principal, £1,229 6s. 10d. and interest £224 14s. 7d., a total of £1,454 1s. 5d. There are references also on the file to inquiries made by the Agricultural Bank Commission. Mr. Donovan, the present Chairman of the Bank Commissioners, has also given personal attention to the case, and he, too, is satisfied that the Bank has adopted the right attitude, and that there has been no injustice done to Addis. If the House should agree to the appointment of a select committee, I trust that the effect will not be that every dispossessed settler who considers he has a claim will demand an investigation of his case. In that event, members, especially those representing country provinces, will assuredly have their time fully occupied. As I am advised that every consideration has been given to Addis's case, I feel that, while I do not want to oppose the motion, I cannot give it whole-hearted support.

HON. J. CORNELL (South) [5.58]: I intend to oppose the motion. For years I have acted as one of the R.S.L. committee that deals with question of land settlement. That committee had Addis's case in hand and eventually dropped it. When the R.S.L. land committee drops the case of a returned man, the committee must have good reasons for doing so. I have had long association, as a member of the committee, with the offi-

cials of the Agricultural Bank, particularly the ex-Managing Trustee, Mr. McLarty, and also Mr. Grogan. When those officers decide to dispossess a returned man, we can rest assured there is justification for doing so. Indeed, the dispossession could probably have taken place 12 or 18 months earlier. I know of no more sympathetic officers, and I am aware, too, that both would go out of their way to do everything that was humanly possible to give an ex-service man a fair spin. Mr. McLarty showed himself at all times as humane and considerate a man as I ever knew with respect to ex-service men. If a select committee is appointed to inquire into this case I can bring forward a hundred cases with more substance to be inquired into by select committees. The aspect that appeals to me, however, is—what can a select committee do? It can only peruse the files. It can only call Mr. Addis, and Mr. McLarty or Mr. Grogan or the Chairman of the Soldiers' Land Settlement Committee. A select committee could merely elicit opinions.

Hon. A. Thomson: Have you perused the whole of the files?

Hon. J. CORNELL: I do not think the Minister would have any objection to laying the files on the Table. Perhaps he is prepared to do so. If a vote is taken after the Minister has laid the files on the Table and members have taken the pains to peruse them, and if then they are of opinion that there is anything that the files do not divulge and that would warrant inquiry by a select committee, they will be in a better position to vote than they are now.

The Chief Secretary: I could say a good deal.

Hon. J. CORNELL: There is a lot I could say, but I am not going to say it. To sum up, however, what would be the finding of a select committee? The finding could be only one of two things—that the settler in question was wrongfully dispossessed, or alternatively that he was rightly dispossessed, that there was warrant for dispossessing him. Suppose the committee found that the settler was wrongfully dispossessed, what recompense could be given to him?

Hon. A. Thomson: That would substantiate what he claims.

Hon. J. CORNELL: If what he claims is substantiated, I do not know that it would be of any benefit to him. The select committee cannot give him back his block. I

want to be fair all round. Let me say that down the years even I was foolish and probably spoke out of my turn when the change-over at the Agricultural Bank occurred. Nevertheless, the policy of the Bank, according to my experience, has been that if a settler is worthy of consideration he is given consideration and even given another block. I know of numerous cases where a settler was, so to speak, dispossessed and when tenders were called for the block, as is necessary under the Agricultural Bank Act, the wife of the settler was given the block at a written-down value. In this case the wife was refused the block at a written-down value. I venture to say that if the case is properly handled and is shown to be worthy of reconsideration by the Bank, the man will be placed on another block. The Agricultural Bank authorities would not be found unsympathetic in such circumstances. Even within the last 12 months I have known men who walked off their holdings but nevertheless were given reconsideration. I heard of one such case only yesterday. Cases have been re-opened on the aspect of reasonable equation, and the Bank has been only too happy to give the settler another chance on the land. That is the course I recommend to the promulgator of the motion. If the hon. member is out to give the man help, and the man is desirous of continuing on the land, let them work in that direction. Then they will not find the Soldiers' Land Settlement Committee unsympathetic. But I fail to see that the time of the House and the money of the country should be spent on a futile investigation. I oppose the motion.

HON. G. B. WOOD (East) [6.5]: This seems to me a pitiable case. During the last week I have made as many inquiries into it as I could, but the more I tried to see daylight, the more I found myself in the dark. I went to the office of the Wheatgrowers' Union and there saw a file one foot thick dealing with the case, and read many letters that were not favourable to Mr. Addis. What I cannot understand is that the man was ejected from his holding when he owed only £110 back interest. Mr. Cornell says there are many worse cases than this. I know of many cases in which hundreds of pounds of back interest was owing. After all, this man came here with £750 of his own money and cleared a lot of country. I cannot altogether believe that he was not a

desirable farmer. Were it not for the fact that the man owed so little back interest, would not feel inclined to regard him favourably. He owed only £1,347 principal and £110 odd interest. The matter should be cleared up, in the light of those facts. Therefore I support the motion.

HON. E. H. H. HALL (Central) [6.7]: I think the suggestion thrown out by Mr. Cornell is wise. Therefore I move—

That the debate be adjourned till the 1st October.

Motion (adjournment) put and passed.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. H. Kitson—West) [6.9] in moving the second reading said: Once again I bring before this House a measure to amend the Industrial Arbitration Act. The proposals set forth in the Bill embody in the main the same principles as those contained in the two amending measures that were brought before the House in 1936 and 1937. Experience gained since the Act was last substantially revised, in 1925, has clearly indicated that certain amendments are desirable for the smoother functioning of the Act. Moreover, with the passage of time, new problems have arisen in industry that cannot properly be dealt with until the deficiencies in the machinery sections of the Act are supplied. The matters provided for in the Bill may be summarised as follows:—

- (1) The improvement of certain machinery sections of the principal Act.
- (2) The alteration of the present basis of grouping workers for the purposes of arbitration.
- (3) The raising of the status of certain types of workers.
- (4) The elimination of certain practices adopted by employers to evade the provisions of the Act.
- (5) Other amendments of a miscellaneous character.

While the Bill is thus in general conformity with last year's measure, there have been departures both by way of omission and by way of addition. Amongst the omitted provisions are those relating to—

- (a) Appeals from dismissals.
- (b) Minimum penalties for breaches of awards.

(c) The exercise of the powers of the court by the President or commissioners before a conference.

(d) The cancellation or amendment of existing awards or industrial agreements.

(e) The appointment of ordinary industrial magistrates.

(f) Presumption of payment for services.

On the other hand, the Bill proposes several new amendments, chief of which is a provision for the appointment of a police or resident magistrate as a chief industrial magistrate to have complete jurisdiction in industrial matters in any particular area. If appointed, he must devote as much of his time as is necessary to keep the industrial court free from congestion. This particular proposal, if adopted, will enable cases to be decided more expeditiously, and should assist to bring about greater uniformity in decisions of the industrial court. Other machinery provisions proposed under this measure are, I think, quite familiar to hon. members.

Sitting suspended from 6.15 to 7.30 p.m.

THE CHIEF SECRETARY: Before tea I was pointing out that the machinery provisions in the Bill are familiar to members. Among them are some to which I would refer particularly, although I do not propose to go into much detail, as I hope the detail can be given when the Bill reaches the Committee stage. To prevent a common rule agreement from ceasing to have effect, should a party retire from it, the Bill empowers the court to declare that any industrial agreement shall be an award. I may recall that the Full Court decided in the case of the Busselton shop assistants' agreement that where a common rule agreement has been operating, and one of the parties to it goes out of existence, the agreement too expires. Provision is made to rectify that matter. Section 63 of the Act deals with conciliation. The proposal is to amend this section to enable the court or the President to take appropriate action at any time after a dispute has been referred into the court. At present, he can act in this way only during the course of the hearing or investigation or inquiry; consequently a great deal of delay may ensue which it is desired to obviate.

The Act authorises the court to appoint boards of reference to deal with questions arising out of any award. The scope of

these boards should be extended to enable them to deal with matters arising out of any industrial agreement. Because of the present wording of Section 88 of the Act, which lays down the special powers of the court to interpret or amend awards, no application for interpretation can be brought before the court after the term fixed by the award has expired. Many awards may, and do, continue in force after the term fixed for their expiry, and the Bill therefore proposes to enable the court to exercise the powers conferred under the section "while an award is in force." There is a big difference between the period an award is in force and the term of the award as set out in the document. An amendment is sought of Section 90, which deals with the currency and review of awards. The proposal will have the effect of making the interval between each application for review not less than 12 months, subject to a proviso that no application can be made until after the expiration of the first 12 months. The court, however, will be empowered to decide whether any experimental provisions incorporated in an award shall be capable of review before this period has elapsed.

The Bill provides that local boards may be constituted by the Arbitration Court for the purpose of operating in a defined portion of the State only. Their functions will be limited to matters arising in that part of the State prescribed by their respective constitutions. An important alteration of Section 170 is contemplated. This section enables all parties associated with a dispute to consent, in writing, to the matters in dispute being heard and determined by the President or conciliation commissioners. With a view to securing the more rapid settlement of disputes, the Bill provides that the President or commissioner may exercise the powers of the court upon obtaining the consent of a majority of the parties to the dispute. On occasions, to obtain the consent of all parties has been extremely difficult, if not almost impossible.

So far as the change from industries to vocations is concerned, some of the main provisions of the Bill seek to alter the present basis of grouping workers for the purpose of arbitration. Under the Act, industry rather than vocation is the guiding principle in this grouping. Thus the court seeks by its awards and other official acts to govern

groups of workers who are associated in some particular industry or kindred industry. This principle is desirable, and is to be continued, but some provision should be made to remedy a position that has arisen through its operation in certain industries. Last year this matter was dealt with in some detail. Briefly, the position is that while the court may make an award covering a certain class of tradesmen, which would bind all firms engaged in the class of industry concerned, such an award does not cover the same tradesmen in the employ of firms engaged in other industries. No control whatever is thus provided by the existing Act over the wages, hours and working conditions of tradesmen employed to do work that is not part of the business of their employers. The Bill proposes to rectify this matter. The workers concerned will be given the benefit of their own vocational award if no provision is made for them when they are working at their trade in any particular industry.

We are providing that domestic servants shall be included in the definition of "worker." At present these workers occupy a most unfavourable position industrially, which has had the effect of discouraging girls and young women from accepting employment as domestic servants.

Hon. J. J. Holmes: They can dictate their own terms now, as there is such a scarcity of domestic help.

The CHIEF SECRETARY: That may be the hon. member's opinion.

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

The CHIEF SECRETARY: Unless these workers are given the advantages that will accrue from the protection afforded by the Bill, there will be difficulty in inducing workers to take up this vocation. Undoubtedly a satisfactory type of worker will not be attracted into this field until something is done to improve the conditions. Special training centres will probably be established shortly to give theoretical and practical training to those already in domestic service and to others who have this vocation in view. Access to the Arbitration Court would assuredly stimulate the recruiting of the right type of young woman for this class of employment. In order to safeguard the privacy of the home wherein a domestic is employed, the Bill provides that no right

of entry shall be conferred on any inspector or officer. When a similar Bill was being debated in this Chamber on a previous occasion, a big point was made of the fact that most Arbitration Court awards authorised a representative of the union or an inspector to enter the place of employment and inspect the conditions under which the employees were working. That, I think, was used as a strong argument against the inclusion of domestic servants as workers under the Arbitration Act.

Other alterations have been made to the definition of "worker." One of these alterations seeks to bring within the ambit of the Act canvassers for life and accident insurance whose services are remunerated wholly or partly by commission or percentage reward and are wholly or substantially devoted to the interests of one company. The conditions of most insurance canvassers are in urgent need of improvement. Older members will have a vivid recollection of very lengthy debates in this Chamber on that point. At one stage members were really of the opinion that an amendment inserted in the Act gave all the protection that was necessary for industrial insurance agents. I think I am right in saying that there is not at present one industrial insurance agent who can be classed as a worker within the meaning of the Act. This matter is receiving attention, not only in Western Australia, but in other parts of the Commonwealth, and in the Old Country. The time has arrived when Parliament should give this section of the working community the right to approach the Arbitration Court, a privilege they have sought for many years.

I stated that included in the Bill are provisions for the elimination of certain practices whereby employers evade the provisions of the Act. There has been an increasing tendency in recent years for certain employers and workers to defeat the provisions of awards and industrial agreements by claiming that the workers concerned were not employed "for hire or reward." Over these words there have been many heated arguments. The new definition omits these words and sets forth that a worker is a person "employed or engaged by any employer in connection with his business." The amendment will prevent unfair competition by employers who obtain the services of workers at rates of pay less than those pre-

scribed in the appropriate award or agreement. Provision has also been made for the elimination of bogus partnerships. In the past employers have been able to avoid awards by making nominal business partners of employees who provided neither skill nor capital. Members will recall the lengthy debates on this point. The Bill provides that partnership agreements of this type may be disregarded if the capital holding of a partner is either nothing or of small account. The next amendment for the registration of the Australian Workers' Union is not new, but it is being submitted again in the hope that at long last this House will agree to what can only be described as a fair and equitable proposal. The intention is to authorise the registration of the Australian Workers' Union when it has made the necessary alterations to its rules.

Hon. L. Craig: Have not the other unions opposed that?

The CHIEF SECRETARY: No.

Hon. L. Craig: Well, many of them?

The CHIEF SECRETARY: No.

Hon. L. B. Bolton: I think the greatest opposition has come from the other unions.

The CHIEF SECRETARY: Last year I told the House that an agreement had been

reached on the points that had caused trouble previously, and provided the Australian Workers' Union alters its rules as agreed, there should be no difficulty. When registered, the union's activities are to be confined to those industries or branches of industry which cannot be served, or which are not conveniently served by any registered industrial union, unless the consent of such other union likely to be affected is first obtained. The Bill goes so far as to provide for the union's deregistration in the event of its committing a breach of any undertaking given for the purpose of registration. This union is a party to a large number of unregistered industrial awards and agreements covering important activities extending, in some cases, over the whole State, and the necessary authority should be given to permit of the registration of these awards and agreements in accordance with the provisions of the Act. I have a list of the unregistered awards and agreements between this organisation and a large number of authorities including the Government and local bodies. The variety of industries covered is really surprising. I submit the list for the information of members—

LIST OF UNREGISTERED INDUSTRIAL AWARDS AND AGREEMENTS TO WHICH THE AUSTRALIAN WORKERS' UNION, WESTRALIAN BRANCH, IS A PARTY.

AWARDS—(Mr. President Dwyer acting privately as a sole Arbitrator).

Names of Other Parties.	Scope.	Area.
James Hardie & Co., Ltd., River- vale	Asbestos Manufacture	Rivervale Works.
Swan Portland Cement Co., Ltd. ...	Cement Manufacture	do. do.
Hume Pipe Co. (Australia), Ltd. ...	Concrete Pipe Manufacture ...	South-West Land Division.
Wyndham Meat Works	Labouring and Catering	Wyndham Meat Works.

AGREEMENTS.

Names of Other Parties.	Scope.	Area.
Minister controlling State Shipping Service	Cattlemen on State Ships	All ships owned by West Australian Government.
Minister for Works and Labour ...	Railway construction	The State of West Australia.
Do. do. do. ...	Roads and Bridges Construction and Maintenance	do. do. do.
Do. do. do. ...	Controlling Water Supply, Drain- age, and Irrigation Construc- tion, except any work comprised in or connected with the Mun- daring-Kalgoorlie Water Supply undertaking or the Metropolitan Water Supply, Sewerage and Drainage undertaking	do. do. do.
Minister for Labour; Commis- sioner for Railways; Commis- sioner for Main Roads	Survey Workers	do. do. do.
Minister controlling State Quarries; Greenmount Quarries, Ltd.; Perth City Council; Mountain Quarries, Ltd.; Armadale Quar- ries, Ltd.; A. Perry, Parkerville	Quarrying	Within a radius of 20 miles of G.P.O.

AGREEMENTS—continued.

Names of Other Parties.	Scope.	Area.
Bunbury Municipal Council ...	Council Employees ...	Municipality of Bunbury.
Collie Municipal Council ...	do. do. ...	Municipality of Collie.
Northam Municipal Council ...	Sewerage Employees ...	Municipality of Northam.
Meekatharra Road Board ...	Road Board Employees ...	Area covered by the Meekatharra Road Board.
Hotel and Restaurant-keepers, Wiluna	Hotel and Restaurant Employees	Wiluna.
Licensed Victuallers, Meekatharra	Hotel Employees ...	Meekatharra.
Licensed Victuallers, Carnarvon ...	do. ...	Carnarvon.
Australian Sandalwood Co., Ltd. ...	Loading Sandalwood ...	Radius of 5 miles of P.O., Fremantle.
Harbour and Lights Department ...	Loading and Unloading Cargo ...	North-West Ports.

Those agreements and awards cover a large number of workers, but cannot be registered simply because the union is not registered under the Arbitration Act; and this frequently creates difficulties that ought not arise.

Other amendments are included in the Bill. There is some doubt whether persons acting in a managerial capacity are employers within the meaning of the definition in the Act. The Bill seeks to clarify the position by amplifying the definition to include any steward, agent, bailiff, foreman, or manager acting on behalf of an employer. An amendment to the section relating to the enforcement of awards provides that a magistrate dealing with breaches of an award shall make an order for the payment of any under-paid or unpaid wages. At present such an order may be made at the discretion of the magistrate. As a result a worker has sometimes to approach another court for the recovery of his wages, notwithstanding that the employer may have been convicted and punished for failing to pay the rates prescribed in the award.

We propose to abolish appeals to the Court of Criminal Appeal, except in cases where a term of imprisonment has been imposed without the option of a fine. Provision is made for an appeal from any decision of a magistrate to the Full Bench of the Arbitration Court on the ground of error or mistake of fact, irrespective of the penalty that may have been imposed. Under Section 132 an employer may not dismiss a worker because such worker is a member of an industrial union or of a body that has applied to be registered as an industrial union or association. The Bill proposes that this provision shall extend to the dismissal of a worker by reason of the fact that his employer has been charged with a breach of the Act or

any industrial award or agreement or order of the court. A number of cases could be cited to show that protection of this kind is needed.

Although awards, industrial agreements and other matters are published in the "Industrial Gazette," that journal is not admissible as evidence of such publication. The Bill seeks to give the "Industrial Gazette," which is prepared by the Registrar of the Arbitration Court, the same status as the "Government Gazette" has. Most employers' organisations and certainly all trade unions rely on the "Industrial Gazette" for their information, and whereas the Act provides that anything appearing in the "Government Gazette" may be accepted as evidence by the Court of Arbitration, the "Industrial Gazette" is not treated in the same way. In view of the place that the "Industrial Gazette" occupies in the industrial field, we desire to place that publication on the same plane as the "Government Gazette." Most employers readily grant the right of entry to their premises to representatives of industrial unions. Possibly there are conscientious objectors, but in most instances access is denied only by those employers who have something to hide.

Hon. J. J. Holmes: Power to enter at any time?

The CHIEF SECRETARY: No. Under the Bill the authorised officer of an industrial union will have the right of entry to premises for the purpose of interviewing workers or detecting contraventions of the Act or of any award or industrial agreement. Another proposal prohibits the offering or obtaining of premiums for employment.

I have referred to the main provisions of the Bill only. As I have stated on many occasions, experience has shown the necessity for bringing the Act up to date. Un-

doubtedly a large number of workers are suffering on account of deficiencies in our legislation, and although this Chamber has refused over quite a number of years to agree to proposals for amendment, and notwithstanding that last session a select committee was appointed to inquire into the Bill then before the House, I express the hope that on this occasion members will be a little more sympathetic. Some of the amendments proposed last session have been omitted from this Bill and two or three additional amendments considered necessary have been included. In any event I appeal to the House to give the Bill all possible consideration. While members may not be prepared to agree to every proposal, I am sure that quite a number of the important amendments presented should, in fairness to the workers, be approved. I hope there will be an opportunity in Committee to deal with those points in detail, even though in years gone by we may have spent much time in discussing more than one of those amendments. I move—

That the Bill be now read a second time.

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

BILL—LIGHTS (NAVIGATION PROTECTION).

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [7.56] in moving the second reading said: This is only a small Bill but it is rather important. Its purpose is to deal with a situation that has arisen in recent years as a result of the growing use of Neon signs and other brilliant shore lights in the vicinity of ports and harbours. Many of those lights show to seaward and the port authorities fear that sooner or later there may appear a shore light or illuminated sign that will be dangerous to navigation. Their concern has been intensified by an accident that occurred last year on the Victorian coast, which clearly demonstrated that a certain type of shore light may prove very dangerous and may even imperil the safety of shipping. The incident was the grounding of the Interstate freighter "Oorama" on the night of the 2nd June, 1937. At the subsequent inquiry, it was established that the master had mistaken a red Neon shore light for a shipping beacon.

Again, there are certain illuminated signs which, although clearly distinguishable from harbour lights, are yet so powerful as to overcome the harbour lights and render them useless for the purpose for which they are required. At present there is no adequate authority to protect navigation from the dangers that may arise through the causes I have mentioned, and the Bill therefore proposes to remedy this deficiency in our legislation. Any member who has approached the Fremantle harbour at night will have a very good idea of the danger that may arise from the use of unauthorised lights of this kind, lights that might easily be mistaken for official harbour lights.

Hon. J. J. Holmes: Have the Eastern States passed similar legislation?

THE CHIEF SECRETARY: I think every other State of the Commonwealth has done so. The Bill provides that where any light is displayed in a manner likely to be a danger to navigation the port authority may require the person owning or controlling it either to obviate the danger, or, where that is not practicable, to remove the light. There have already been instances at Fremantle where representations have been made by the authorities, and the persons concerned have voluntarily taken the necessary steps to meet the requests. The time may come when someone will object to altering the lights voluntarily. Therefore authority should be provided to deal with such a position should it arise. The Bill sets out that if any person who is served with an appropriate notice fails to comply with the requisition of the port authority, it will be competent for the port authority to carry out the obligations contained in the notice at the expense of the defaulter. Noncompliance with the directions of the port authority will be deemed to be a tort in the nature of a nuisance should failure to carry out the requisition result in a vessel being damaged. The Bill, although small, is very important, and as the development of the type and colour of lights and signs used to-day seems to be so rapid, members will realise that the port authority should have some further legislative right to deal with the matter. I move—

That the Bill be now read a second time.

On motion by Hon. H. S. W. Parker, debate adjourned.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [8.2]: I move—

That the House at its rising adjourn till Tuesday next.

Question put and passed.

House adjourned at 8.3 p.m.

Legislative Assembly,

Wednesday, 21st September, 1938.

and other countries in the Far East; in fact, the trade is well established.

QUESTION—MOSQUITO ERADICATION.

As to Responsibility.

Mr. NORTH asked the Minister for Health: 1, Is the responsibility of preventing the spread of disease by vermin and insects brought to our coasts by oversea airliners shared between Federal and State authorities? 2, If so, should not mosquito eradication in the metropolitan area be taken over by the Health Department?

The MINISTER FOR HEALTH replied: 1, No. This is a function purely of the Quarantine Department of the Federal Government at points of entry of airliners. 2, No. The metropolis is not affected by the arrival of overseas airliners.

**LEGAL PRACTITIONERS ACT
SELECT COMMITTEE.**

Extension of Time.

On motion by Mr. Sleeman, the time for bringing up the report was extended for three weeks.

MOTION—EDUCATION SYSTEM.

To Inquire by Select Committee.

MR. BOYLE (Avon) [4.35]: I move—

That a select committee be appointed to inquire into the educational facilities afforded by the State, with a view to formulating practicable recommendations for the institution of a more adequate system of education.

My object in moving the motion is not to engage in anything approaching a fishing expedition regarding the operations of the Education Department, nor is it in the nature of finding fault with the education system as it exists, having due regard to the limited finance and facilities at the disposal of the department in carrying out its functions. On the other hand, I wish to pay a tribute to the department particularly in regard to its administrative costs. It may interest members to know that the administrative costs of the Education Department, for which a Vote of £758,300 is provided in the Estimates this year, do not exceed 4 per cent., and that includes the cost of inspections and the purchase of stock, furniture,

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

QUESTION—SINGAPORE TRADE.

Vegetables and Other Produce.

Mr. SAMPSON asked the Minister for Agriculture: 1, Is he aware that some of the other States, notably New South Wales, are making trial shipments of vegetables and other produce to Singapore with the object of developing trade? 2, Is it intended that initiatory efforts should be launched by the Government to ascertain the position in regard to trade in the Singapore market for products of this State?

The MINISTER FOR AGRICULTURE replied: 1, Yes. 2, Vegetables and other produce from this State have for some considerable time past been sent to Singapore